

TEXAS REGISTER



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How to Use the Texas Register

Information Available: The 11 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 Rules- sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

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

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

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 21 (1996) is cited as follows: 21 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 "21 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 21 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*, publishes on an annual basis.

The *TAC* volumes are arranged into Titles (using

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

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

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

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

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

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

How to update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 26, April 9, July 12, and October 8, 1996). 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:dd

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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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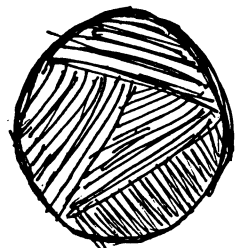
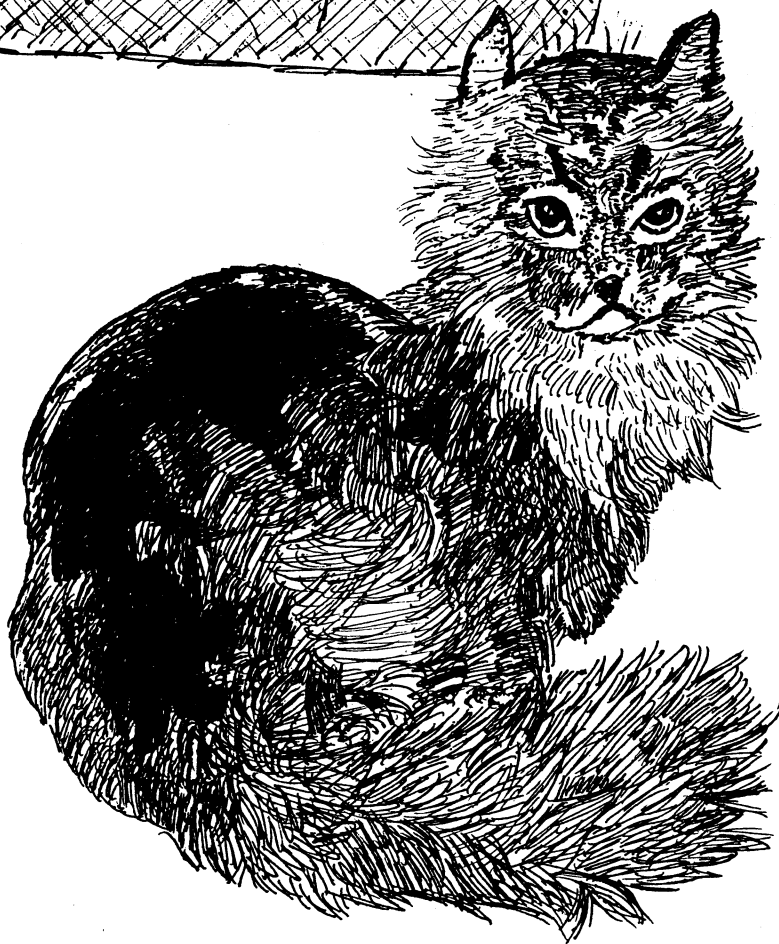
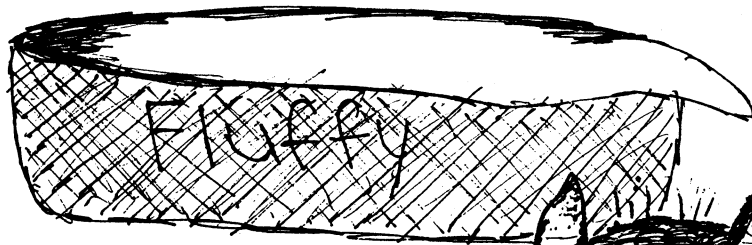
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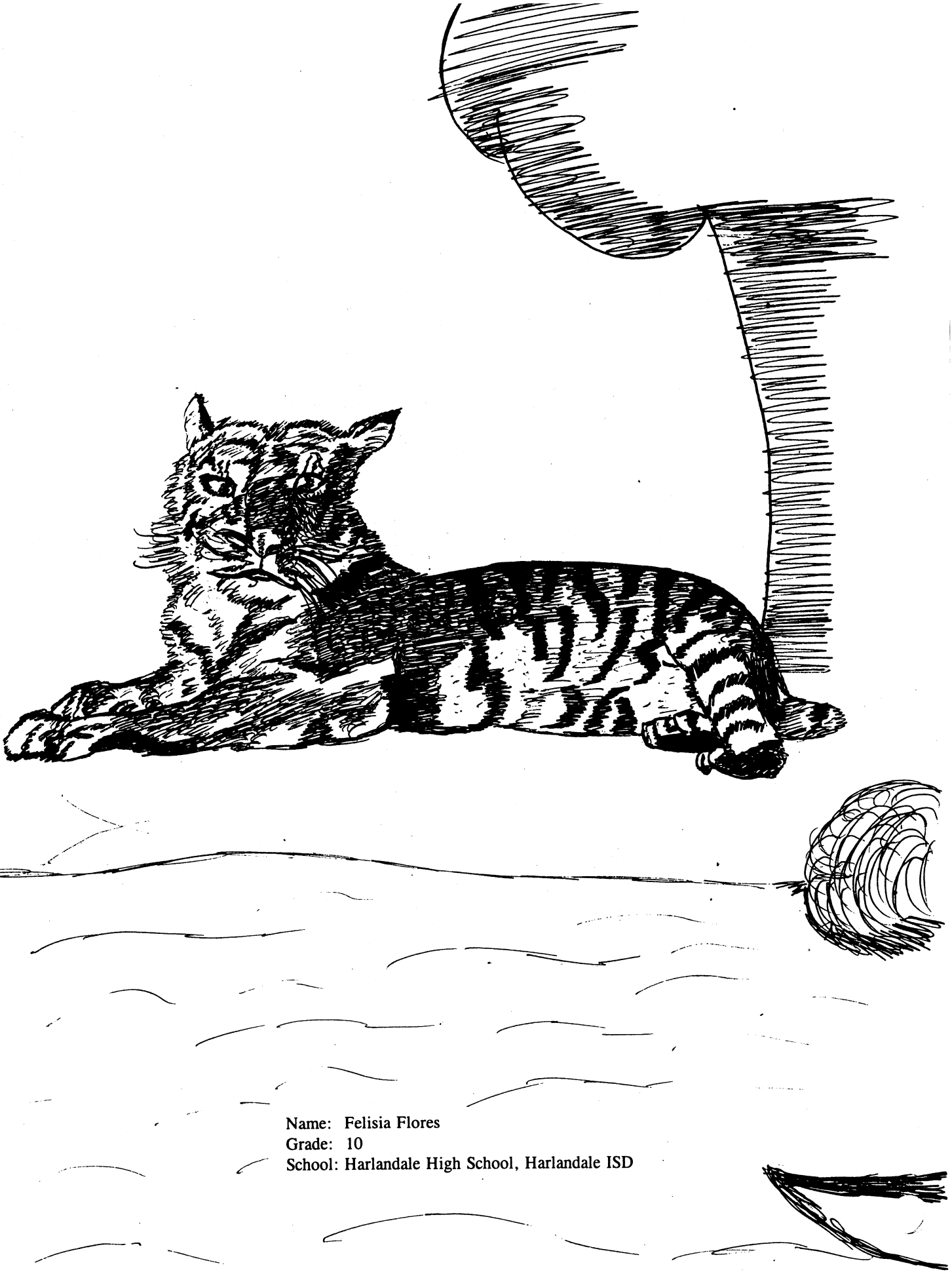
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ATTORNEY GENERAL

Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. To request copies of opinions, phone (512) 462-0011. To inquire about pending requests for opinions, phone (512) 463-2110.

Open Records Division

ORD-637 (RQ-675). Request from Elton Bomer, Commissioner of Insurance, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104, concerning whether work papers used in an examination of an insurance carrier by the Department of Insurance are confidential under the Government Code, §552.101 in conjunction with the Insurance Code, Article 1. 15.

Summary of Decision. The Texas Department of Insurance may withhold under the Government Code, §552.112, any information relating to the financial condition of a carrier. The department must withhold any information obtained from audit "work papers" that are "pertinent to the accountant's examination of the financial statements of an insurer" under the Insurance Code, Article 1.15, §8. Article 1.15, §9 makes confidential the examination reports and related work papers obtained during the course of an examination of a carrier that is under supervision or conservation. Article 1. 15, §9 does not apply to examination reports and work papers of carriers under liquidation or receivership or to routine periodic examinations of carriers not under supervision or conservation.

TRD-9600670



Opinions

DM-368 (RQ-795). Request from Honorable Sherry L. Robinson, Waller County Criminal District Attorney, 836 Austin Street, Suite 109, Hempstead, Texas 77445, concerning whether the 1983 revision of the provisions of the Optional County Road Law of 1947 as part of Texas Civil Statutes, Article 6702-1, Subchapter C, now repealed and codified in the Transportation Code, Chapter 252 rendered a county's earlier adoption of that law "moot," and related questions.

Summary of Opinion. The 1983 revision of the provisions of the Optional County Road Law of 1947 as part of Article 6702-1, Subchapter C did not render a county's earlier adoption of that law "moot." Rather, the county continues to operate under the provisions, now codified in Transportation Code, Chapter 252, Subchapter D, unless it votes to abandon those provisions. The commissioners court of a county operating under said system may employ a road administrator instead of an engineer if, for instance, it determines that the county is financially unable to employ an engineer, or that for any other reason the county is in fact unable to employ an engineer. The commissioners court has discretion in making such determinations in the first instance, subject to judicial review.

TRD-9600777

DM-369 (RQ-822). Request from David R. Smith, M.D., Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199, concerning whether hospital facilities located at separate premises must be separately licensed.

Summary of Opinion. Under the Texas Hospital Licensing Law, Health and Safety Code, Chapter 241, separate hospitals must be separately licensed. The Department of Health may adopt reasonable rules consistent with the Hospital Licensing Law which define the term "hospital" for purposes of the requirement that each hospital be licensed, and may make the proximity of facilities a factor in determining whether such facilities should be considered one "hospital."

TRD-9600776

DM-370 (RQ-782). Request from William G. Burnett, P.E., Executive Director, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483, concerning whether the Texas Constitution, Article VIII, §7-a applies to the distribution of oil and gas royalties received from highway rights-of-way.

Summary of Opinion. The Texas Constitution, Article VIII, §7-a does not apply to oil and gas royalties received for the depletion of highway rights-of-way that the state acquired using funds dedicated by Article VIII, §7-a. Rather, the disposition of such royalties is governed by statute.

TRD-9600778

DM-371 (RQ-738). Request from David R. Smith, M.D., Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-7111, concerning whether Attorney General Opinion DM-283 (1994) correctly determined that a county clerk may collect a security fee, as authorized by the Local Government Code, §291.008 at the time of filing a birth, death, or fetal death record and related questions.

Summary of Opinion. A statute requiring or authorizing a county clerk to collect a particular fee upon the filing of certain documents does not apply to birth, death, and fetal death records filed with the county clerk in his or her capacity as local registrar. Accordingly, a county clerk may collect the one-dollar security fee that the Local Government Code, §291.008(d) authorizes only on documents filed with the county clerk as county clerk, unless a specific statute prohibits the imposition of such a fee. The county clerk may not collect the one-dollar security fee on birth, death, or fetal death records filed with the county clerk in his or her capacity as local registrar.

Likewise, a county clerk may collect the records management and preservation fee the Local Government Code, §118.011(b)(2) authorizes only on documents filed with the county clerk in his or her capacity as county clerk; the county clerk may not collect the records management and preservation fee on birth, death, and fetal death records filed with the county clerk in his or her capacity as local registrar. To the extent that Attorney General Opinion DM-283 (1994) is inconsistent with this opinion, it is modified.

TRD-9600775

DM-372 (RQ-761). Request from Honorable David Brabham, Gregg County Criminal District Attorney, 101 East Methvin Street,

Suite 333, Longview, Texas 75601, concerning whether a municipal court of record must impose court costs upon a juvenile offender who participates in a "teen court" program.

Summary of Opinion. Nothing in the Code of Criminal Procedure, Article 45.55 negates a court's obligation or discretion to impose court costs that are chargeable by other law, except that for offenses committed on or after September 1, 1995, the court is not required to charge any other court costs, but it may do so.

TRD-9600774



PROPOSED RULES

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

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 17. Marketing and Development Division

Texas Commodity Referendum Act

• 4 TAC §§17.1, 17.3-17.5, 17.7, 17.9

The Texas Department of Agriculture (the department) proposes amendments to §§17.1, 17.3-17.5, 17.7, and 17.9, concerning Texas Commodity Referendum Act, Chapter 41, Texas Agriculture Code, and commodity boards established under Chapter 41. The amendments are being proposed in order to clarify existing regulations and delete unnecessary language or language already stated in law.

Katie Dickie, special assistant for producer relations, 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.

Ms. Dickie 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 and streamlining of rules relating to commodity boards. There will be no effect on small or large 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 Katie Dickie, Special Assistant for Producer Relations, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711. Comments must be received no later than 30 days from the date of publication of the proposed amendments in the *Texas Register*.

The amendments are proposed under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for administration of the Code.

The Texas Agriculture Code, Chapter 41, is affected by this proposal.

§17.1. Certification of Commodity Organizations.

(a) Within 21 days of the hearing, the commissioner may certify the organization by issuing an official certificate, ask for additional information, or deny certification in writing. If certification is denied, the organization must wait 120 days before petitioning the commissioner again. [Certification hearing request must be by mail. The commissioner of agriculture will notify by mail and has 30 days to schedule a public hearing. Notice of the hearing will be posted with the secretary of state's office and also notice will be posted on the entrance to the hearing room on the day of the hearing.]

(b) If an organization is certified, it is required to submit an election plan for approval, which includes the notice it is required to publish in one or more newspapers having general circulation in the referendum area once a week for three weeks in a row. The election plan includes:

(1) notices for newspaper publication as prescribed or approved by the commissioner;

(2) a list of newspapers where notices will be published, giving preference to the areas of the greatest production of the specific commodity;

(3) a timeline for newspaper notices, notices to county agents, referendum date and canvassing date;

(4) a draft ballot;

(5) a draft press releases announcing referendum;

(6) a draft board member petition; and

(7) information on whether the election will be conducted by mail or physical balloting. [The conduct of the hearing will be prescribed by the commissioner or by his authorized agents.]

(c) The commissioner must be notified of biennial board elections and referenda to increase assessments at least 90 days prior to the voting date. All notices of such elections and referenda will be held in the same manner described in the initial referendum. In case of a referendum adding new territory, then notices will be handled in the same manner as the original referendum. [The purpose of the hearing shall be to determine whether or not:

(1) the commodity organization is representative of producers in the state or area; or

(2) the referendum proposed is in conformity with provisions of this Act.

(d) After hearing all testimony, the commissioner may elect to certify or not certify at that time or may elect to ask for additional information or desire additional time, before making a decision.

(e) If the organization is certified to hold a referendum, within 120 days a certificate of certification will be issued. If certification is refused, there will be a six-month waiting period before the same organization can request another certification hearing.

(f) If an organization is certified, it is required to publish a legal notice in the county seat newspaper of every county concerned, once a week for three weeks in a row. This notice must be published at least 60 days before the election and must be a detailed format approved by the commissioner of agriculture. Direct notice must also be given to the county agent of each county affected. In the case of biennial election of board members or increase in assessment propositions, the board may elect, with approval of the commissioner of agriculture, to run legal notice through newspapers within the area, having regional coverage, three weeks in a row, starting 60 days prior to the election. Also, press releases to area radio and television stations and direct written notice to county agents in each affected area. In case of a referendum adding new territory, then

legal notice will be handled in the same manner as the original referendum.]

§17.3. Conduct of Elections & semi; Ballots & semi; Canvass & semi, Reporting.

[(a) The commissioner will make available instructions for form of ballot to be used and ballots shall be approved by the commissioner before being submitted to the voters.

[(b) The commissioner will act as a "referee" to insure an efficient and honest election.]

[(a) [(c)] In case of mail election, no ballots will be valid if postmarked after midnight on the last day of the election. In physical ballot elections, no absentee ballot will be valid if postmarked after midnight three days before the election.

[(b) [(d)] In physical balloting, balloting locations must be open at hours prescribed by the commissioner [7:00 a.m. to 7:00 p.m. on the election day] and[,] an election official must be present at all times unless otherwise prescribed by the commissioner. Ballot boxes must be locked and unopened until the canvassing [canvass] committee supervises such opening.

[(c) [(e)] Ballot must bear signature and the address of the producer to be valid.

[(d) [(f)] Instruction for election officials and voters will be available in each election from the certified commodity organization and approved by the commissioner of agriculture.

[(e) [(g)] Ballots in all propositions and elections will be counted by a committee consisting of a county judge (or representative) from the area, a representative of the Texas Agricultural Extension Service, a representative of the certified commodity organization or board, and a representative of the Texas Department of Agriculture.

[(f) [(h)] In all elections, results will be certified to the commissioner of agriculture for verification.

[(g) [(i)] All ballots shall be locked in a container and stored with the county clerk's office in the county designated by the certified organization. If no contests or investigations arise out of the election within 45 [60] days after the day of such election, the clerk shall destroy by shredding or burning and notify the organization and the commissioner by mail [by order of the commissioner of agriculture the ballots shall be destroyed by shredding or burning and witnessed by a representative of the certified organization and a representative of the Texas Department of Agriculture].

[(h) [(j)] Whereas the closed stored container cannot be opened during a 45 [60] day period without a court order, any contest of the election or investigation must be filed in district court in the area of the referendum and election within 30 days after the day ballots are counted.

[(i) [(k)] In any case, if a recount is allowed by the district judge, the judge shall have the power to impound said locked ballot boxes and appoint a new canvassing committee consisting of four new members from the same background of the original canvassing committee and a fifth member being a representative from the Attorney General's Office of the State of Texas.

§17.4. Certification of the Board. After [Whereas, after] the commissioner certifies [has certified the] establishing [of] the commodity producers board and issues [issued] certificates of election to those elected board members, the board shall have after its first organization meetings, all board powers described in this Act.

§17.5. Assessment of Funds. Assessment will be officially enacted the day the board notified [notifies] appropriate collection points

[processors] of the commodity by registered or certified mail, that from then on the assessment will be collected on all production of that commodity within the assessment area, and remitted to the board once a month or as prescribed by the Board.

§17.7. Geographic Representation on Board. If geographic representation for board members is desired in the original referendum it must be so stated in the original certified petition and hearing, whereas, in the case of an existing board, geographic representation or district representation plan may be adopted by the board with approval from the commissioner of agriculture at the time of election plan approval [least 90 days before any biennial election].

§17.9. Penalty and Remedies. If any processor licensed with the department violates [commissioner is in violation of] this Act by failing to promptly remit [pertaining to the prompt remittance of] assessments, the commissioner is authorized to suspend, revoke, or deny a license in any case in which he determines, after opportunity for a hearing, that there has been violation of or failure to comply with the requirements of this Act or the regulations promulgated thereunder. The commissioner, whenever he deems necessary, may suspend a license temporarily without hearing, for a period not to exceed 30 days. When a license is revoked, the processor shall terminate, in the manner prescribed by the commissioner, all arrangements covering storing, shipping, or handling of said commodity in the warehouse or auction barn or other collection point, covered by such license, but shall be permitted, under the direction and supervision of the commissioner, to deliver the commodity previously received. During any suspension of a license, the processor may, under the direction and supervision of the commissioner, operate the warehouse, but shall not receive [received] commodities for storing, shipping, or handling during the term of such suspension.

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 January 22, 1996.

TRD-9600883 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Earliest possible date of adoption: February 26, 1996

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

◆ ◆ ◆
• 4 TAC §17.2, §17.10

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

The Texas Department of Agriculture (the department) proposes the repeal of §17.2 and §17.10, concerning Texas Commodity Referendum Act, Chapter 41, Texas Agriculture Code, and commodity boards established under Chapter 41. The repeals are being proposed in order to delete unnecessary language or language already stated in law.

Katie Dickie, special assistant for producer relations, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Dickie also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be clarification and streamlining of rules relating to commodity boards. There will be no effect on small or large businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Katie Dickie, Special Assistant for Producer Relations, Texas Department of Agriculture, P. O. Box 12847, Austin, Texas 78711. Comments must be received no

later than 30 days from the date of publication of the proposed amendments in the *Texas Register*.

The repeals are proposed under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules necessary for administration of the Code.

The Texas Agriculture Code, Chapter 41, is affected by this proposal.

§17.2. *Voter Eligibility.*

§17.10. *Adding New Territory.*

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 January 22, 1996.

TRD-9600882 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Earliest possible date of adoption: February 26, 1996

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

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TITLE 10. COMMUNITY DEVELOPMENT
Part I. Texas Department of Housing and
Community Affairs

Chapter 53. Home Investment Partnership
Program

• **10 TAC §§53.50-53.62**

The Texas Department of Housing and Community Affairs (Department) HOME Investment Partnerships (HOME) Program is proposing new §§53.50-53.62, concerning the requirements for application and distribution of funds available under federal and state laws and regulations for the HOME Program. The new sections define terms commonly used in the program, eligible applicants and activities, funding distribution and allocation methods, scoring process and criteria, and program administration. The new sections are proposed to define the process the program will use to distribute and administer HOME funds.

Daisy Stiner, Director of Housing Programs, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Ms. Stiner also has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be to enhance the Department's ability to provide affordable housing throughout the State of Texas. There will be a beneficial effect in increasing the number of jobs available for small businesses in construction-related fields. The Department is unable to determine whether the administration of these rules will have any fiscal implications on persons required to comply with the rules as proposed.

Comments on the proposal may be submitted to Joe B. Mann, HOME Program Manager, P.O. Box 13941, Austin, Texas 78711-3941, within 30 days of the date of this publication.

The new sections are proposed under Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 (42 United States Code, §§12701-12839) and 24 Code of Federal Regulations, Part 92, which provide the Texas Department of Housing and Community Affairs with the authority to promulgate rules.

The new rules are pursuant to the authority at Texas Government Code, Chapter 2306; Acts of the 73rd Legislative Regular Session, Senate Bill 45, Chapter 141, page 292, effective May 16, 1993; and Act of the 73rd Legislative Regular Session, Senate Bill 1356, Chapter 725, page 2838, effective September 1, 1993.

§53.50. *Scope.* The rules in this chapter apply to the use and distribution of HOME Investment Partnerships Program (HOME)

funds. The United States Department of Housing and Urban Development (HUD) through the HOME Program provides funds to the State pursuant to Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 (42 United States Code, §§12701-12839), as may be amended, and HUD regulations at 24 Code of Federal Regulations (CFR), Part 92, as may be amended. The State's HOME Program is designed to:

(1) focus on the areas with the greatest housing need described in the State Consolidated Plan;

(2) provide funds for home ownership and rental housing through acquisition, new construction, rehabilitation, reconstruction, tenant-based rental assistance, and pre-development loans;

(3) promote partnerships among all levels of government and the private sector, including non-profit and for-profit organizations; and

(4) provide low and very low-income Texans with affordable, decent, safe and sanitary housing.

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

Board—The governing board of the Texas Department of Housing and Community Affairs.

Community Housing Development Organization (CHDO)—A private nonprofit organization that satisfies the requirements of 24 CFR 92.2, as certified by the Department.

Consolidated Plan—The State Consolidated Plan prepared in accordance with 24 CFR Part 91, as may be amended, which describes the needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs and is subject to approval annually by HUD.

Cooperating Entity—An eligible applicant that the lead applicant has designated in its application to carry out certain functions in the HOME Program. The responsibilities of the cooperating entity must be specified in a Memorandum of Understanding signed by the lead applicant and the cooperating entity, and submitted with the application.

Department—The Texas Department of Housing and Community Affairs.

Expenditure—Documentation has been submitted by the Recipient to the Department for purposes of drawing funds from HUD's Cash/Management Information System (C/MIS) for work completed, inspected and certified as complete, and as otherwise required by the Department.

Homebuyer Assistance—A form of assistance to non-profit organizations, CHDOs, units of general local government, and public housing agencies to provide funds to eligible homebuyers for the acquisition of affordable housing.

HOME—The HOME Investment Partnerships Program pursuant to 42 United States Code, §§12701-12839 and HUD regulations at 24 Code of Federal Regulations, Part 92, as may be amended, and the rules promulgated hereunder.

HUD—The United States Department of Housing and Urban Development, or its successor.

Interim Construction Financing Assistance—A form of assistance to make funds available to HOME eligible applicants including non-profit organizations, CHDOs, units of general local government, for-profit housing organizations and sole proprietors, and public housing agencies for the purpose of constructing affordable housing units.

Joint Venture—An agreement between a lead applicant and a cooperating entity formed to administer or implement a HOME program. Each applicant must be eligible to apply for HOME funds as defined by §53.52(a) of this title (relating to Applicant Requirements). Each applicant or Joint Venture must sign a Memorandum of Understanding which outlines the responsibilities of each participant in the implementation of HOME Program activities.

Lead Applicant—An eligible applicant designated in a HOME application to assume contractual liability and legal responsibility as the recipient executing the written agreement with the State.

Low-Income Families—Families whose annual incomes do not exceed 80% of the median income of the area, as determined by HUD, with adjustments for family size.

Match—Eligible forms of non-federal contributions to a program or project in accordance with 24 CFR 92.220, as may be amended.

NOFA—Notice of Funding Availability, published in the *Texas Register*.

Owner-Occupied Housing Assistance—A form of assistance to nonprofit organizations, CHDOs, units of general local government, and public housing agencies for the purpose of rehabilitating or reconstructing existing owner-occupied housing.

Participating Jurisdiction (PJ)—Any state or unit of general local government, including consortia as specified in 24 CFR 92.101, as may be amended, designated by HUD in accordance with 24 CFR 92.105, as may be amended.

Program—Funding provided in the form of a contract to an eligible applicant for the purpose of administering more than one Project or assisting more than one household.

Program Income—Funds received by the Department or Recipient as loan repayment in the form of interest or principal, funds received by Recipient(s) or the Department on behalf of Recipients who distribute their allocation in the form of a loan to owners, and funds recaptured from the sale of a HOME-assisted unit or Project.

Project—A site or an entire building (including a manufactured housing unit), or two or more buildings, together with the site or sites on which the building or buildings are located, that are under common ownership, management, and financing and are to be assisted with HOME funds, under a commitment by the owner, as a single undertaking under 24 CFR Part 92.2, as may be amended.

Recipient—A sole proprietor, general or limited partnership, trust, firm, corporation, association, cooperative or other entity described in §53.52(a) of this title (relating to Applicant Requirements), and that is approved by the Department to administer a HOME Program subject to the terms and conditions of these rules.

Rental Project Assistance—A form of assistance available to nonprofit organizations, CHDOs, units of general local government, for-profit housing development organizations and sole proprietors and public housing agencies for the acquisition, new construction, reconstruction or rehabilitation of multi-family or single family rental housing, or conversion of commercial property to rental housing.

Rural Area—A rural area is:

(A) open country which is not part of or associated with an urban area;

(B) any town, village, city or place, including the immediately adjacent densely settled area which is not part of or associated with an urban area and which:

(i) has a population not in excess of 10,000 if it is rural in character; or

(ii) has a population in excess of 10,000 but not more than 20,000, and is not contained within a Metropolitan Statistical Area (MSA) or a Primary Metropolitan Statistical Area (PMSA).

Special Needs—Those individuals or categories of individuals determined by the Department to have unmet housing needs consistent with 42 USC §§12701 et seq, as may be amended, and as provided in the Consolidated Plan.

Tenant-Based Rental Assistance (TBRA)—A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance.

Unit of General Local Government—A city, town, county, or other general purpose political subdivision of the State; a consortium

of such subdivisions recognized by HUD in accordance with 24 CFR Part 92.101; as may be amended, and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction. An urban county is considered a unit of general local government under the HOME Program.

Very Low-Income Families—Low-income families whose annual incomes do not exceed 50% of the median family income for the area as established by HUD, with adjustments for family size.

§53.52. Applicant Requirements.

(a) **Eligible Applicants.** The following organizations or entities are eligible to apply for HOME eligible activities:

(1) nonprofit organizations which have tax exemption ruling from the Internal Revenue Service under §501(c)(3) or (4) of the Internal Revenue Code of 1986;

(2) CHDOs;

(3) units of general local government;

(4) for-profit entities and/or sole proprietors; and

(5) public housing agencies.

(b) **Ineligible Applicants:** Previously funded Recipient(s) whose HOME funds have been partially or fully deobligated during the 12 months prior to the current funding cycle; applicants who have not satisfied all threshold requirements described in subsection (c) of this section; applicants who have submitted incomplete applications; or as otherwise barred by the Department.

(c) **Threshold requirements:** An applicant must satisfy each of the following requirements in order to be eligible to apply for HOME funding.

(1) provide evidence of its ability to carry out the Program in the areas of financing, acquiring, rehabilitating, developing or managing affordable housing developments.

(2) demonstrate fiscal, programmatic, and contractual compliance on previously awarded Department contracts or loan agreements.

(3) resolve any previous audit findings and outstanding monetary obligations with the Department

(4) demonstrate reasonable HOME Program expenditure and project performance on open contract(s), as determined through program monitoring. Evidence of expenditure and project identification is submitted with the application, and is reconciled with the Department's C/MIS reports during the application review process; and

(5) demonstrate satisfactory performance otherwise required by the Department and set out in the application guidelines.

§53.53. **Application Limitations.** Except as otherwise provided herein, an applicant may only submit one application per funding year and eligible activity. An eligible applicant may apply for several eligible activities provided that the total amount requested for all activities does not exceed the funding limits established in this section. An eligible applicant submitting an application for Rental Project Assistance may not submit another application for any other eligible activity. Only CHDOs or non-profit organizations may submit more than one application per activity; however, they must apply as a Joint Venture as defined in §53.51 of this title (relating to Definitions), and the program/project must be located in a different area. Each new Joint Venture with a different eligible applicant is regarded as a separate applicant. Application limits are established below. The Department reserves the right to reduce the amount requested in an application based on program/project feasibility and/or underwriting analysis.

(1) Application amount for Owner-Occupied Housing Assistance, Homebuyer Assistance, Tenant-Based Rental Assistance, and Interim Construction Financing Assistance shall not exceed \$500,000, except as otherwise allowed by the Board.

(2) Application amount for Rental Project Assistance shall not exceed \$1 million except as otherwise allowed by the Board.

(3) Per unit subsidy for all HOME-assisted housing may not exceed the per-unit dollar limits established by HUD under §221(d)(3) of the National Housing Act which are applicable to the area in which the housing is located.

§53.54. Program Restrictions.

(a) **Owner-Occupied Housing Assistance:** Assisted homeowners must be low-income and must occupy the property as their principal residence. Housing assisted with HOME funds must meet all applicable local codes and standards, and, at a minimum, Section 8 Housing Quality Standards. In addition, housing that is reconstructed or substantially rehabilitated with HOME funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances in accordance with 24 CFR 92.251(a), as may be amended.

(b) **Homebuyer Assistance:** HOME funds utilized for Homebuyer Assistance are subject to the Department's recapture restrictions as approved by HUD in the Consolidated Plan and as outlined in the application guidelines. The eligible uses for Homebuyer Assistance are down-payment assistance, closing cost assistance and gap financing. The total assistance provided per eligible homebuyer may not exceed \$5,000, unless otherwise allowed by the Board.

(c) **Rental Project Assistance:** Owners of rental units assisted with HOME funds must comply with income and rent restrictions pursuant to HOME rules and guidelines and keep the units affordable for a period of time, depending upon the amount of HOME assistance provided. Housing assisted with HOME funds must meet all applicable local codes and standards, and, at a minimum, Section 8 Housing Quality Standards. In addition, housing that is newly constructed or substantially rehabilitated with HOME funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances in accordance with 24 CFR 92.251(a), as may be amended.

(d) **Tenant-Based Rental Assistance:** Recipients must comply with 24 CFR 92.211 and 92.216, as may be amended.

(e) **Interim Construction Financing Assistance:** Newly constructed housing must meet all applicable local codes, Section 8 Housing Quality Standards, ordinances, and zoning ordinances in accordance with 24 CFR 92.251(a), as may be amended. An eligible applicant that applies for Interim Construction Financing Assistance may also apply for Homebuyer Assistance.

(f) **CHDO Pre-Development Loans:** The Department may set-aside up to 10% of the CHDO 15% Set-Aside for pre-development loans in accordance with 24 CFR 92.301, as may be amended. Funds for pre-development loans are available only when provided in conjunction with a Rental Housing Assistance application and may only be used for activities such as project-specific technical assistance, site control loans, and project-specific seed money. *Pre-development loans must be repaid from construction loan proceeds or other project income.* In accordance with 24 CFR 92.301, as may be amended, the Department may elect to waive pre-development loan repayment, in whole or in part, if there are impediments to project development that the Department determines are reasonably beyond the control of the CHDO.

§53.55. **Prohibited Activities.** In accordance with 24 CFR 92.214, as may be amended, HOME funds may not be used to:

(1) provide a project reserve account for replacements or increases in operating costs, or operating subsidies;

(2) provide TBRA for existing Section 8 Programs;

(3) provide non-federal matching contributions for other programs;

(4) provide assistance to Public Housing Agency owned or leased projects;

(5) carry out Public Housing Modernization;

(6) provide pre-payment of low-income housing mortgages under 24 CFR Part 248, as may be amended;

(7) provide assistance to a project previously assisted with HOME funds during the period of affordability; and

(8) provide funds to reimburse an applicant for acquisition costs for a property already owned by the applicant.

§53.56. **Distribution of Funds.** In accordance with 24 CFR 92.201(b)(1), as may be amended, the Department will make every effort to distribute HOME funds throughout the state according to the state's assessment of the geographic distribution of housing needs, as identified in the Consolidated Plan. The Department will take into consideration the non-metropolitan share of the state's total population and objective measures of rural housing need, such as poverty and substandard housing. Applicants may submit applications for programs or projects located in a PJ, however, the Department will give priority for funding to non-participating jurisdictions. If funds remain in a region or activity after all non-PJ applications that meet or exceed threshold have been funded, then the funds may be transferred to another region or activity, or the Department may consider funding PJ applications that meet or exceed threshold. The Department may distribute HOME funds by direct award or through competition.

(1) **CHDO Set-Aside:** In accordance with 24 CFR 92.300 as may be amended not less than 15% of the HUD-provided HOME allocation is set aside by the Department for CHDO eligible activities, specifically where the CHDO will perform the role of developer, owner, or sponsor. Funded CHDO applicants for set-aside activities are eligible for a proportionate amount of the available operating expenses. CHDO set-aside funds will be reserved within the HOME activity allocations eligible for the CHDO set-aside as sub-allocations for those activities. The sum of all sub-allocations must not be less than the 15% requirement. If an insufficient number of qualified applications are received by the deadline, the Department reserves the right to hold additional competitions in order to meet federal set-aside requirements.

(2) **Special Needs Set-Aside:** In accordance with the Consolidated Plan, funds will be available to units of general local government, CHDOs, public housing authorities, and nonprofit organizations with a documented history of working with special needs populations and relevant housing related experience. Eligible applicants may submit applications for: Owner-Occupied Housing Assistance, Homebuyer Assistance, Tenant-Based Rental Assistance, and Rental Project Assistance. Special-Needs set-aside funds will be reserved within the HOME activity allocations eligible for the Special Needs set-aside as sub-allocations for those activity funds. *If an insufficient number of qualified applications are received, the Department reserves the right to transfer funds remaining in the set-aside to another eligible activity.*

(3) **Redistribution.** In an effort to commit HOME funds in a timely manner, the Department may reallocate funds set-aside in the Consolidated Plan, in its own discretion, to other regions or activities if:

(A) the Department fails to receive a sufficient number of applications from a particular region or activity;

(B) no applications are submitted for a region; or

(C) applications for a region or activity do not meet or exceed the minimum standards or scores, as applicable.

(4) Marginal Applications. When the remainder of the allocation within a region or program set-aside in the Consolidated Plan is insufficient to completely fund the next ranked application in the region or activity, it is within the discretion of the Department to:

(A) fund the next ranked application for the partial amount, reducing the scope of the application proportionally; or

(B) transfer the remaining funds to other regions or programs.

(5) HOME Demonstration Fund. The Department, with Board approval, may reserve HOME funds to combine and coordinate with other programs administered by the Department as outlined in the Consolidated Plan, or for housing activities the Department is permitted to fund under applicable law.

§53.57. Allocation Plan. Upon notification of HOME Program funding authorization by HUD, the Board will approve a HOME Program allocation plan reflecting the federal award amount and the proposed distribution of funds by HOME activity, and which shall be published each HOME Program funding year in the *Texas Register*. The funding allocation plan, approved by the Board and published in the *Texas Register*, will be based on the funding recommendations in the Consolidated Plan.

§53.58. Application Process. An eligible applicant must submit a completed application to be considered for funding, along with an application fee determined by the Department. Upon receipt, applications are reviewed for completeness. Incomplete applications (information not provided in the application as requested by the Department) and applications containing false information are disqualified. Disqualified applicants are notified in writing.

§53.59. Process for Direct Awards.

(a) The proposed program/project design in the application must comply with all applicable HOME requirements or regulations established in 24 CFR Part 92, as may be amended, and in these rules. Applicants with program/project designs that do not comply with such requirements will not be considered for funding.

(b) Rental project applications must receive an underwriting analysis by the Department. A site visit may be conducted as part of the HOME Program feasibility and underwriting analysis.

(c) Applications receiving a favorable staff recommendation are then presented to the Board for approval, pending the availability of HOME funds.

§53.60. Process for Awards made by Competition.

(a) The Department will publish a NOFA in the *Texas Register*. The NOFA will establish a deadline for receiving applications and indicate the approximate amount of available funds.

(b) Selection Procedures for Owner Occupied Housing Assistance, Homebuyer Assistance, and Tenant-Based Rental Assistance.

(1) The proposed program design in the application must comply with all applicable HOME requirements or regulations established in 24 CFR Part 92, as may be amended, and in these rules. Applicants with program designs that do not comply with such requirements are disqualified. Disqualified applicants are notified in writing.

(2) Applications are ranked from highest scores to lowest in their respective regions or activity according to the average of three HOME Program scores. CHDO Set-Aside scores are ranked from highest to lowest in each CHDO-eligible activity on a state-wide basis.

(3) Applications that meet or exceed a minimum score of 60% of the total HOME Program score established for the respective activities are considered for funding.

(4) Applications receiving a favorable staff recommendation are then presented to the Board for approval, pending the availability of HOME funds for such activity.

(5) In event of a tie between two or more applicants, the Department, with Board approval, reserves the right to determine which application will receive funding based on housing need factors and feasibility of the proposed project identified in the application.

(c) Selection Procedures for Rental Project Assistance and Interim Construction Financing Assistance:

(1) Applications are reviewed by the Department to ensure that the proposed rental housing project or the proposed interim construction program meets applicable HOME requirements. Applications with program designs that do not comply with HOME requirements are disqualified. Disqualified applicants are notified in writing.

(2) Applications that meet or exceed a minimum score of 60% of the total HOME Program scoring points established for each Rental Assistance and Interim Construction Assistance program are considered for further processing. Applicants not meeting or exceeding the minimum score established in this section are disqualified and are notified in writing.

(3) Applications meeting or exceeding the minimum HOME Program requirements established in paragraph (2) of this subsection must receive an underwriting analysis by the Department. A site visit may be conducted as part of the HOME Program feasibility and underwriting analysis. Applicants must receive recommendation for approval from the Department to be considered for HOME funding by the Board.

(4) Applications receiving a favorable staff recommendation are then presented to the Board for approval, pending the availability of HOME funds for such activity.

(5) In event of a tie between two or more applicants, the Department, with Board approval, reserves the right to determine which application will receive funding based on housing need factors identified in the application.

(6) Board approval for the award of HOME Rental Project Assistance funds is conditional upon a completed loan closing.

§53.61. General Selection Criteria. The following criteria is utilized in evaluating the applications for HOME funds. The applicable criteria is further delineated in the application guidelines, which are part of the application package:

(1) Needs Assessment—Whether the proposed project meets the demographic, economic, and special need characteristics of the population residing in the target area and the need that the HOME program is designed to address, using qualitative and quantitative information, market studies, if appropriate, and other source

documentation as delineated in the application guidelines, which are part of the application.

(2) **Program Design**—Whether the proposed project meets the needs identified in the needs assessment, whether the design is complete (including timeline for program implementation and service delivery), and whether the project fits within the community setting. Information required includes, but is not limited to: community involvement; support services and resources; scope of program; income and population targeting; marketing, fair housing and relocation plans, as applicable.

(3) **Capability of Applicant**—Whether the applicant has the capacity to administer and manage the proposed program/project, demonstrated through previous experience either by the applicant, cooperating entity or key staff (including other contracted service providers), in program management, property management, acquisition, rehabilitation, construction, real estate finance counseling and training or other activities relevant to the proposed program, and the extent to which applicant has the capability to manage financial resources, as evidenced by previous experience, documentation of the applicant or key staff, and existing financial control procedures.

(4) **Financial Design**—Whether the proposed program budget includes eligible forms of matching contributions in accordance with 24 CFR 92.220, as may be amended, and program leveraging.

§53.62. Program Administration.

(a) **Agreement.** Upon approval by the Board, applicants receiving HOME funds shall enter into, execute, and deliver to the Department all written agreements between the Department and Recipient, including land use restriction agreements and compliance agreements as required by the Department.

(b) **Amendments.** The Department, acting by and through its Executive Director, may authorize, execute, and deliver modifications and/or amendments to any HOME written agreement provided that any such modification and/or amendment does not exceed 25% of the original award. Modifications and/or amendments exceeding 25% will be presented to the Board for approval.

(c) Deobligation.

(1) The Department reserves the right to deobligate funds upon the happening of one of the following events:

(A) Recipient has any unresolved compliance issues on existing or prior HOME contract with the Department.

(B) Recipient fails to set-up programs or expend funds in a timely manner.

(C) Recipient defaults on any agreement by and between Recipient and the Department.

(D) Recipient misrepresents any facts to the Department during the HOME application process, award of contracts, or administration of any HOME contract.

(E) Recipient's inability to provide adequate financial support to administer the HOME contract or withdrawal of significant financial support.

(F) Recipient is not in compliance with 24 CFR Part 92, as may be amended, or these rules.

(G) Recipient declines funds.

(2) When the Department determines that funds are to be deobligated, the following procedures will apply:

(A) Recipient is notified in writing that the Department is recommending the deobligation of funds for the identified reasons defined in this subsection.

(B) Recipient has 30 days from the date of the letter to respond to the notice.

(C) The Department reviews pertinent correspondence, including Recipient's response, investigation reports and findings, prior to a final recommendation to the Board to deobligate funds.

(D) Recipient is notified in writing of the Department's recommendations to deobligate funds. A Recipient is notified of the date and time of the meeting of the Board at which time a determination will be made by the Board.

(E) The Department makes recommendation to the Board for deobligating funds, and the Recipient is notified of the Board's determination.

(3) The Department, with approval of the Board, may elect to reassign funds to the next funding cycle for award to new applicants or reallocate deobligated funds to any of the following:

(A) An entity within the same target area, to continue the program as originally designed.

(B) The Recipient with the highest expenditure rate for the same activity in the same region.

(C) The next ranked eligible applicant within the current funding cycle, if the applicant is prepared to start the program in a timely manner.

(4) The amount of deobligated funds awarded to a Recipient may not exceed the maximum limits established in §53.53 of this title (relating to Application Limitations).

(d) **Waiver.** Upon determination of good cause, the Department, upon approval of the Board, may waive all or any part of these rules that are within the discretion of the State.

(e) **Additional Funds.** In the event the Department receives additional funds from HUD, the Department, with Board approval, may elect to distribute funds to other Recipients.

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 January 17, 1996.

TRD-9600886

Larry Paul Manley
Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: February 26, 1996

For further information, please call: (512) 475-2135



TITLE 16. ECONOMIC REGULATION
Part I. Railroad Commission of Texas
Chapter 1. Practice and Procedure

Subchapter C. Docketing, Notice, and Service

• 16 TAC §1.49

The Railroad Commission of Texas proposes new §1.49, concerning service of process, notice of hearing, default, and motion for rehearing practice in oil and gas contested cases brought by the Legal Enforcement Section of the Office of General Counsel. The proposed new rule sets out legal standards and procedures for service of process, answers, requests for hearing, the setting of hearings, the issuance of default final orders, and motions for rehearing in oil and gas enforcement cases. Under the new rule, hearings will no longer be automatically set in most oil and gas enforcement cases until the respondent files a hearing request or an answer to the original complaint. The new rule also makes clear that motions for rehearing may be made on equitable grounds or on grounds that there is error in the commission's final order.

Dwight Martin, assistant director, Legal Enforcement Section, Office of General Counsel, has determined that for each year of the first five years the proposed new rule are in effect, there will be no fiscal implications for state government as a result of enforcing or administering it. There will be no fiscal implications for local government or cost of compliance with the proposed new rule for small businesses as a result of its adoption.

Mr. Martin also has determined that for each year of the first five years that the proposed new §1.49 is in effect, the public will benefit from speedier prosecution of commission oil and gas enforcement cases, and members of the regulated community will benefit from a clear statement of the legal standards and procedures applicable to those cases, both of which are anticipated to reduce administrative costs, increase efficiency, and enable the commission to better protect surface or subsurface waters of the state from pollution. There is no anticipated economic cost to persons required to comply with the proposed new rule.

Comments on proposed new §1.49 should refer to docket number 20-0211024 and should be submitted to Dwight Martin, Assistant Director, Legal Enforcement Section, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78711-2967. The deadline for filing comments is February 26, 1996, or 30 days after publication in the *Texas Register*, whichever is later.

The new section is proposed pursuant to Texas Government Code, §2001.004(1), which requires the commission to adopt rules of practice stating the nature of all available formal and informal procedures, and Texas Natural Resources Code, §81.052, which authorizes the commission to adopt all necessary rules for governing persons and their operations under the jurisdiction of the commission.

The following codes are affected by this proposed new §1.49: Texas Government Code, §2001.004(1); and Texas Natural Resources Code, §81.052.

§1.49. Service of Process; Notice of Hearing; Default; and Motions for Rehearing in Oil and Gas Contested Cases Brought by the Legal Enforcement Section.

(a) Commencement of a contested case.

(1) Enforcement contested cases are commenced by sending the original complaint to the respondent via certified and regular first-class mail. In cases against foreign or non-resident respondents, the complaint will also be sent to the resident agent listed on the respondent's most recently filed Organization Report (Form P-5). The complaint will be accompanied by a letter stating that the commission believes the respondent has violated commission rules or statutes as set forth in the original complaint; that the respondent may, within 30 days of the date of service, file an answer or request a hearing to contest the allegations of the original complaint; and that the respondent may wish to hire an attorney or

other representative or choose to appear on its own behalf. The commission may offer to settle the case via an agreed order. The letter will state that if, on 31st day after the date of service, the respondent has not entered into an agreed order, filed an answer to the original complaint, or requested a hearing, a default final order may thereafter be issued against respondent without further notice.

(2) When there is actual pollution or injury to the public health and safety, or an imminent threat thereof, a hearing may be set and notice of the hearing sent with the original complaint. The notice will state that if the respondent fails to appear at the hearing, a default final order may be issued against respondent without further notice.

(b) Filing of answer or request for hearing; setting of hearing. A request for hearing shall serve as a general denial of the allegations in the original complaint. An answer or request for hearing is timely if filed with the Docket Services Section of the Office of General Counsel before a default final order is issued by the commission. Except in cases brought under subsection (a)(2) of this section, the Legal Enforcement Section will set a hearing on a date at least 30 days after receipt of a timely answer or hearing request.

(c) Notice of hearing. Notices of hearing will be sent along with the original complaint to respondents or their representatives in all cases brought under subsection (a) (2) of this section. In other cases, notices of hearing will be sent, along with a current Legal Enforcement Section pleading, only after the respondent or its representative has timely filed a request for hearing or an answer. The notice will be sent to the address from which the request or answer was received, and will state that if the respondent fails to appear at the hearing, a default final order may be issued against respondent without further notice.

(d) Default order upon failure to answer, request hearing, or appear at hearing.

(1) If the respondent fails to answer the original complaint, request a hearing, or appear at a scheduled hearing, a default final order may be issued by the commission without further notice.

(2) Default final orders will contain findings of fact and conclusions of law sufficient to support the relief ordered.

(3) No default final order shall be issued until the returned certified mail receipt (green card) attached to the original complaint or the notice of hearing, or the returned certified mail containing the complaint or the notice, has been on file with the commission for 15 days, exclusive of the day of receipt and day of issuance. Default final orders need not be individually signed in each case by the commissioners if the case is listed by docket number and summarized on a Master Default Order.

(e) Motions for rehearing in Oil and Gas enforcement default cases. Motions for rehearing in oil and gas enforcement default cases may be made on equitable grounds or on grounds that there is error in the final order.

(f) Non-applicability of this section to emergency situations. The existing power of the commission to remedy and seek reimbursement for remediation of any condition which threatens the public health and safety, or to order an operator to remedy said condition, shall not be affected by this section.

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 January 18, 1996.

TRD-9600733

Mary Ross McDonald
Acting General Counsel, Office of General Counsel
Railroad Commission of Texas

Earliest possible date of adoption: February 26, 1996

For further information, please call: (512) 463-7008



TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates
and Forms for the Writing of Title Insurance
in the State of Texas

• 28 TAC §9.1

The Texas Department of Insurance proposes an amendment to §9.1 which concerns amendments to the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas (the Basic Manual). The amended section is necessary to reflect amendments to the Basic Manual, which the section adopts by reference. The amendment consists of proposed modifications to Administrative Rules L-1, L-2, L-3, D.1, G.1, and G.2 concerning the requirements for licensing title insurance agents under the Insurance Code, Articles 9.36 and 9.37; title insurance escrow officers under the Insurance Code, Articles 9.42, 9.43, and 9.44; and direct operations under the Insurance Code, Article 9.36A. Administrative Rules L-1, L-2 and L-3 establish requirements for issuance, cancellation, renewal, change in operations and additional appointments for title insurance agents, title insurance escrow officers, and direct operations. In Administrative Rules L-1, L-2, and L-3 the procedure for cancellation of a license is being revised to require that the entity requesting cancellation send a letter indicating the reasons for cancellation of the license as a mandatory requirement for granting the cancellation. This change in the cancellation procedure is necessary to ensure that information regarding malfeasance by a title insurance agent, escrow officer or direct operation as a ground for license cancellation is reported to the department. Administrative Rules L-1, L-2, and L-3 are also amended to implement changes to the Insurance Code occasioned by House Bill 1461, as enacted by the 73rd Legislature, which provides that a staggered license renewal system may be adopted under the Insurance Code, Article 21.01-2. The current procedure for renewal of title insurance agents' licenses, escrow officers' licenses, and direct operations' licenses is being revised to convert to a staggered renewal system to uniformly distribute the number of license expirations and renewals over a 12-month time period. Under the present license renewal system, all title insurance licenses expire on the same day (June 1st) of each year. A single renewal date system requires the department to process a large number of renewals in a very short period of time to provide the renewal licenses in a timely manner. Changing the renewal system to a staggered renewal system where the processing of renewal applications is spread over a 12-month time period rather than all renewals being processed in a single month, will eliminate license processing overloads allowing more efficient use of department staff time and expedite the issuance of licenses to the applicants. Administrative Rule L-1 is also amended to include pertinent language relating to letters of credit issued by a financial institution in this state and insured by an agency of the United States Government. The proposal changes references from the State Board of Insurance to the Texas Department of Insurance as consistent with the requirements of House Bill 1461. The amendments also correct various typographical and grammatical errors that currently exist in the Basic Manual.

David Durden, deputy commissioner for property and casualty lines, has determined that for the first five-year period the proposal is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section. Mr. Durden has determined that there may be a small fiscal impact on one title insurance underwriter with respect to the proposed conversion to the staggered renewal system. One underwriter estimated that for the first five-year period the proposal is in effect it would cost \$2,600 in new software and labor to convert to the staggered renewal system. Out of the six underwriters reporting on the fiscal impact of converting to a staggered renewal system, five underwriters reported that it would have no fiscal impact while one underwriter reported \$2,600 in conversion expenses. Four title insurance agents were also consulted regarding the fiscal impact of converting to a staggered renewal system and all reported that it would have no fiscal impact. Mr. Durden has further determined that there will be no other implications for the local economy and no impact on local employment as a result of administering the proposed section.

Mr. Durden also has determined that for each year of the first five years the proposed amendment is in effect, the public benefit anticipated as a result of enforcing the amendment will be a more efficient and cost effective system of licensing title insurance agents, title insurance escrow officers and direct operations. One of the most important benefits of the staggered renewal system for licensees will be that individuals who hold both title agent and escrow officer licenses will have the same renewal date for both licenses. This will simplify license renewal and the monitoring of continuing education credits necessary to maintain these licenses. There is no anticipated economic cost to persons or business entities who are required to comply with the section as proposed.

Comments on the proposal to be considered by the department must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Alicia M. Fechtel, General Counsel and Chief Clerk, Texas Department of Insurance, P.O. Box 149104, Mail Code 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to David Durden, Deputy Commissioner for Property and Casualty Lines, Mail Code 103-1L, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. Request for a public hearing should be submitted separately to the Chief Clerk's office.

The amendment is proposed under the Insurance Code, Articles 9.36, 9.42, 9.43, 9.36A, 21.01-2, and 1.03A and the Government Code, §§2001.004 et seq. Article 9.36 authorizes the department to accept applications, issue, renew, and cancel title insurance agents' licenses and provides for a staggered renewal system to be adopted under Article 21.01-2. Article 9.42 authorizes the department to adopt a system of staggered renewal for escrow officers' licenses under Article 21.01-2. Article 9.43 authorizes the department to accept applications for escrow officers' licenses and to grant such license. Article 9.36A authorizes the department to accept applications, issue, and renew direct operations' licenses and provides for the adoption of a staggered renewal system under Article 21.01-2. Article 21.01-2 authorizes the commissioner by rule to adopt a staggered renewal system under which licenses expire on various dates during a licensing period. Article 1.03A authorizes the commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. The Government Code, §§2001.004 et seq (Administrative Procedure Act) authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

The following statutes are affected by this proposal: Insurance Code, Articles 9.36, 9.37, 9.42, 9.43, 9.44, 9.36A, and 21.01-2

§9.1. *Basic Manual Of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas.* The Texas Department of Insurance adopts by reference the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas as amended effective March 1, 1996 [August 1, 1995]. The document is published by and is available from Hart Information Services, 11500 Metric Boulevard, Austin, Texas 78758, and is available from and on file at the Texas Department of Insurance, Title Insurance Section, Mail Code 105-3B, 333 Guadalupe Street, Austin, Texas 78701-1998.

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 January 22, 1996.

TRD-9600890

Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Earliest possible date of adoption: February 26, 1996

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 88. Special Management Programs

• 37 TAC §88.1

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

The Texas Youth Commission (TYC) proposes the repeal of §88.1, concerning special management and treatment program for assaultive youth. This section is being repealed and a new replacement section proposed in this publication to allow changes in rules of operation which are more consistent with legislative intent and agency mission regarding committed juvenile delinquents.

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

Mr. Franks also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the replacement by a new rule which encourages more efficient agency operation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

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

The proposed repeal implements the Human Resource Code, §61.034.

§88.1. Special Management and Treatment Program for Assaultive Youth.

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 January 18, 1996.

TRD-9600735

Steve Robinson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: February 26, 1996

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



The Texas Youth Commission (TYC) proposes new §88.1, concerning special management and treatment program for assaultive youth. The new section will provide guidelines for TYC staff to determine when a TYC youth is eligible for the special management and treatment program.

John Franks, Director of Finance, 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. Franks 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 more efficient agency operation. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The new section is proposed under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to order confinement under conditions it believes best designed for the child's welfare and the interests of the public.

The proposed rule implements the Human Resource Code, §61.034.

§88.1. Special Management and Treatment Program for Assaultive Youth.

(a) The Texas Youth Commission (TYC) provides a special management and treatment program for youth residing in TYC operated institutions who are assaultive or self destructive. The program is provided within each institutional setting for youth whose continued presence in the general population poses a serious threat to life, property, self, staff, or other youth. Youth who do not respond to regular program services including security admission for short term crisis intervention, may be admitted to a special management and treatment program for aggressive and assaultive behaviors. The program is comprised of a strong counseling component and a system of graduated reintegration into the general population.

(b) Youth considered for the special management and treatment program must meet admission criteria. Eligible youth are those who instigate or engage in one or more of the following behaviors:

- (1) assault of TYC staff;
- (2) one or more serious assaults on a student resulting in bodily injury;
- (3) willful destruction of property;
- (4) escape with exacerbating circumstances, e.g., aggravated assault, arson, or possession of a weapon;
- (5) serious self-abuse or engage in suicidal behavior.

(c) A fact finding level II hearing is held to determine whether a youth meets behavioral criteria.

(d) Program admission must be recommended by a mental health professional. The recommendation is based on a determination that the following criteria is met.

- (1) The youth poses a continuing risk for assaultive behavior, injury to self and/or destruction of property; and
- (2) less restrictive intervention is unlikely to manage the risk.

(e) An individualized treatment program is developed for each youth. The plan consists of performance objectives which the youth must meet in order to be returned to the general population.

(f) A youth who has once successfully completed the program shall not be returned unless admission criteria has been met for a different incident.

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 January 18, 1996.

TRD-9600734

Steve Robinson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: February 26, 1996

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



Chapter 93. General Provisions

Death of a Youth

• 37 TAC §93.1

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

The Texas Youth Commission (TYC) proposes the repeal of §93.1, concerning death of a youth. This section is being repealed and a new replacement section proposed in this publication to allow changes in rules of operation which are more consistent with legislative intent and agency mission regarding committed juvenile delinquents.

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

Mr. Franks also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the replacement by a new rule which encourages more efficient agency operation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

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

The proposed repeal implements the Human Resource Code, §61.034.

§93.1. Death of a Youth.

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 January 18, 1996.

TRD-9600737 Steve Robinson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: February 26, 1996

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

◆ ◆ ◆
The Texas Youth Commission (TYC) proposes new §93.1, concerning death of a youth. The new section will provide guidelines for responding to the death of a TYC youth,

John Franks, Director of Finance, 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. Franks 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 more efficient agency operation. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

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

The proposed rule implements the Human Resource Code, §61.034.

§93.1. Death of a Youth.

(a) The Texas Youth Commission (TYC) responds to the death of a youth in a responsible and sensitive manner.

(b) On the death of a youth residing in a TYC residential facility, the following actions are taken.

(1) The following should be notified immediately:

(A) local law enforcement officials;

(B) program administrator/regional director;

(C) executive director or designee;

(D) the youth's family; and

(E) the youth rights administrator.

(2) The agency cooperates fully with any external investigation and conducts an internal investigation into the circumstances of the death. The investigation is conducted in accordance with alleged mistreatment policy.

(3) An autopsy is sought by TYC staff who work with the medical examiner and the family as needed to arrange an autopsy.

(4) The youth's family is responsible for burial arrangements. If the family is unable or unwilling to assume such responsibility, TYC will ensure an appropriate burial.

(c) On the death of a youth residing in a home placement, the following actions are taken.

(1) TYC staff is immediately notified.

(2) An investigation by TYC is generally not conducted unless the youth was under the supervision of a TYC residential program staff or contract staff at the time of death.

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 January 18, 1996.

TRD-9600736 Steve Robinson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: February 26, 1996

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

◆ ◆ ◆ Transportation of Youth

• 37 TAC §93.31

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

The Texas Youth Commission (TYC) proposes the repeal of §93.31, concerning transportation of youth. This section is being repealed and a new replacement section proposed in this publication to allow changes in rules of operation which are more consistent with legislative intent and agency mission regarding committed juvenile delinquents.

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

Mr. Franks also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the replacement by a new rule which encourages more efficient agency operation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

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

The proposed repeal implements the Human Resource Code, §61.034.

§93.31. *Transportation of Youth.*

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 January 18, 1996.

TRD-9600739

Steve Robinson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: February 26, 1996

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

◆ ◆ ◆
The Texas Youth Commission (TYC) proposes new §93.31, concerning transportation of youth. The new section will specify guidelines for transporting TYC youth among TYC facilities and community corrections programs.

John Franks, Director of Finance, 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. Franks 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 more efficient agency operation. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

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

The proposed rule implements the Human Resource Code, §61.034.

§93.31. *Transportation of Youth.*

(a) Transportation of Texas Youth Commission (TYC) youth among its facilities and community corrections programs is coordinated by the statewide transportation unit, regional transportation, or individual programs.

(b) The statewide transportation unit provides transportation primarily between programs involving an institution. The unit may provide courtesy transportation and may assist in coordinating transportation of youth between TYC programs not involving an institution, including interstate compact movements, and some new commitments.

(c) Counties are responsible for transporting all new commitments to a TYC assessment unit and for providing all transportation necessary to meet requirements of a bench warrant.

(d) Mechanical restraints will be used when youth are being transported by the transportation unit. They may be used during transportation by others when circumstances create a risk of escape or harm and in accordance with GOP.67.09, §91.59 of this title (relating to Use of Force).

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 January 18, 1996.

TRD-9600738

Steve Robinson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: February 26, 1996

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part XX. Texas Workforce Commission

Chapter 801. Local Workforce Development Boards

• 40 TAC §801.2

The Texas Workforce Commission proposes new §801.2, concerning waivers which may be granted regarding service delivery, board staffing and developmental services. Only under exceptional circumstances will such waivers be allowed.

The Labor Code, as amended by Chapter 655, Acts of the 74th Legislature, 1995, requires the Commission to establish objective criteria for the granting of waivers to local workforce development boards.

C. Ed Davis, Deputy Administrator for Legal Affairs, has determined that for the first five years the section as proposed is in effect, there will be minimal fiscal implications as a result of enforcing or administering the rule. There will be no additional costs for state government as a result of enforcing or administering the rule. Reductions in costs to the state will depend on program consolidation and local involvement and cannot be estimated. Any costs to local governments choosing to operate under a plan including waivers are entirely within the control of the local government and cannot be estimated.

Mr. Davis also has determined that for the first five years the section as proposed is in effect, the public benefit anticipated as a result of enforcing the section will be improved coordination of and access to workforce training and services programs at the local level. There will be no economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Leslie Geballe, Intergovernmental Relations, Texas Workforce Commission Building, 101 East 15th Street, Room 662, Austin, Texas 78778, (512) 463-2213.

The new section is proposed under Texas Civil Statutes, Labor Code, §302.063, as amended by Chapter 655, Acts of the 74th Legislature, 1995, which direct the Texas Workforce Commission to develop objective criteria for the granting of waivers under Texas Civil Statutes, Government Code, §§2308.264, 2308.267, and 2308.312.

No other statute, article or code will be affected by this proposal.

§801.2. *Waiver Requirements.*

(a) Purpose of Rule. The Workforce and Economic Competitiveness Act, §§2308.264, 2308.267, and 2308.312, Government Code, Texas Civil Statutes, sets forth prohibitions regarding service delivery, board staffing, and developmental services. Only under exceptional circumstances will waivers from such prohibitions be allowed.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly requires otherwise.

(1) Board—A local workforce development board as created under the Workforce and Economic Competitiveness Act.

(2) Developmental services—Program services designed to increase a participant's basic education and skill level, including adult basic education courses, GED preparatory courses, adult literacy programs, and occupational skills training.

(3) One-Stop services—Services provided at a Career Development Center, established by a board, including:

(A) access to labor market information in the workforce area;

(B) individual education, training, and employment referral services;

(C) assessment of individual needs and the development of an individual service strategy;

(D) support services, including child care assistance, loans, and other forms of financial assistance required to participate in and complete training;

(E) eligibility determination for state and federal benefit programs, including Food Stamp Employment and Training and unemployment insurance benefits;

(F) job readiness programs;

(G) life skills programs;

(H) job search seminars; and

(I) other employment services.

(4) Person—Any individual, sole proprietorship, partnership, corporation or other legal entity.

(5) Workforce education—Articulated career-path programs and the constituent courses of those programs that lead to initial or continuing licensing or certification or associate degree-level accreditation and that are subject to:

(A) initial and ongoing state approval or regional or specialized accreditation;

(B) a formal state evaluation that provides the basis for program continuation or termination;

(C) state accountability and performance standards; and

(D) a regional or statewide documentation of the market demand for labor according to employers' needs.

(6) Workforce training and services—Training and services programs that are not "workforce education." Such services include intake and eligibility assessment, life skills training, job search seminars, and job readiness programs.

(c) Independent Service Delivery. A board may not directly provide workforce training and services.

(d) Separate Staffing. A board may employ professional, technical, and support staff to carry out its strategic planning, oversight, and evaluation functions. The board's staff shall be employed separately and independently of any organization which provides workforce education or workforce training and services in the workforce development area. Further, the board's staff may not be employed by, or provide services to, any other person in conflict with the board's duties and functions under the Act.

(e) Developmental Services. A person who provides "one-stop" services at a Career Development Center may not also provide developmental services. Persons seeking developmental services must be referred to the full range of services available in the region and must not be unduly influenced to participate in any training services made available by a particular provider.

(f) Requesting a Waiver of the Requirements.

(1) The board may submit its written request for a waiver under subsection (c), (d), or (e) to the Commission at any time in the board's planning process, including at the time of submission of the strategic plan.

(2) A request for a waiver of any of the requirements under subsection (c), (d), or (e) must contain a detailed justification for the request, including, but not limited to, the following:

(A) documentation of the process used to notify the public and interested parties of the solicitation of bids for the provision of necessary services;

(B) details of any bids or inquiries received as a result of public notice and solicitation for bids, including, responses given to any inquiries received;

(C) criteria used to evaluate any bids received;

(D) methodology used to determine the lack of any existing qualified alternative;

(E) cost-effectiveness;

(F) prior experience;

(G) geographic or budgetary considerations;

(H) availability of qualified applicants;

(I) a detailed proposal for the provision of such services should a waiver be granted; and

(J) whether the Texas Workforce Commission is able to provide the needed services in the area.

(g) Duration of Waiver.

(1) A waiver may be granted for a period not to exceed the effective date of an approved plan and budget.

(2) A waiver may be conditioned upon the board's completion of measures taken to eliminate the need for a waiver.

(h) Changed Circumstances.

(1) The board shall timely notify the Commission of any material change in circumstances that may bear upon the Commission's decision on the waiver request.

(2) If the Commission becomes aware of a change in circumstances materially affecting its decision to grant a waiver, the Commission may review its decision and require the board to submit information regarding the continued need for the waiver.

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 January 18, 1996.

TRD-9600807

C. Ed Davis
Deputy Administrator for Legal Affairs
Texas Workforce Commission

Earliest possible date of adoption: February 26, 1996

For further information, please call: (512) 463-2291

◆ ◆ ◆

• 40 TAC §801.3

The Texas Workforce Commission proposes new §801.3, concerning submission of plans, plan modification and amendments.

The Labor Code, as amended by Chapter 655, Acts of the 74th Legislature, 1995, requires the Commission to establish a state-local planning process for workforce training and services, to review plans, and to make recommendations regarding implementation of those plans to the Texas Council on Workforce and Economic Competitiveness.

C. Ed Davis, Deputy Administrator for Legal Affairs, has determined that for the first five years the section as proposed is in effect, there will be minimal fiscal implications as a result of enforcing or administering the rule. There will be no additional costs for state government as a result of enforcing or administering the rule. Reductions in costs to the state will depend on program consolidation and local involvement and cannot be estimated. Any costs to local governments choosing to cooperate under a plan are entirely within the control of the local government and cannot be estimated.

Mr. Davis also has determined that for the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section will be improved coordination of and access to workforce training and services programs at the local level. There will be no economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Leslie Geballe, Intergovernmental Relations, Texas Workforce Commission Building, 101 East 15th Street, Room 662, Austin, Texas 78778, (512) 463-2213.

The new section is proposed under Texas Civil Statutes, Labor Code, §302.041 and §302.042, as amended by Chapter 655, Acts of the 74th Legislature, 1995, which direct the Texas Workforce Commission to design and implement a state-local planning process for workforce training and services, to review local plans and to make recommendations to the Texas Council on Workforce and Economic Competitiveness regarding plan implementation.

No other statute, article or code will be affected by this proposal.

§801.3. Requirements for Submission of Local Workforce Training and Services Plans, Modifications and Amendments.

(a) Purpose of Rule.

(1) All workforce training and services plans and budgets developed pursuant to state and federal law by a local workforce development board shall be submitted to the Workforce Division of the Texas Workforce Commission for review.

(2) Before a plan and budget will be forwarded by the Commission to the Texas Council on Workforce and Economic Competitiveness (TCWEC) for approval, all requirements of this section must be met.

(b) Standards for Submission. A local workforce training and services plan and budget will be reviewed according to criteria established by the Commission. The Commission will provide guidelines for strategic planning and budgeting to local boards.

(c) Plan Modification or Amendment. An approved plan and budget may be changed by either modification or amendment. Either method of change must be submitted to the Commission for review before implementation.

(1) A modification is a substantial revision of a plan and budget. The Commission will provide criteria to local boards that will define what constitutes a substantial revision. Each modification must provide evidence that a majority of the Chief Elected Officials (CEOs) of a local workforce delivery area have approved the modification.

(2) An amendment is a minor adjustment to a plan and budget. The Commission will provide criteria to local boards that will define what constitutes a minor adjustment. An amendment does not require approval by a majority of the CEOs of a local workforce delivery area.

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 January 18, 1996.

TRD-9600806

C. Ed Davis
Deputy Administrator for Legal Affairs
Texas Workforce Commission

Earliest possible date of adoption: February 26, 1996

For further information, please call: (512) 463-2291



WITHDRAWN RULES

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

TITLE 16. ECONOMIC REGULATION Part I. Railroad Commission of Texas Chapter 3. Oil and Gas Division

Conservation Rules and Regulations

• 16 TAC §3.10

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption a proposed amendment to §3.10, which appeared in the September 5, 1995, issue of the *Texas Register* (20 TexReg 6877). The effective date of this withdrawal is January 17, 1996.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600707 Mary Ross McDonald
Acting General Counsel, Office of General Counsel
Railroad Commission of Texas

Effective date: January 17, 1996

For further information, please call: (512) 463-7008

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board Chapter 363. Financial Assistance Programs

Subchapter B. State Water Pollution Control Revolving Fund

Introductory Provisions

• 31 TAC §363.205

The Texas Water Development Board has withdrawn from consideration for permanent adoption a proposed amendment to §363.205, which appeared in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8401). The effective date of this withdrawal is January 18, 1996.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600753 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: January 18, 1996

For further information, please call: (512) 463-7981

Chapter 375. State Water Pollution Control Revolving Fund

Program Requirements

• 31 TAC §375.18

The Texas Water Development Board has withdrawn from consideration for permanent adoption a proposed amendment to §375.18, which appeared in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8406). The effective date of this withdrawal is January 18, 1996.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600756 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: January 18, 1996

For further information, please call: (512) 463-7981

Name: Edward Farias
Grade: 11
School: Harlandale High School, Harlandale ISD



ADOPTED RULES

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

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 5. Quarantines

Imported Fire Ant Quarantine

• 4 TAC §5.400, §5.401

The Texas Department of Agriculture (the department) adopts amendments to §5.400 and §5.401, concerning quarantined areas and quarantined articles, without changes to the proposed text as published in the November 7, 1995, issue of the *Texas Register* (20 TexReg 9238).

The amendment to §5.400 is adopted in order to stop the artificial movement of Red Imported Fire Ants out of currently infested areas of the state. Surveys conducted by the department indicate Red Imported Fire Ant infestations are present in Ector, Hidalgo, and Willacy counties. The amendment adds these counties to the list of quarantined areas. The amendment to §5.401 parallels the language found in 7 Code Federal Regulations §301.81 and §301.82. The amendment will remove hay and straw as a quarantined article except baled hay and baled straw stored in direct contact with the ground.

The amendment to §5.400 will allow the department to quarantine areas infested with Red Imported Fire Ants in an effort to stop the movement of the pest out of currently infested areas of the state. The amendment to §5.401 updates the list of regulated articles.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, §71.002, which provides the Texas Department of Agriculture with the authority to establish quarantines against diseases and pests found within the state; and §71.007, which authorizes the department to adopt rules necessary for the protection of agricultural and horticultural interests.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600681 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Effective date: February 7, 1996

Proposal publication date: November 7, 1995

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

Chapter 9. Plant Quality

Citrus Fruit Maturity Standards

• 4 TAC §9.30

The Department of Agriculture (the department) adopts the repeal of §9.30, concerning citrus fruit juice content requirements, without

changes to the proposed text as published in the August 29, 1995, issue of the *Texas Register* (19 TexReg 3044).

This section is being repealed in order to comply with statutory changes made by the 74th Legislature, Regular Session, 1995, in accordance with Senate Bill 1146.

The department is adopting new §§10.1-10.6 to combine the current citrus fruit juice content requirement regulation, standards for minimum acceptable ratios of soluble solids to anhydrous citric acid in the fruit, and seasonal requirements of citrus fruit for fitness for human consumption into one consolidated rule concerning citrus fruit maturity standards.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Agriculture Code, §94.003, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for the efficient enforcement and administration of the Citrus Fruit Maturity Standards.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600682 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Effective date: February 7, 1996

Proposal publication date: August 29, 1995

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

Chapter 10. Citrus

• 4 TAC §§10.1-10.6

The Texas Department of Agriculture (the department) adopts new §§10.1-10.6, concerning citrus fruit maturity standards, without changes to the proposed text as published in the August 29, 1995, issue of the *Texas Register* (20 TexReg 6726).

The new sections are adopted to establish maturity standards for grapefruit and oranges to ensure that grapefruit or oranges that are immature or otherwise unfit for human consumption are not prepared, received, transported, or offered for sale.

The new sections will function to establish minimum acceptable ratios of soluble solids to anhydrous citric acids in the fruit and to establish minimum juice content requirements as they relate to the size of grapefruit and oranges. The new sections also adopted to establish procedures to determine soluble solids and anhydrous citric acid contents in the fruit.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Agriculture Code, §94.003, which provides the Texas Department of Agriculture with the authority to adopt rules that define maturity standards for grapefruit and oranges.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600683 Dolores Alvarado Hibbs
Chief Administrative Law Judge
Texas Department of Agriculture

Effective date: February 7, 1996

Proposal publication date: August 29, 1995

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

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TITLE 7. BANKING AND SECURITIES
Part V. Office of Consumer Credit
Commissioner

Chapter 81. Practice and Procedure

• **7 TAC §§81.1-81.49**

The consumer credit commissioner of Texas (the commissioner) adopts the repeal of the entirety of Chapter 81 of Title 7, specifically 7 TAC §§81.1-81.49, concerning practice and procedure before the Office of Consumer Credit Commissioner, without changes to the proposed text as published in the July 21, 1995, issue of the *Texas Register* (20 TexReg 5349). Chapter 81 of Title 7 would conflict with adoption of new, omnibus rules governing practice and procedure before the finance commission and each of the three agencies under its jurisdiction, the Office of Consumer Credit Commissioner, the Texas Department of Banking, and the Savings and Loan Department.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Government Code, §2001.004(1) and §2001.021(b), Texas Civil Statutes, which require all administrative agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures and petitions for rule making.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600663 Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Effective date: February 7, 1996

Proposal publication date: July 21, 1995

For further information, please call: (512) 479-1281

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TITLE 16. ECONOMIC REGULATION
Part II. Public Utility Commission of
Texas

Chapter 23. Substantive Rules

Records and Reports

• **16 TAC §23.18**

The Public Utility Commission of Texas adopts new §23.18, with changes to the proposed text as published in the July 21, 1995, issue of the *Texas Register* (20 TexReg 5360), concerning investment in foreign utility companies (FUCOs) by Texas holding companies which are exempt under §3 of the Public Utility Holding Company Act of 1935, codified at 15 U.S.C. 79.

Section 715 of the Energy Policy Act of 1992, codified as 15 U.S.C. 79z-5b, contains provisions requiring exempt holding companies owning a FUCO to provide to the SEC certification by every State commis-

sion having jurisdiction over the company's electric utility's retail rates that the State commission has "the authority and resources to protect ratepayers subject to its jurisdiction and that it intends to exercise its authority."

Before the commission will make such a certification to the SEC, it must have certain information and assurances from the holding company. The rule, §23.18, states the policy considerations guiding the commission's deliberations about certification, and specifies the information which the commission requires from the holding company. The commission, in issuing or denying a certification, or withdrawing a previously-issued certification, does not make any judgment about the safety or prudence of any particular FUCO investment, or of the holding company's portfolio of investments.

Comments were received, and a public hearing was held on November 27, 1995. Commenters included Texas Utilities (TU), Houston Industries (HI), Central and South West Corporation (CSW), Gulf States Utilities/Entergy (GSU), and the Office of Public Utility Counsel (OPC). All comments submitted, including those not specifically referenced herein, were fully considered by the commission.

TUEC, HI, and CSW initially commented that no rule was necessary, because under PURA the commission clearly had the authority to protect ratepayers, that the commission had the necessary resources, and that the commission had no intention of not exercising its authority. This position was not re-urged during the public hearing.

HI commented that requiring a filing in any detail might put a utility holding company at a disadvantage compared to an unregulated entity competing in the same international market. The commission has mitigated this result by providing a safe harbor which, if met, would allow the holding company to compete in international markets without advance filings. If the safe harbor is not met, the commission believes that the possibility that ratepayers of a utility might be harmed by a FUCO transaction justifies extra scrutiny, in a process which does not place regulated utilities' affiliates at an unreasonable disadvantage.

HI proposed that firms seeking certification, or continuation of certification, be required to submit only an annual letter assuring the commission that ratepayers would be protected, and making certain commitments. Those commitments were those which had been informally in place for more than a year with HI, and were applied to TU's request for certification. HI recommended that if a proposed FUCO investment would put the firm over a stated threshold, or for some other reason a firm could not make the specified undertaking, a more detailed filing, resembling that proposed in the rule as published, could be required. The commission amends the proposed rule to require the holding company to file an initial corporate undertaking and certain periodic filings. If the holding company exceeds the safe harbor limits, it is required to submit more detailed information on a case-by-case basis if it wishes to retain certification.

HI and TU commented that the appropriate safe harbor measure should be 50% of the consolidated net worth of the holding company. The rule is intended to protect utility ratepayers. A key factor is the ability of the utility and its affiliates to raise capital at a reasonable cost. Because the holding company is an important source of the capital invested by the utility, its ability to raise capital (especially equity, the most expensive type of capital) protects the core business and its ratepayers economically. Net worth is a widely used indicator of a firm's overall financial strength and its ability to access the capital markets, and is an appropriate threshold measure. The commission notes also that the provision is only a safe harbor, not a ceiling, and exceeding the limit only raises the possibility of further inquiry by the commission; it does not trigger decertification. The commission amends the proposed rule to make the threshold 30% of consolidated net worth. In addition, two other provisions have been added to the rule to provide further protection for ratepayers. First, the utility will annually file a forecast of its cash flow so that its ability to finance its operations can be monitored. Second, the holding company will promptly notify the Commission if aggregate losses over the previous four quarters attributable to its direct or indirect investments in foreign EWGs and FUCOs exceed a threshold of 5.0% of consolidated retained earnings.

OPC commented that the risk to ratepayers does not depend on whether a particular foreign investment is a FUCO or a foreign exempt wholesale generator (EWG). The commission amends the proposed rule to define the safe harbor comparison to be between consolidated net worth and aggregate investments in foreign utilities, whether

FUCOs or foreign EWGs. The commission also defines "aggregate investments," which include preliminary development costs.

GSU objected to the requirement that the utility demonstrate that a company's FUCO investments have occasioned no negative effect on cost of capital or revenue requirements. The commission believes that this demonstration is necessary and appropriate, and not overly burdensome, when the holding company's investments exceed the safe harbor threshold.

HI and TU commented that requiring notification at least 30 days before an investment was finalized was unrealistically long in many fast-moving situations. The commission amends the proposed rule to provide for a good cause exception to that time limit.

HI commented that "material change" was not defined. The commission amends the proposed rule to provide a definition.

HI and TU commented that much of the material called for by the rule would be sensitive and require protection. OPC agreed, but suggested that once a deal is either abandoned or consummated, the need for confidentiality may vanish. The commission amends the proposed rule to provide for protection of confidential information.

OPC suggested that reports similar to those required of exempt holding companies also be required of registered holding companies which are affiliated with Texas jurisdictional utilities. CSW commented that such an extension is not warranted, primarily because adequate protection of ratepayers is afforded by SEC review of registered holding companies' investments. The commission believes that adoption of the extension recommended by OPC is unnecessary at this time unless or until federal legislative amendments occur.

OPC suggested requiring that if a filing other than the annual filing is required in connection with a FUCO investment, the size and structure of the investment be reported. It also suggested requiring identification of the FUCO's place in the holding company's structure. The commission amends the proposed rule to incorporate these provisions.

OPC commented that ready access, at least by the Commission and OPC, to the books and records of FUCOs would better enable the commission to identify harmful effects on ratepayers occasioned by events concerning a FUCO. The commission amends the proposed rule to require a firm requesting certification to undertake to provide reasonable access to the Commission upon request.

OPC commented that an assertion by a firm that it has procedures in place to protect ratepayers is very general, and that a specific description of those procedures would be helpful. The commission amends the proposed rule to include, as one of the undertakings, that the utility will make available the pertinent documents.

The new rule is adopted under Texas Civil Statutes, the Public Utility Regulatory Act of 1995, Senate Bill 319, §1.101, 74th Legislature, Regular Session 1995, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

The following statute is affected by this rule: the Public Utility Regulatory Act of 1995, Senate Bill 319, 74th Legislature, Regular Session 1995.

§23.18. Foreign Utility Company Ownership by Exempt Holding Companies

(a) Upon request by a holding company which is exempt under §3 of the Public Utility Holding Company Act of 1935, codified at 15 United States Code 79, the commission may certify to the SEC that the commission has the authority and resources to protect ratepayers and that it intends to exercise its authority over holding companies owning both a jurisdictional utility and a foreign utility company (FUCO) under the safe harbor provisions of subsection (c) of this section, or the case-by case review provisions of subsection (d) of this section. The commission may also notify the SEC that a previously-issued certification regarding a requesting holding company will be ineffective prospectively.

(b) The commission will seek to protect the public interest in having electricity service available to all citizens of the state at

just, fair, and reasonable rates that are unaffected by investments by exempt holding companies in foreign utility companies (FUCOs), while avoiding strictures that would place exempt holding companies at a competitive disadvantage in international markets. The commission will consider these policy goals in each decision whether to issue a certification or to notify the SEC that a previously-issued certification is prospectively withdrawn.

(c) The following safe harbor provisions shall be applicable to investments in FUCOs by exempt holding companies that are affiliated with electric utilities subject to the regulatory jurisdiction of the commission:

(1) The commission shall certify to the SEC that the commission has the authority and resources to protect ratepayers subject to its jurisdiction and that it intends to exercise its authority, provided that all holding companies of electric utilities that are subject to the regulatory jurisdiction of this commission shall have filed with the commission corporate undertakings, signed under oath by an authorized executive officer of the holding company agreeing to adhere to the covenants and to make the filings specified in paragraph (2) of this subsection.

(2) The holding company shall adhere to the following covenants:

(A) That any indebtedness incurred in relation to the acquisition by the holding company, or by any affiliate of the electric utility, of an ownership interest in a FUCO will be without recourse to the electric utility;

(B) That the electric utility, the holding company, or any affiliate of the electric utility will not enter into any agreements under the terms of which the electric utility is obligated to commit funds in order to maintain the financial viability of a FUCO or an affiliate of the electric utility investing in a FUCO;

(C) That the electric utility will not provide, directly or indirectly, any guarantees or other forms of credit support for any funds borrowed by the holding company or an affiliate of the electric utility in connection with the acquisition of any ownership interest in a FUCO;

(D) That the electric utility, the holding company, or any affiliate of the electric utility will not make any investment in a FUCO under circumstances in which the electric utility would be liable for the debts and/or liabilities of the FUCO incurred as a result of acts or omissions of the FUCO;

(E) That the electric utility will maintain and provide a copy to the commission of its accounting policies and procedures that assure that the electric utility is adequately and fairly compensated by the holding company or an affiliate of the electric utility for any use of the electric utility's assets or personnel in furtherance of a FUCO;

(F) That the holding company provides the commission reasonable access to books and records and financial statements, or copies thereof, of the FUCO or other affiliate doing business with the FUCO, in English and stated in United States dollars, as the commission may request to:

(i) review transactions between the utility and such FUCO or affiliate pursuant to §1.271 of the Act; and

(ii) review transactions between any affiliate and the FUCO if such affiliate also has transactions directly or indirectly with the utility;

(G) That the holding company will file with the commission quarterly a report listing the total amount of the aggregate investments by the holding company and its subsidiaries and the percentage of the holding company's consolidated net worth, from the company's most recent SEC form 10Q, represented by such investments:

(i) "Aggregate investment" means all amounts invested, or committed to be invested, in exempt wholesale generators located outside the United States (foreign EWGs) and FUCOs, for which there is recourse, directly or indirectly, to the holding company. Among other things, the term shall include preliminary development expenses that culminate in the acquisition of a foreign EWG or a FUCO.

(ii) Such report shall be filed no later than ten days following the filing of the 10-Q for the quarter.

(H) That in the event the holding company anticipates making any investment in a FUCO that would result in the aggregate investment as defined in subparagraph (G) of this paragraph of such holding company exceeding 30% of the consolidated net worth of such holding company, the holding company shall so advise the commission before a final commitment to ownership of such FUCO is made;

(I) That the electric utility will provide, by March 31 of each year, a copy of the electric utility's three-year cash flow forecast;

(J) That the holding company will provide to the commission all SEC forms for reporting information related to foreign EWG and FUCO investments, no later than ten days after such forms are provided to the SEC;

(K) That the holding company will promptly notify the commission whenever any of the following occurs:

(i) it is unable to provide the certifications, undertakings, or documents provided for in this paragraph;

(ii) the aggregate investment exceeds 30% of consolidated net worth;

(iii) the holding company's operating losses attributable to its direct or indirect investments in foreign EWGs and FUCOs exceeded 5.0% of consolidated retained earnings during the previous four quarters; and

(L) That the holding company will comply with the informational filing requirements of subsection (d) of this section in connection with a contemplated investment in a FUCO, unless the commission finds good cause not to require the holding company to provide such additional information.

(d) For any occasion for which a holding company has undertaken to notify the commission of an event specified in subsection (c)(2)(H) or (K) of this section, the following provisions apply:

(1) The holding company shall provide the following information, to the extent such information is reasonably available at the time of submission of the filing, at least 30 days before the date when it anticipates making a final commitment to ownership of a FUCO not already covered by a certification letter:

(A) A description of the proposed investment, including a description of the FUCO assets being acquired, their geographical location, the form of the investment (partnership, joint venture,

direct purchase, etc.), the holding company's percentage share of the investment, a description of how the investment will fit into the corporate subsidiary structure, and any other information reasonably necessary in the opinion of the holding company to provide a complete overview of the nature of the proposed investment;

(B) Any financial requirements and/or commitments by the holding company or the utility that will be made or assumed as a result of this investment; this information should include, but is not limited to, an estimate of the amount of equity capital to be invested;

(C) Any debt obligations resulting from this investment which will provide recourse to the holding company or the utility;

(D) The holding company's general corporate objectives regarding diversification and foreign utility investments, and the specific objectives of the proposed FUCO investment;

(E) A statement that the utility has effective written policies and accounting procedures which insure that any use by the FUCO of assets or personnel of an affiliate of the utility, or other transactions between the FUCO and an affiliate of the utility shall not negatively affect Texas ratepayers; and a statement that the utility will demonstrate in each subsequent rate proceeding before the commission, and each subsequent audit, that no FUCO investment increased the cost of capital or revenue requirement of the utility;

(F) A calculation, based on the holding company's most recent SEC Form 10Q, of aggregate consolidated holding company investments as defined in subsection (c) (2)(G) of this section as a percentage of consolidated holding company net worth, stated both before and after all asset transfers from any affiliate of the utility to FUCOs at fair market value;

(G) A statement that the holding company will provide to the commission all SEC forms for reporting information related to foreign EWG and FUCO investments, no later than ten days after such forms are provided to the SEC; and

(H) Responses to questions, if any, contained on a commission prescribed form.

(2) The notification prescribed in this subsection may be submitted less than 30 days before the date when the holding company anticipates making a final commitment to ownership of a FUCO not already covered by a certification letter upon a showing of good cause. Good cause for purposes of the preceding sentence shall be deemed to include, without limitation, a representation that the holding company lacked the information required to make a submission hereunder at an earlier date or a representation that making the submission at an earlier date would have unreasonably jeopardized the ability of the holding company to go forward with the contemplated investment.

(3) In its review of the information provided pursuant to this section, the commission will consider, among other things, the number and magnitude of prior FUCO investments by the holding company, including the diversity among the countries in which such investments are located and other differences between such investments, and the magnitude of the proposed investment and its effect on the diversity of the portfolio.

(e) Post-investment reporting. The utility shall comply with the following post-investment reporting obligations:

(1) With respect to any investment in a FUCO for which an informational filing was made pursuant to subsection (d)(1) of this section, the utility or holding company shall notify the commission no later than ten days after the holding company makes a final commitment to ownership of a FUCO that such a commitment has been made. Such notice shall include any material corrections, additions, and supplementation of previously-provided information; and

(2) For any FUCO investment covered by a certification, the utility or holding company shall notify the commission no later than 30 days after any material change in the circumstances or nature of an investment in a FUCO. Such notice shall include all appropriate corrections, additions, and supplementation of previously-provided information. A material change would include, but is not limited to, any change that would have an adverse impact of greater than 1.0% of consolidated net worth most recently reported; full or partial divestiture of the investment; a catastrophic event that destroys a significant amount of FUCO property or results in loss of life that could result in a significant liability claim; a change in the laws or government policy having a material impact on the FUCO; or an event which would place a significant restriction on the repatriation of earnings of the FUCO.

(f) Commission standards for granting or maintaining certification.

(1) In general, the commission will issue and continue certification when the aggregate investment in FUCOs and foreign EWGs is less than 30% of the holding company's consolidated net worth, and the company has satisfactorily provided the information and assurances set out in the preceding subsections.

(2) With respect to any investment in a FUCO for which an informational filing was made pursuant to subsection (d)(1) of this section, the commission shall determine on a case by case basis whether to issue a certification to the SEC or maintain a previously issued certification. The commission shall endeavor to make such a determination prior to the date when the holding company anticipates having to make a final commitment to ownership of the FUCO. If the commission determines that it does not intend to continue certification, it may inform the SEC that maintaining a previously-issued certification would be inappropriate.

(3) The commission shall notify the holding company requesting the certification or retention of certification of its decision within 45 days of receiving the request. If no action is taken by the commission within 45 days of receiving the request, the certification shall be deemed granted or affirmed.

(4) Any information submitted by a holding company pursuant to this section may be submitted by the holding company under seal. Each page tendered under seal shall have the words "Confidential Information" typed or stamped on its face. The holding company shall clearly identify each portion of the application alleged to be Confidential Information; identify the exemption to the Open Records Act, Texas Government Code, Chapter 552, applicable to the alleged Confidential Information; and provide a detailed explanation of why the alleged Confidential Information is exempt from public disclosure under the Open Records Act. If the Commission receives an Open Records Act request for disclosure of Confidential Information, then the Executive Director shall promptly so notify the holding company. The Executive Director shall timely request an Attorney General's opinion as to whether the information falls within any of the exemptions identified in Subchapter C of the Open Records Act. The Executive Director shall promptly provide to the holding company a copy of an Attorney General opinion regarding the claim of confidentiality. If an Attorney General opinion recommends disclosure of Confidential Information, either in whole or in part, then the Executive Director shall not release such information for ten calendar days, in order to allow the holding company time to pursue any legal remedies that it may have. The

holding company may require the execution of an appropriate confidentiality agreement prior to providing access to such confidential information to the Legal Division of the Office of Regulatory Affairs or other interested party. The form of any such confidentiality agreement shall be approved by the Legal Division prior to filing and included with the informational filing.

(5) Within 45 days of the effective date of this section, each holding company regarding whose FUCO investments the commission has issued a certification letter shall submit to the commission a letter listing all FUCOs in which the company has invested, and

(A) making the covenants set forth in subsection (c) of this section, or

(B) satisfying the provisions of subsection (d) of this section.

This agency hereby certifies that the section 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 January 17, 1996.

TRD-9600675

Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Effective date: February 7, 1996

Proposal publication date: July 21, 1995

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 17. Hearing Procedures for Administrative Penalties and Removal of Unauthorized or Dangerous Structures on State Land

• 31 TAC §17.2

The Texas General Land Office adopts an amendment to §17.2, concerning definitions, without changes to the proposed text as published in the November 3, 1995, issue of the *Texas Register* (20 TexReg 9147).

The amendment to this section was made to clarify statutory references to structures or facilities which present an imminent and unreasonable threat to public health, safety or welfare, and for brevity in the rules promulgated pursuant to the Texas Natural Resources Code, Chapter 51. Further, the adopted amendment defines the term "attachment," referenced in the statute and the rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Natural Resource Code, §51.3021, which provides the commissioner with the authority to make and enforce rules consistent with the law.

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 January 17, 1996.

TRD-9600711

Gary Mauro
Commissioner, General Land Office
General Land Office

Effective date: February 7, 1996

Proposal publication date: November 3, 1995

For further information, please call: (512) 305-9129

◆ ◆ ◆
• 31 TAC §17.41

The Texas General Land Office adopts an amendment to §17.41, concerning Compliance or Petition for Judicial Review, without changes to the proposed text as published in the November 3, 1995, issue of the *Texas Register* (20 TexReg 9147).

Texas Natural Resources Code, §§51.302, et seq, authorizes the commissioner of the General Land Office to assess penalties against any person who constructs, maintains, owns or possesses an unauthorized facility or structure on State land. The commissioner may remove and dispose of unauthorized facilities or structures, as well as any improvement which presents an imminent and unreasonable threat to public health, safety or welfare. The person or entity which constructed, maintained, owned or possessed the unauthorized or dangerous structure may be held liable for any costs, expenses and fees associated with the removal action. These statutory remedies, assessed in a final administrative order issued by the commissioner, allow for effective management and control of State property for the benefit of the public. The adopted amendment establishes procedures to effectively implement and enforce these laws.

The adopted amendment also reflects legislative amendments to the Texas Natural Resources Code, §51.3021. The amendment conforms the GLO's administrative rules to the amended law and clarify when a person or entity must comply with the commissioner's administrative order.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Natural Resource Code, §51.3021, which provides the commissioner with the authority to make and enforce rules consistent with the law.

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 January 17, 1996

TRD-9600710 Gary Mauro
Commissioner, General Land Office
General Land Office

Effective date: February 7, 1996

Proposal publication date: November 3, 1995

For further information, please call: (512) 305-9129

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Part X. Texas Water Development Board

Chapter 353. Introductory Provisions

General Provisions

• 31 TAC §353.15

The Texas Water Development Board (the board) adopts new §353.15, concerning a Memorandum of Understanding (MOU) between the Texas Water Development Board and the Texas State Soil and Water Conservation Board (TSSWCB), without changes to the proposed text as published in the December 12, 1995, issue of the *Texas Register* (20 TexReg 10569).

Pursuant to the 1995 Appropriations Act of the Texas Legislature, the board and the TSSWCB are required to develop this MOU to detail the cooperative efforts of the two agencies to improve outreach and service to small communities needing financial and technical assistance from the board.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out its powers and duties and Texas Water Code, §6.104, which requires the board to adopt by rule any memorandum of understanding between the board and any other state agency.

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, January 18, 1996.

TRD-9600752 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: December 12, 1995

For further information, please call: (512) 463-7981

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Chapter 363. Financial Assistance Programs

Subchapter A. General Provisions

The Texas Water Development Board (the board) adopts new §363.33, concerning Interest Rates for Loan and Purchase of Board's Interest in State Participation Projects and an amendment to §363.204, concerning Public Hearings. Amendment to §363.204 is adopted with changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8399). New §363.33 is adopted without changes and will not be republished.

New §363.33 includes the board's interest rate policy for the Water Development Fund, Water Assistance Fund, and SRF. Amendment to §363.204 provides the board an option of utilizing public review and comment period in lieu of holding public hearings before adoption of the Intended Use Plan for the SRF. Adoption of the amendment is in compliance with the Texas Water Code, Chapter 6, §6.101.

One comment was received on the proposed sections from the Environmental Protection Agency (EPA). The EPA indicated that, in its interpretation of federal law, a public hearing is required for the adoption of the project priority list. Otherwise, the EPA expressed general acceptance of the proposed changes. In response to comments received from the EPA, the proposed amendment to §363.204 was modified to reflect that while either a public hearing or period of review and comment will be held for the intended use plan, a public hearing is required for adoption of the priority list. The proposed amendment to §363.205, which provided an option for a public review and comment period in lieu of a public hearing prior to adoption of the priority list, was withdrawn.

Formal Action by the Board

• 31 TAC §363.33

The new section is adopted under the authority of the Texas Water Code, §§6.101, 16.342, and 15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including the SRF Program.

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, January 18, 1996.

TRD-9600754 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981

Subchapter B. State Water Pollution Control Revolving Fund

Introductory Provisions

• 31 TAC §363.204

The amendment is adopted under the authority of the Texas Water Code, §§6.101, 16.342, and 15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including the SRF Program.

§363.204. Public Hearings. In accordance with the Act, the board shall hold public hearings to consider adoption and approval of the priority list and amendments thereto and shall either hold public hearings or allow a period for public review and comment before adoption and approval of the annual intended use plan.

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, January 18, 1996.

TRD-9600755 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Subchapter A. General Provisions

Prerequisites to Release of State Funds

• 31 TAC §363.42

The Texas Water Development Board (the board) adopts an amendment to §363.42, concerning disclosure requirements at loan closing, without changes to the proposed text as published in the December 12, 1995, issue of the *Texas Register* (20 TexReg 10571).

New subparagraph (l) will provide that recipients of Board loans must agree to comply with requirements for continuing disclosure as if the Board were a Participating Underwriter in the manner required by the Securities and Exchange Commission Rule 15c2-12 which became effective July 5, 1995.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Water Code, §6.101, which requires the board to adopt rules that are necessary to carry out the powers and duties of the Board under the Texas Water Code and other laws of the state.

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

Issued in Austin, Texas, January 18, 1996.

TRD-9600767 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: December 12, 1995

For further information, please call: (512) 463-7981



Subchapter B. State Water Pollution Control Revolving Fund

Applications for Assistance

• 31 TAC §363.224, §363.225

The Texas Water Development Board (the board) adopts new §363.224 and §363.225, concerning a Capital Improvements Plan Option for financial assistance through the State Water Pollution Control Revolving Fund (SRF), without changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8401).

The new sections provide a methodology for funding large borrowers' ongoing capital improvement programs that address the long term process of constructing/financing wastewater infrastructure.

New §363.224 defines a two step process whereby borrowers can proceed with a project or projects by financing the construction through commercial paper, other interim financing, or system revenues and later close into permanent financing through the SRF. Under the process, borrowers may have their CIP approved by the board for eligibility and later submit financial assistance applications for any portion or combination of portions of projects in the CIP.

New §363.225 defines the procedure certain borrowers must follow to ensure the availability of project funding. The procedure outlines the need for a resolution and financing agreement from those borrowers needing either \$50 million or more in funding or a funding request that drives the timing of a Board bond sale. Binding certain borrowers with a resolution and the financing agreement reduces the additional anticipated risk of larger loans timed for specific refundings resulting in impacts on both the availability of funds and in the bond issuance proceeds, and effects on the SRF cashflow.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Water Code, §6.101 and Texas Water Code, §16.342, which requires the board to adopt rules that are necessary to carry out the powers and duties of the Board under the Texas Water Code and other laws of the state.

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

Issued in Austin, Texas, January 18, 1996.

TRD-9600750 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Subchapter E. Economically Distressed Areas Program

Economically Distressed Areas

• 31 TAC §363.511

The Texas Water Development Board (the board) adopts new §363.511, concerning a Memorandum of Understanding (MOU) between the Texas Water Development Board and the Texas Department of Housing and Community Affairs, without changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8402).

Pursuant to the 1995 Appropriations Act of the Texas Legislature, the board and the Texas Department of Housing and Community Affairs are required to develop this MOU to detail the responsibility of each agency regarding the coordination of funds out of the Economically Distressed Areas Program, administered by the board, and the Colonia Fund, administered by the Texas Department of Housing and Community Affairs so as to maximize delivery of the funds and minimize administrative delay in their expenditure.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Water Code, §6.104, which requires the board to adopt by rule any memorandum of understanding between the board and any other state agency.

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, January 18, 1996.

TRD-9600751 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981

Chapter 375. State Water Pollution Control Revolving Fund

The Texas Water Development Board (the board) adopts amendments to §§375.1-375.3, 375.14, 375.17, 375.36, 375.38, 375.51, 375.61, 375.75, 375.86, and 375.102; repeal of §§375.12, 375.13, 375.19, and 375.87; and new §375.19 and §375.52, concerning the State Water Pollution Control Revolving Fund. The amendment to §375.14 is adopted with changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8404). Amendments to §§375.1-375.3, 375.17, 375.36, 375.38, 375.51, 375.61, 375.75, 375.86, and 375.102; repeal of §§375.12, 375.13, 375.19, and 375.87; and new §375.19 and §375.52 are adopted without changes and will not be republished.

When the board originally implemented the SRF program, it was required to pass on to borrowers a number of Federal requirements as long as capitalization grant funds were used to fund projects. These requirements were known as "equivalency" requirements and consisted of a group of 16 requirements from Title II of the Act and a number of other federal requirements that append to all programs using federal funds (crosscutting requirements). The board began the program in 1988 with the specific intent of funding projects to satisfy all of the federal requirements as soon as possible so it could eliminate these requirements for future applicants. By early 1992, the board projected it was near satisfying the adopted new rules for the SRF program (31 TAC Chapter 363, Subchapter B of this title (relating to Financial Assistance Programs)) and began implementing a second tier SRF program, free from all the equivalency requirements.

Since then, the board has received an unanticipated capitalization grant of \$56 million in fiscal year 1995 as a result of the Federal Appropriations Bill for which it will have to make some loans that will satisfy federal requirements. However, since the new funds are appropriated without the Clean Water Act being reauthorized, loan recipients will only have to satisfy the "crosscutters", and not the equivalency requirements. Because of the additional federal requirements imposed by the equivalency and crosscutter requirements, the board traditionally has and will continue to loan these funds at a lower interest rate than loans under 31 TAC Chapter 363 of this title (relating to Financial Assistance Programs).

The amendments reflect that the Board has to make only a limited amount of loans periodically at the reduced rate associated with equivalency and/or crosscutters. Thus, the amendments will establish a procedure to make the lower interest rate funds available to all interested applicants on a first-come, first served basis, with a procedure for prioritizing projects to receive the SRF funds at this lower rate if the number of applications exceeds funds available under this Chapter. Projects which exceed the lower-interest rate funding capacity under this Chapter may be funded through the SRF under 31 TAC Chapter 363 of this title (relating to Financial Assistance Programs).

Amendments are also adopted to include the board's interest rate policy and reflect the future interest rate reduction to SRF loans to compensate for the administrative cost recovery charge to be implemented under 31 TAC §375.21, Administrative Cost Recovery. The

amendments will eliminate several obsolete policy statements from the rules and modify the public involvement requirements for Intended Use Plans to add public notice and comments as an alternative to public hearing.

Proposed amendments to Chapter 375 will require compliance with Title II requirements only if required by federal law.

One comment was received on the proposed sections from the Environmental Protection Agency (EPA). The EPA indicated that, in its interpretation of federal law, a public hearing is required for the adoption of the project priority list. Otherwise, the EPA expressed general acceptance of the proposed changes. In response to comments received from the EPA, the proposed amendment to §375.14 was modified to reflect that while either a public hearing or period of review and comment will be held for the intended use plan, a public hearing is required for adoption of the priority list. The proposed amendment to §375.18 was withdrawn.

Introductory Provisions

• 31 TAC §§375.1-375.3

The amendments are adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600757 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981

Program Requirements

• 31 TAC §§375.12, 375.13, 375.19

The repeals are adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600758 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981

• 31 TAC §§375.14, 375.17, 375.19

The amendment and new sections are adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

§375.14. *Public Hearings.* In accordance with the Act, the board shall hold public hearings to consider adoption of the priority list

and amendments thereto and shall either hold public hearings or allow a period for public review and comment before adoption and approval of the annual intended use plan.

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, January 18, 1996.

TRD-9600759 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Application for Assistance

• 31 TAC §375.36, §375.38

The amendments are adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600760 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Board Action on Application

• 31 TAC §375.51, §375.52

The amendment and new section are adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600761 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Engineering Design

• 31 TAC §375.61

The amendment is adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600762 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Prerequisites to Release of Funds

• 31 TAC §375.75

The amendment is adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600763 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



Building Phase

• 31 TAC §375.86

The amendment is adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600764 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981



• 31 TAC §375.87

The repeal is adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600765 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981

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Post Building Phase

• 31 TAC §375.102

The amendment is adopted under the authority of the Texas Water Code, §6.101 and §15.605, which provides the Texas Water Development Board with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, including specifically the SRF program.

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, January 18, 1996.

TRD-9600766 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-7981

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Prerequisites to Release of Funds

• 31 TAC §375.72

The Texas Water Development Board (the board) adopts an amendment to §375.72, concerning disclosure requirements at loan closing, without changes to the proposed text as published in the October 12, 1995, issue of the *Texas Register* (20 TexReg 10571).

New subparagraph (l) will provide that recipients of Board loans must agree to comply with requirements for continuing disclosure under the Securities and Exchange Commission Rule 15c2-12 which became effective July 5, 1995.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Water Code, §6.101, which requires the board to adopt rules that are necessary to carry out the powers and duties of the Board under the Texas Water Code and other laws of the state.

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

Issued in Austin, Texas, January 18, 1996.

TRD-9600768 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Effective date: February 8, 1996

Proposal publication date: October 12, 1995

For further information, please call: (512) 463-7981

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TITLE 34. PUBLIC FINANCE
Part I. Comptroller of Public Accounts
Chapter 3. Tax Administration
Subchapter Q. Franchise Tax
• 34 TAC §3.397

The Comptroller of Public Accounts adopts the repeal of §3.397, concerning requests for franchise tax reports and other information,

without changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8412).

This section is being repealed because the information in it is no longer current. Because the current information is contained in the Open Records Act, a specific franchise tax section is no longer necessary.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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.

The repeal implements the Tax Code, §171.203 and §171.207, and Government Code, §§552.001 et seq.

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

Issued in Austin, Texas, on January 17, 1996.

TRD-9600652 Martin Cherry
Chief, General Law
Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-3725

◆ ◆ ◆
• 34 TAC §3.402

The Comptroller of Public Accounts adopts the repeal of §3.402, concerning limitations on collections and refunds, without changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8413).

This section is being repealed because the information contained in the section is no longer current due to past changes in the general provisions of the tax code. Because the current information is contained in the general provisions of the Tax Code, a specific franchise tax section is no longer necessary. This information will be addressed in a general rule being drafted by this agency.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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.

The repeal implements the Tax Code, §§111.060, 111.104, 111.201, 111.203, 111.205, and 112.051.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600651 Martin Cherry
Chief, General Law
Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-3725

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• 34 TAC §3.543

The Comptroller of Public Accounts adopts the repeal of §3.543, concerning deposit, without changes to the proposed text as published in the October 24, 1995, issue of the *Texas Register* (20 TexReg 8783).

The rule is being repealed because the sections of the law that it interpreted (Tax Code, §171.156 and §171.157) were repealed, effective January 1, 1994, by House Bill 1892, enacted by the 73rd Legisla-

ture, 1993, and the deposits to which the rule related have now been refunded. Therefore, this rule is no longer necessary.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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.

The repeal implements the repeal of Tax Code, §171.156 and §171.157.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600648 Martin Cherry
 Chief, General Law
 Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: October 24, 1995

For further information, please call: (512) 463-3725



• 34 TAC §3.577

The Comptroller of Public Accounts adopts new §3.577, concerning credit for sales tax paid on property used in manufacturing, without changes to the proposed text as published in the October 20, 1995, issue of the *Texas Register* (20 TexReg 8600).

The new section is in response to legislation during the 72nd Legislature, 1991, and during the 74th Legislature, 1995, and clarifies that the survivor of a merger may not take credit for tax paid by a non-survivor.

No comments were received regarding adoption of the new section.

The new section is adopted 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.

The new section implements the Tax Code, §171.0021.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600650 Martin Cherry
 Chief, General Law
 Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: October 20, 1995

For further information, please call: (512) 463-3725



Subchapter AA. Automotive Oil Sales Fee

• 34 TAC §3.701

The Comptroller of Public Accounts adopts an amendment to §3.701, concerning the reporting requirements, without changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8415).

The 74th Legislature amended the Health and Safety Code §371 to require distributors to file with the comptroller in the same manner as manufacturers and importers.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

This amendment implements Texas Health and Safety Code §371.062.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600648 Martin Cherry
 Chief, General Law
 Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-3725



• 34 TAC §3.702

The Comptroller of Public Accounts adopts an amendment to §3.702, concerning definitions and exemptions, without changes to the proposed text as published in the October 17, 1995, issue of the *Texas Register* (20 TexReg 8416).

The 74th Legislature amended the Health and Safety Code, §371 to provide new definitions, responsibilities and categories of exemptions for the automotive oil sales fee. This amendment prescribes procedures and records required to claim the exemption.

No comments were received regarding adoption of the amendment.

The amendment is adopted 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.

This amendment implements Texas Health and Safety Code, §371.003 and §371.062.

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 authority.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600647 Martin Cherry
 Chief, General Law
 Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: October 17, 1995

For further information, please call: (512) 463-3725



Chapter 9. Property Tax Administration

Subchapter I. Validation Procedures

• 34 TAC §9.4026

The Comptroller of Public Accounts adopts an amendment to §9.4026, concerning forms for appraisal of special inventory, with changes to the proposed text as published in the November 21, 1995, issue of the *Texas Register* (20 TexReg 9675).

The amendment deals with the appraisal of dealer's inventories maintained by motor vehicle dealers under the terms of the Tax Code, new §23.121 and §23.122, (Acts 1995, 74th Legislature, page 4727, Chapter 945). This rule adopts new confidential forms on which motor vehicle dealers are required to report inventories to the county tax assessor-collector and the chief appraiser.

The comptroller received the following comments regarding the proposed amendment.

The Texas Automobile Dealers Association (TADA) commented that the comptroller should modify Steps 5 and 6 the "Dealer's Motor Vehicle Inventory Declaration/Confidential" form, proposed for adoption by reference to clarify that in Steps 5 and 6 that the amounts reported are the dealer's "net" motor vehicle inventory amounts. The comptroller accepted this suggestion.

TADA comments requested a change in Step 6 the "Dealer's Motor Vehicle Inventory Declaration/Confidential" form proposed for adoption by reference to clarify that the amounts reported are for the previous year and the current tax year. The comptroller accepted this suggestion.

TADA commented that the "Dealer's Motor Vehicle Inventory Declaration/Confidential" form instructions should be changed. These changes include: a modification of the types of ownership reported; a definition of the term "Net Motor Vehicle Inventory"; and the addition of the word dollar to the description of the sales amount to be reported. The comptroller accepted these suggestions.

The Montgomery Central Appraisal District and TADA asked the comptroller to modify the "Dealer's Motor Vehicle Inventory Tax Statement/Confidential" form proposed for adoption by reference, clearly require that the taxpayer send the original form and payments to the taxpayer's County Tax Office and a copy to the taxpayer's County Appraisal District. The comptroller accepted this suggestion.

TADA asked the comptroller to modify the "Dealer's Motor Vehicle Inventory Tax Statement/Confidential" form proposed for adoption by reference to include a space in which the taxpayer may report the account number assigned to the taxpayer by the County Appraisal District. The comptroller accepted this suggestion.

TADA asked the comptroller to alter Step 3 of the "Dealer's Motor Vehicle Inventory Tax Statement/Confidential" form, proposed for adoption by reference, to replace the term "Aggregate tax rate" with "Unit Property Tax Factor." The comptroller accepted this suggestion.

TADA also requested that the comptroller change portions of the "Dealer's Motor Vehicle Inventory Tax Statement" instructions. These changes include deleting the word "written" before "contract"; clarifying that tax payments are filed with the County Tax Assessor Collector and the original tax statement is filed with the County Appraisal District's Chief Appraiser; deleting the word "value" and substituting "unit property tax"; and show a new calculation for the monthly tax due based upon the tax rate set by the taxing unit. The comptroller accepted these suggestions.

TADA also asked the comptroller to modify the text of this proposed rule to add the term "motor vehicle" before the word "inventory" throughout the rule so that the rule tracked the recently adopted statutory language. The comptroller accepted this suggestion and changed the proposed rule accordingly.

The amendment is adopted under the Tax Code, §23.121 and §23.122, which requires the comptroller to prescribe the contents and form for motor vehicle inventory subject to ad valorem taxes.

The amendment implements the Property Tax Code, §23.121 and §23.122.

§9.4026. Forms for Appraisal of Certain Types of Inventory.

(a) A property owner may use comptroller Model Forms 23.121 and 23.122 to file a dealer's motor vehicle inventory tax statement and inventory forms as required by Tax Code, §23.122. Except as provided by law, all information contained on these forms is confidential.

(b) A property owner may use a dealer's motor vehicle inventory tax statement form that sets out the information listed in subsections (c) and (d) of this section in the same language and sequence as the model form. A property owner may use a dealer's motor vehicle inventory declaration form that sets out the information listed in subsections (f) and (g) of this section in the same language and sequence as the model form.

(c) If the form is provided by the appraisal district, the dealer's motor vehicle inventory tax statement shall provide the appraisal district's name, address, and telephone number.

(d) The dealer's motor vehicle inventory tax statement shall provide the following information:

(1) the property owner's name, mailing address, and telephone number;

- (2) the inventory location;
 - (3) the appraisal district account number if available to the property owner;
 - (4) the name of the person who completes the form;
 - (5) the capacity in which the person who completes the form serves the business;
 - (6) the month and year the information reflects;
 - (7) a description of each vehicle sold, including model year, make, and identification number;
 - (8) the date of sale;
 - (9) the name of purchaser;
 - (10) the type of sale, indicating whether the unit is sold from a dealer's motor vehicle inventory or is a dealer-to-dealer sale, fleet sale, or subsequent sale;
 - (11) the sales price as it appears or would appear on the title documents;
 - (12) the unit property tax value if the unit was sold from the dealer's inventory;
 - (13) the unit property tax factor the owner used to calculate unit property tax value;
 - (14) the number of motor vehicles sold by the owner from the dealer's motor vehicle inventory and the number of motor vehicles sold by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the month for which the statement is filed;
 - (15) the dollar amount of sales made by the owner from the dealer's motor vehicle inventory and the dollar amount of sales made by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the month for which the statement is filed; and
 - (16) the owner's general distinguishing number or numbers.
- (e) In addition to the information required by subsections (c) and (d) of this section, a dealer's motor vehicle inventory tax statement made available by a chief appraiser as required by subsection (i) of this section shall include the following:
- (1) information about how to complete and file a dealer's motor vehicle inventory tax statement;
 - (2) a statement of the penalty or penalties provided for a motor vehicle inventory tax statement, for failing to file a dealer's motor vehicle inventory tax statement;
 - (3) a notice of the penalties for making or filing an application containing a false statement; and
 - (4) a statement that the chief appraiser may require the property owner to submit documentation verifying the information in the form.
- (f) If the form is provided by the appraisal district, the dealer's motor vehicle inventory declaration shall provide the appraisal district's name, address, and telephone number.
- (g) A dealer's motor vehicle inventory declaration shall require a property owner to provide the following information:
- (1) the property owner's name, mailing address, and telephone number;
 - (2) the name of the person who completes the form;
 - (3) the capacity in which the person who completes the form serves the business;
 - (4) the inventory location;
 - (5) the appraisal district account number if available to the taxpayer;

(6) starting date of business;

(7) each of the owner's general distinguishing numbers issued by the Texas Department of Transportation;

(8) a statement that the owner is the owner of a dealer's motor vehicle inventory;

(9) the number of motor vehicles sold by the owner from the dealer's motor vehicle inventory and the number of motor vehicles sold by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the year or applicable time period for which the declaration is filed;

(10) the dollar amount of sales made by the owner from the dealer's motor vehicle inventory and the dollar amount of sales made by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the year or applicable time period for which the declaration is filed; and

(11) the market value of the motor vehicle inventory for the current tax year as computed under the Tax Code, §23.121.

(h) In addition to the information required by subsections (f) and (g) of this section, a dealer's motor vehicle inventory declaration made available by a chief appraiser as required by subsection (i) of this section shall include the following:

(1) information about how to complete and file a dealer's motor vehicle inventory declaration;

(2) a statement of the penalty or penalties for failing to file a dealer's motor vehicle inventory declaration; and

(3) a notice of the penalties prescribed for making or filing an application containing a false statement.

(i) A chief appraiser shall make available to a property owner Model Forms 23.121 and 23.122. A chief appraiser may make available a different form for a dealer's motor vehicle inventory tax statement that sets out the information listed in subsections (c) - (e) of this section in the same language and sequence as the model form.

(j) A chief appraiser may make available a different dealer's motor vehicle inventory declaration that sets out the information listed in subsections (f)-(h) of this section in the same language and sequence as the model forms.

(k) In special circumstances, the chief appraiser may use forms that provide additional information, delete information required by this section, or set out the required information in different language or sequence than that required by this section if the form has been previously approved by the Property Tax Division, Comptroller of Public Accounts.

(l) The Comptroller of Public Accounts adopts by reference Model Form 23.121, dealer's motor vehicle inventory declaration, and Model Form 23.122, dealer's motor vehicle inventory tax statement. Copies of the forms are available for public inspection at the Office of the Secretary of State, Texas Register Division, or may be obtained from the Comptroller of Public Accounts, Property Tax Division, P.O. Box 13528, Austin, Texas 78711-3528.

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 January 17, 1996.

TRD-9600686

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

Effective date: February 7, 1996

Proposal publication date: November 21, 1995

For further information, please call: (512) 463-3725

• 34 TAC §9.4028

The Comptroller of Public Accounts adopts new §9.4028, concerning forms for appraisal of vessel and outboard motor inventories, with changes to the proposed text as published in the December 12, 1995, issue of the *Texas Register* (20 TexReg 10580).

The new rule deals with the appraisal of dealer's inventories maintained by vessel and outboard motor dealers under the terms of the Tax Code, new §23.12D, and §23.12E, (House Bill 2940, 74th Legislature, 1995). This rule adopts new confidential forms on which a vessel or outboard motor dealer must report vessel or outboard motor inventories to the county tax assessor-collector and the chief appraiser.

The comptroller received the following comments regarding the proposed new rule.

The Montgomery Central Appraisal District asked the comptroller to modify the "Dealer's Vessel and Outboard Motor Inventory Tax Statement/Confidential" form proposed for adoption by reference, to clearly require that the taxpayer send the original form and payments to the taxpayer's County Tax Office and send a copy to the taxpayer's County Appraisal District. The comptroller accepted this suggestion.

Since the vessel and outboard motor inventory tax law, rule and forms adopted by reference are identical to the motor vehicle dealer inventory tax law, rules and forms, the Property Tax Division has made minor terminology changes in the outboard motor inventory tax rule, forms and instructions so that they mirror the motor vehicle inventory tax rules and forms. This change was undertaken: to insure better tax compliance; to lessen taxpayer, Central Appraisal District and Tax Assessor-Collector confusion; and to allow for the more orderly implementation of this tax appraisal system.

The new section is adopted under the Tax Code, §11.43(f), which requires the comptroller to prescribe the form and content for vessel and outboard motor inventory subject to ad valorem taxes.

The new section implements the Property Tax Code, §23.12D and §23.12E.

§9.4028. Forms for Appraisal of Vessel and Outboard Motor Inventory.

(a) A property owner subject to this section may use comptroller Model Forms 23.12D and 23.12E to file a dealer's vessel and outboard motor inventory tax statement and inventory declaration as required by Tax Code, §23.12D and §23.12E. Except as provided by law, all information contained on these forms is confidential.

(b) A property owner subject to this section may use a vessel and outboard motor dealer's inventory tax statement form that sets out the information listed in subsections (c) and (d) of this section in the same language and sequence as the model form. A property owner may use a vessel and outboard motor dealer's inventory declaration form that sets out the information listed in subsections (f) and (g) of this section in the same language and sequence as the model form.

(c) In order to assist in the accurate reporting of taxable inventories and if the form is provided by the appraisal district, the vessel and outboard motor dealer's inventory tax statement shall provide both the appraisal district's and the county tax office's names, addresses, and telephone numbers.

(d) The vessel and outboard motor dealer's inventory tax statement shall provide the following information:

(1) the property owner's name, mailing address, and telephone number;

(2) the inventory location;

(3) the appraisal district account number if available to the property owner;

- (4) the name of the person who completes the form;
- (5) the capacity in which the person who completes the form serves the business;
- (6) the month and year the information reflects;
- (7) a description of each vessel or outboard motor sold, including model year, make, and applicable identification number;
- (8) the date of sale;
- (9) the name of purchaser;
- (10) the type of sale, indicating whether the unit is sold from a vessel and outboard motor dealer's inventory or is a dealer-to-dealer sale, fleet sale, or subsequent sale;
- (11) the sales price as it appears or would appear on the applicable title documents;
- (12) the unit property tax value if the unit was sold from the vessel and outboard motor dealer's inventory;
- (13) the unit property tax factor the owner used to calculate unit property tax value;
- (14) the number of units sold by the owner from the vessel and outboard motor dealer's inventory and the number of units sold by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the month for which the statement is filed;
- (15) the dollar amount of sales made by the owner from the vessel and outboard motor dealer's inventory and the dollar amount of sales made by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the month for which the statement is filed; and
- (16) the owner's general distinguishing number or numbers.

(e) In addition to the information required by subsections (c) and (d) of this section, a vessel and outboard motor dealer's inventory tax statement made available by a chief appraiser as required by subsection (i) of this section shall include the following:

- (1) information about how to complete and file a vessel and outboard motor dealer's inventory tax statement;
- (2) a statement of the penalty or penalties provided for a vessel or outboard motor inventory tax statement, for failing to file a special inventory tax statement;
- (3) a notice of the penalties for making or filing an application containing a false statement; and
- (4) a statement that the chief appraiser may require the property owner to submit documentation verifying the information in the form.

(f) In order to assist in the accurate reporting of taxable inventories and if the form is provided by the appraisal district, the vessel and outboard motor dealer's inventory declaration shall provide both the appraisal district's and the county tax office's names, addresses, and telephone numbers.

(g) A vessel and outboard motor dealer's inventory declaration shall require a property owner subject to this section to provide the following information:

- (1) the property owner's name, mailing address, and telephone number;
- (2) the name of the person who completes the form;
- (3) the capacity in which the person who completes the form serves the business;
- (4) the inventory location;

- (5) the appraisal district account number if available to the taxpayer;
- (6) starting date of business;
- (7) each of the owner's dealer's and manufacturer's numbers issued by the Texas Parks and Wildlife Department;
- (8) a statement that the owner is the owner of a vessel and outboard motor dealer's inventory;
- (9) the number of units sold by the owner from the vessel and outboard motor dealer's inventory and the number of units sold by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the year or applicable time period for which the declaration is filed;
- (10) the dollar amount of sales made by the owner from the vessel and outboard motor dealer's inventory and the dollar amount of sales made by the owner as a dealer-to-dealer sale, fleet sale, or subsequent sale during the year or applicable time period for which the declaration is filed; and
- (11) the market value of the inventory for the current tax year as computed under the Tax Code, §23.12D.

(h) In addition to the information required by subsections (f) and (g) of this section, a vessel and outboard motor dealer's inventory declaration made available by a chief appraiser as required by subsection (i) of this section shall include the following:

- (1) information about how to complete and file a vessel and outboard motor dealer's inventory declaration;
- (2) a statement of the penalty or penalties for failing to file a vessel and outboard motor dealer's inventory declaration; and
- (3) a notice of the penalties for making or filing an application containing a false statement.

(i) A chief appraiser shall make available to a property owner Model Forms 23.12D and 23.12E. A chief appraiser may make available a different form for a vessel and outboard motor dealer's inventory tax statement that sets out the information listed in subsections (c)-(e) of this section in the same language and sequence as the model form.

(j) A chief appraiser may make available a different vessel and outboard motor dealer's inventory declaration that sets out the information listed in subsections (f)-(h) of this section in the same language and sequence as the model forms.

(k) In special circumstances, the chief appraiser may use forms that provide additional information, deletes information required by this section, or sets out the required information in different language or sequence than that required by this section if the form has been previously approved by the Property Tax Division, Comptroller of Public Accounts.

(l) The Comptroller of Public Accounts adopts by reference: Model Form 23.12D, dealer's vessel and outboard motor inventory declaration; and Model Form 23.12E, dealer's vessel and outboard motor inventory tax statement. Copies of the forms are available for public inspection at the Office of the Secretary of State, Texas Register Division, or may be obtained from the Comptroller of Public Accounts, Property Tax Division, P.O. Box 13528, Austin, Texas 78711-3528.

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 January 17, 1996.

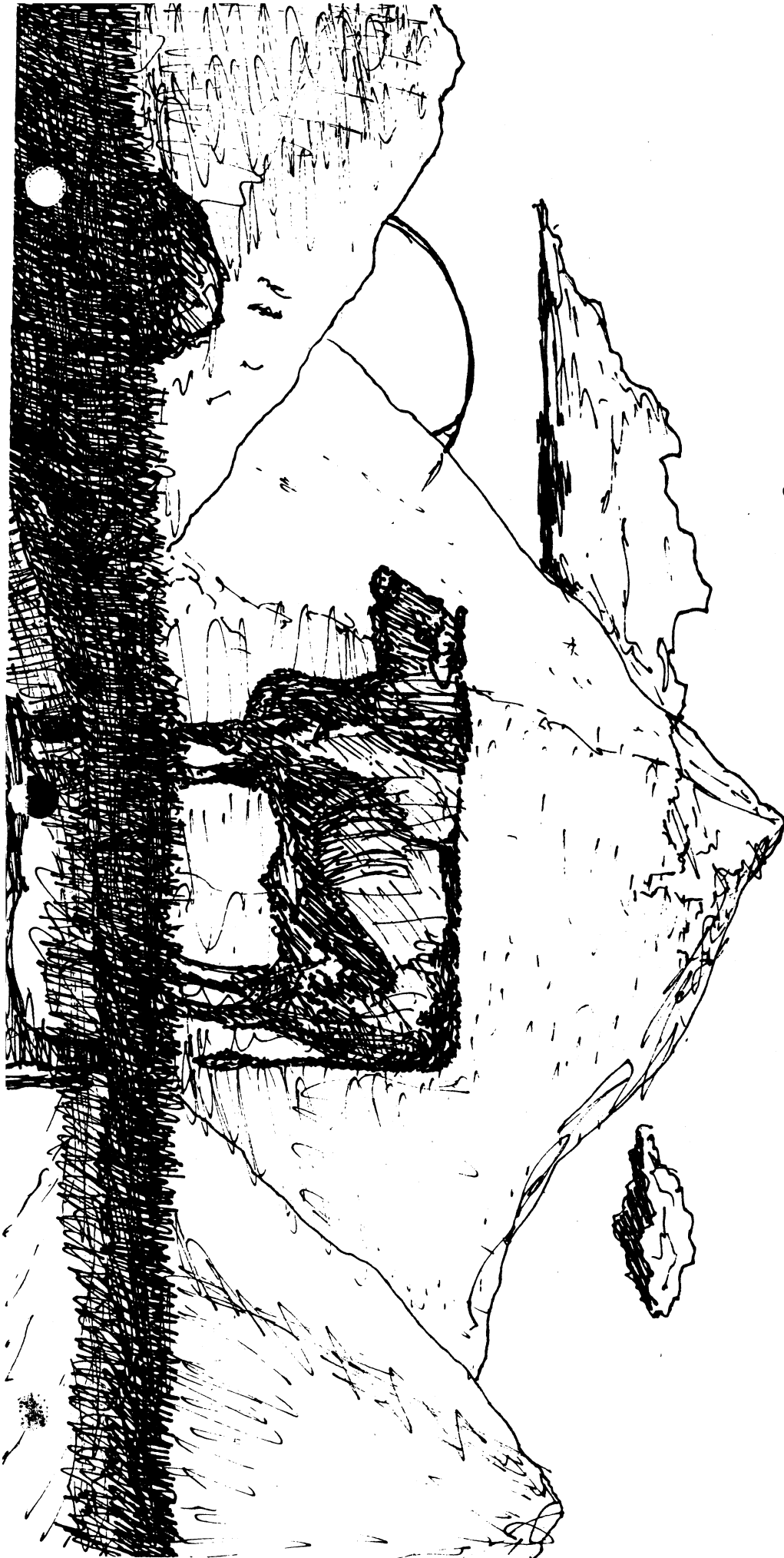
TRD-9600685
 Martin E. Cherry
 Chief, General Law Section
 Comptroller of Public Accounts

Effective date: February 7, 1996

Proposal publication date: December 12, 1995

For further information, please call: 463-3725





Name: Thomas Gonzalez
Grade: 9
School: Harlandale High School, Harlandale ISD



OPEN MEETINGS

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

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

Posting of open meeting notices. All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

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

State Office of Administrative Hearings

Monday, January 29, 1996, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A prehearing conference will be held at the above date and time in SOAH Docket Number 473-95-1173—Application of Texas Utilities Electric Company for approval of demand-side management programs, renewable resources agreement, and requests regarding cost recovery mechanisms, and other relief (PUC Docket Number 13575).

Contact: J. Kay Trostle, P.O. Box 13025, Austin, Texas 78711-3025, (512) 936-0728.

Filed: January 18, 1996, 4:04 p.m.

TRD-9600800

Tuesday, January 30, 1996, 10:00 a.m. (Rescheduled from January 25, 1996.)

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A prehearing conference has been rescheduled in the above date and time in SOAH Docket Number 473-95-1713—Application of Kaufman County Electric Cooperative, Inc. for a Certificate of Convenience and Necessity for transmission line within Kaufman County (PUC Docket Number 14653).

Contact: J. Kay Trostle, P.O. Box 13025, Austin, Texas 78711-3025, (512) 936-0728.

Filed: January 19, 1996, 11:32 a.m.

TRD-9600835

Friday, February 2, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A joint prehearing conference is scheduled for the above date and time in the following dockets:

SOAH Docket Number 473-96-0116; Application of Southwestern Bell Telephone Company to revise §§1, 2, and 3 in the integrated service tariff, §2 of the Wide Area Telecommunications Service (WATS) tariff and §5 of the general exchange tariff pursuant to Substantive Rule 4.23.69 relating to ISDN services (PUC Docket #15024); SOAH Docket Number 473-96-0115; Application of GTE Southwest Inc. to revise general exchange tariff to incorporate all Centranet and Integrated Services Digital Network (ISDN) services pursuant to Substantive Rule 23.69 (PUC Docket #15042).

Contact: J. Kay Trostle, P.O. Box 13025, Austin, Texas 78711-3025, (512) 936-0728.

Filed: January 23, 1996, 9:19 a.m.

TRD-9600933

Monday, February 12, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Utility Division

AGENDA:

A hearing on the merits is scheduled for the above date and time in SOAH Docket Number 473-95-1572—Application of Time Warner Communications for facilities-based Certificate of Operating Authority within Travis and Williamson counties (PUC Docket Number 15025).

Contact: J. Kay Trostle, P.O. Box 13025, Austin, Texas 78711-3025, (512) 936-0728.

Filed: January 19, 1996, 9:13 a.m.

TRD-9600820

◆ ◆ ◆
Texas Aerospace Commission

Friday, January 26, 1996, 9:00 a.m.

MCC, 3500 West Balcones Center Drive, First Floor Conference Room

Austin

Board of Directors

AGENDA:

Welcome and introductions

Election of new chairman

Historical look at the TAC

Current TAC status reports: legislative/budget, administrative, programmatic, financial

Future of the TAC: vision/mission, roles/responsibilities, potential projects

Briefings to the board: legislative budget board, Texas space grant, SW project

Other business

Commissioners' open forum

Action items

Adjournment

Contact: Amy Kennedy-Reynolds, 2101 NASA Road One-MC-AP4, Houston, Texas 77058, (713) 483-6827.

Filed: January 19, 1996, 3:28 p.m.

TRD-9600849

◆ ◆ ◆
Texas Department of Agriculture

Monday, January 29, 1996, 10:00 a.m.

Raddison Hotel, 1893 West Mockingbird

Dallas

Seed Arbitration Board (State Seed and Plant Board)

AGENDA:

Discussion and action on a request from Petoseed Company, Inc., to reopen the arbitrations held in the matters of: Joe Vasquez/Valley Melon Farms vs. Petoseed Company, Inc., and Gary Boyd/Boyd-Vasquez Farms vs. Petoseed Company, Inc.

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.

Filed: January 18, 1996, 1:32 p.m.

TRD-9600745

Monday, January 29, 1996, 10:15 a.m.

Raddison Hotel, 1893 West Mockingbird

Dallas

State Seed and Plant Board

AGENDA:

Discussion and action on: Minutes of the October 9, 1995 meeting; applicants for licensure as certified seed growers; requests for certification eligibility; approved inspectors list for 1996; appointment of Sorghum and Sunflower Advisory Board; appeal of rejected fields; continuing education requirements; name change of variety; acknowledgement of foreign designations; and policy on separation of duties of the board and TDA. Public comment period.

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.

Filed: January 18, 1996, 1:32 p.m.

TRD-9600746

◆ ◆ ◆
Texas Commission on Alcohol and Drug Abuse

Wednesday, January 24, 1996, 11:00 a.m.

400 East Gravis, Commissioner's Court Room, Duval County Court House

San Diego

Regional Advisory Consortium (RAC)

AGENDA:

Call to order; welcome; introduction; members and purpose of meeting; presentation of materials; and adjournment.

Contact: Miguel Lopez, 3804 Casa Blanca Road, Laredo, Texas 78041, (210) 718-0297.

Filed: January 18, 1996, 1:32 p.m.

TRD-9600749

Friday, January 26, 1996, 10:00 a.m.

11307 Roszell, DHS Region Eight Administration Building

San Antonio

Regional Advisory Consortium (RAC)

AGENDA:

Welcome; introduction of RAC members; introduction of RAC convenor; TCADA/Region Eight profile; review of RAC manual; distribution and discussion of TCADA executive director memo; call RAC meeting to order; RAC recommendations for officers; vice-convenor and recorder; selection of staggered first terms for RAC members; scheduling of next meeting; and adjournment.

Contact: Blas Lopez, 11307 Roszell, San Antonio, Texas 78217, (210) 619-8039.

Filed: January 18, 1996, 1:32 p.m.

TRD-9600748

◆ ◆ ◆
Texas Alcoholic Beverage Commission

Monday, January 29, 1996, 1:30 p.m.

5806 Mesa Drive, Suite 185

Austin

AGENDA:

1:30 p.m.—Call to order. Convene in open meeting.

Swearing in ceremony for Allan Shivers, Jr.

1. Approval of minutes of November 27, 1995, meeting; discussion, comment, possible vote.
2. Recognition of agency employees with 20 or more years of service.
3. Administrator's report.
4. Amend 16 TAC §45.4 as published December 15, 1995 (20 TexReg 10724); discussion, comment, and possible adoption. (The Standards of Identity)
5. New 16 TAC §41.54 as published December 22, 1995 (20 TexReg 10948); discussion, comment and possible adoption. (Destructions)
6. Staff recommendations to the legislature on simplifications and consolidations of licenses and permits regulated under the Alcoholic Beverage Code; discussion, comment and possible vote.
7. Public comment.

Announcement of executive session.

8. Executive session:

- a. briefing regarding operations of the general counsel's office;
- b. Limon v. TABC, Number 95-11327
- c. Sampson v. Board, Number 3-93-CV-68; and
- d. West End Pink v. Irving, Number 95-12825-I

Continue open meeting.

9. Take action, including a vote, if appropriate on topics listed for discussion under executive session.

10. Adjourn

Contact: Doyne Bailey, P.O. Box 13127, Austin, Texas 78711, (512) 206-3217.

Filed: January 18, 1996, 11:01 a.m.

TRD-9600725



Texas Appraiser Licensing and Certification Board

Thursday, February 1, 1996, 10:00 a.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

Enforcement Committee

AGENDA:

Call to order; discussion and possible action or recommendations to the Texas Appraiser Licensing and Certification Board concerning complaints files numbered 95-003, 95-008, 95-011, 95-012, 96-001, 96-002, 96-003, 96-004, 96-005, 96-008, 96-009, 96-010, 96-011, 96-012, 96-013, 96-014, 96-015, 96-016, 96-017, 96-018, 96-019, 96-020, 96-021, 96-022, 96-023, 96-024, 96-025, and 96-026; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning the composition of the Enforcement Committee and enforcement policies and procedures; adjourn.

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

Filed: January 23, 1996, 8:24 a.m.

TRD-9600922

Thursday, February 1, 1996, 1:00 p.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

Budget Committee

AGENDA:

Call to order; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning the fiscal year 1996 operating budget, other fiscal matters, and the request for legislative appropriation for fiscal year 1997 and fiscal year 1998; adjourn.

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

Filed: January 23, 1996, 8:15 a.m.

TRD-9600921

Thursday, February 1, 1996, 3:00 p.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

Special Projects Committee

AGENDA:

Call to order; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning a revised public information brochure, speakers, and other communications matters; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board regarding procedures for the annual evaluation of the commissioner's job performance; adjourn.

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

Filed: January 23, 1996, 8:24 a.m.

TRD-9600923

Friday, February 2, 1996, 8:00 a.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

Education Committee

AGENDA:

Call to order; consideration of the minutes of the August 4, 1995, Education Committee meeting; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning approval of courses for meeting qualifying (pre-licensure) education and appraiser continuing education (ACE) requirements; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board on other educational matters; adjourn.

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

Filed: January 23, 1996, 8:11 a.m.

TRD-9600920

Friday, February 2, 1996, 10:00 a.m.

Conference Room 235, 1101 Camino La Costa

Austin

AGENDA:

Call to order; election of 1996 board officers: chair, vice-chair and secretary; consideration of the minutes of the November 30, 1995, TALCB meeting; staff reports, including: active certifications/licenses; certifications/licenses issued; applications; renewals; exami-

nations; report on measures-first quarter 1995; and AARO regional conferences; discussion and possible action concerning a memorandum of understanding with the Texas Real Estate Commission regarding administrative services and support provided to the TALCB by TREC and the TALCB's financial obligations; discussion and possible action concerning licensure and certification by reciprocity; discussion and possible action concerning the agency strategic plan 1997-2001; discussion of state law and board rules, policies, and procedures concerning the permitted scope of practice for certified and licensed appraisers, verification of acceptable experience, board involvement in the legislative process; report from the Budget Committee; discussion and possible action concerning recommendations of the Budget Committee regarding the operating budget, other fiscal matters, and the request for legislative appropriation for fiscal year 1997 and fiscal year 1998; report from the Education Committee; discussion and possible action concerning recommendations from the Education Committee regarding approval of courses for meeting educational requirements and other educational matters; report from the Enforcement Committee; discussion and possible action concerning complaints numbered 95-003, 95-008, 95-011, 95-012, 96-001, 94-029, 95-005, 95-013, 95-020, 95-021, 95-023, 95-026, 95-027, 96-003, 96-004, 96-005, 96-008, 96-009, 96-010, 96-011, 96-012, 96-013, 96-014, 96-015, 96-016, 96-017, 96-018, 96-019, 96-020, 96-021, 96-022, 96-023, 96-024, 96-025, and 96-026; composition of the Enforcement Committee and enforcement policies and procedures; report from the Special Projects Committee; discussion and possible action concerning recommendations of the Special Projects Committee regarding a public information brochure, speakers, and other communications matters; procedures for the annual evaluation of the commissioner's job performance; comments and presentations from visitors; selection of dates of subsequent meetings; adjourn.

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

Filed: January 23, 1996, 8:06 a.m.

TRD-9600919

Texas Board of Architectural Examiners

Monday, January 29, 1996, 10:00 a.m.

The Hobby Building, 333 Guadalupe, Tower II, Third Floor, Conference Room 302

Austin

Rules/Enforcement Committee

AGENDA:

Call to order; roll call; recognition of guests; chairman's opening remarks; consider/act on approval of minutes; consider/act on rules/enforcement matters; consider/act on public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 18, 1996, 4:40 p.m.

TRD-9600813

Monday, January 29, 1996, 10:00 a.m.

The Hobby Building, 333 Guadalupe, Tower II, Third Floor, Conference Room 302

Austin

Revised Agenda

Rules/Enforcement Committee

AGENDA:

The following items have been revised to read as follows:

VI. Consider/act on rules/enforcement matters:

E. Review rules for possible recommendations to the board for adopted amendments/additions:

1. Amendment to rules regarding fees:

7. Amendment to rules regarding eligibility:

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 19, 1996, 3:41 p.m.

TRD-9600852

Tuesday, January 30, 1996, 9:00 a.m.

The Hobby Building, 333 Guadalupe, Tower II, Third Floor, Conference Room 302

Austin

Communication/Newsletter Committee

AGENDA:

Call to order; roll call; recognition of guests; chairman's opening remarks; consider/act on approval of minutes; consider/act on communication/newsletter matters; consider/act on public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 18, 1996, 4:40 p.m.

TRD-9600814

Tuesday, January 30, 1996, 11:00 a.m.

The Hobby Building, 333 Guadalupe, Tower II, Third Floor, Conference Room 302

Austin

Personnel/Resource Committee

AGENDA:

Call to order; recognition of guests; chairman's opening remarks; consider/act on approval of minutes; consider/act on personnel/resource matters; executive session to deliberate the evaluation of the executive director Texas Open Meetings Act, §551.074, Texas Government Code; reconvene in open session to consider/act on evaluation; consider/act on public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 18, 1996, 4:40 p.m.

TRD-9600815

Tuesday, January 30, 1996, 2:30 p.m.

The Hobby Building, 333 Guadalupe, Tower II, Third Floor, Conference Room 802

Austin

Education/Qualification and Examination Committee

AGENDA:

Call to order; roll call; recognition of guests; chairman's opening remarks; consider/act on approval of minutes; consider/act on education/qualification and examination matters; consider/act on public comment; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 18, 1996, 4:40 p.m.

TRD-9600816

Wednesday, January 31, 1996, 8:00 a.m.

The Hobby Building, 333 Guadalupe, Tower II, Second Floor, Conference Room 225

Austin

Revised Agenda

Board Meeting

AGENDA:

The following items have been revised to read as follows:

XVII. Consider/act on rules and regulations for adoption:

A. Amendment to rules regarding fees:

G. Amendment to rules regarding eligibility.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 19, 1996, 10:39 a.m.

TRD-9600829

Wednesday, January 31, 1996, 8:30 a.m.

The Hobby Building, 333 Guadalupe, Tower II, Second Floor, Conference Room 225

Austin

Board Meeting

AGENDA:

Call to order; roll call; recognition of guests; chairman's opening remarks; consider/act on approval of minutes; consider/act on appointment of committees; consider/act on election/appointment of officers; executive session to discuss/consider legal advice from the Office of the Attorney General concerning litigation by Robert Norris in accordance with the Texas Open Meetings Act, §551.071, Texas Government Code; reconvene in open session to consider/act on litigation matters, if necessary; consider/act on executive director's report; consider/act on hearings; consider/act on reinstatements; consider/act on examinations; appointment of members to Task Force; consider/act on enforcement issues; consider/act on committee reports and recommendations; consider/act on rules and regulations for adoption; consider/act on proposed amendments/additions for rules; consider/act on conferences/meetings; consider/act on Nomination Committee Report; consider/act on public comment; chairman's closing remarks; and adjournment.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact Carolyn Lewis at (512) 305-8525 two working days prior to the meeting so that appropriate arrangement can be made.

Contact: Cathy L. Hendricks, P.O. Box 12337, Austin, Texas 78711-2337, (512) 305-8535.

Filed: January 18, 1996, 4:40 p.m.

TRD-9600817

Texas School for Blind and Visually Impaired

Friday, January 26, 1996, 9:00 a.m.

1100 West 49th Street, Room 151

Austin

Board of Trustees, Subcommittee on Personnel

AGENDA:

Consideration of personnel policies

Consideration of internal auditor's performance appraisal

Consideration of changes in educational program and determination of areas affected by changes

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.

Filed: January 18, 1996, 1:02 p.m.

TRD-9600740

Friday, January 26, 1996, 9:00 a.m.

1100 West 45th Street, Room 110

Austin

Board of Trustees, Subcommittee on Policies

AGENDA:

Review and discussion of policies:

BJA, BJB, BJC, BJCD, BJCE, BJCG, BQ, BQA, BGB, DGBA, DH, DHC, DI, DI-E, DK, DL, DMD, DNA, DNAA, DNB, DP, DPB, EA, EAA, EAB, EB, EC, BED, BEJD, BEL, EFAA, EFB, EFE, EFE-E, EFE-R, EGA, EH, EHAA, EHBG, EKA, EMB, EMH, EMI

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.

Filed: January 18, 1996, 1:02 p.m.

TRD-9600741

Friday, January 26, 1996, 9:00 a.m.

1100 West 45th Street, Room 116

Austin

Board of Trustees, Subcommittee on Finance and Audit

AGENDA:

Approval of minutes from November 17, 1995 meeting

Legacy revenue report

Legacy budget report

Contingency fund report

Update on fiscal year 1997 operating budget development improvements

Report from internal auditor

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.

Filed: January 18, 1996, 1:02 p.m.

TRD-9600743

Friday, January 26, 1996, 10:00 a.m.

1100 West 45th Street, Room 116

Austin

Board of Trustees

AGENDA:

Approval of minutes of November 27, 1995 board meeting; approval of board policies; consideration of changes in educational program and determination of areas affected by changes; consideration of approval of TEA/Region XI contract

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 206-9133.

Filed: January 18, 1996, 1:32 p.m.

TRD-9600747

Texas Boll Weevil Eradication Foundation

Thursday, February 1, 1996, 10:00 a.m.

3201 Loop 289 South, Holiday Inn

Lubbock

High Plains Zone Boll Weevil Advisory

AGENDA:

Call to order

Opening remarks and introductions

Purpose of committee

High Plains Program update

Discussion and recommendations: Zone

Assessments

Adjourn

Contact: Frank Myers, P.O. Box 5089, Abilene, Texas 79608-5089, 1-800-687-1212, (915) 672-2800.

Filed: January 22, 1996, 1:37 p.m.

TRD-9600903

Texas Diabetes Council

Monday, January 29, 1996, 9:00 a.m.

University Family Health Center-Southwest, 2121 Southwest 36th Street

San Antonio

AGENDA:

The council will discuss and possibly act on: approval of minutes from the October 27, 1995 meeting; director's report (status of diabetes mobile clinic, and minimum standards of diabetes care in managed care); recommendation to rescind grant awarded to Citizens for Better Health for a Community-Based Diabetes Education and Awareness project; fiscal year 1996 budget revisions (funds for equipment for diabetes mobile clinic, and reprinting of "You Have the Power" education materials; and reports from the Texas Diabetes Institute.

Contact: Amy Pearson, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600863

Texas Council on Purchasing from People with Disabilities

Tuesday, January 30, 1996, 10:00 a.m.

William P. Clements Building, Committee Room Five, 300 West 15th Street

Austin

Council Open Meeting

AGENDA:

I. Swearing in of the Texas Council on Purchasing from People with Disabilities

II. Call to order;

III. Self introduction of staff, guests and members;

IV. Review June 2, 1995 minutes from abolished Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons (the "TCPPSBDP");

V. Review of acting presiding officer's actions to date regarding coordination with the General Services Commission for legal, clerical and administrative support;

VI. Discussion of the council's commitment to legislative direction;

VII. Consideration of Pricing Subcommittee's recommendations;

VIII. Presentation by the Texas Industries for the Blind and Handicapped; and

IX. Suggested agenda items for future consideration.

Contact: Rose-Michel Munguia, 1711 San Jacinto, Austin, Texas 78701, (512) 463-6422.

Filed: January 22, 1996, 1:05 p.m.

TRD-9600900

State Employee Charitable Campaign

Wednesday, January 31, 1996, 1:00 p.m.

2000 East Martin Luther King Jr. Boulevard

Austin

State Policy Committee

AGENDA:

Discussion items:

1. Update of SPC and SAC 1996-1997 appointments
2. Review of 1995 State Employee Charitable Campaign evaluation and campaign results

Action items:

1. Selection of 1996 state campaign manager
2. 1996 campaign plan and recommendations
3. 1996 local campaign areas
4. 1996 SECC timeline
5. Proposed 1996 rules changes and potential 1997 legislative changes
6. 1996 state campaign manager budget

Contact: Mary Ellen Burns, 505 East Huntland Drive, Suite 455, Austin, Texas 78752, (512) 450-0840, fax: (512) 450-0108.

Filed: January 22, 1996, 4:37 p.m.

TRD-9600916

Texas Funeral Service Commission

Wednesday, January 31, 1996, 10:00 a.m.

8100 Cameron Road, Suite 600, Room 205

Austin

Commission Meeting

AGENDA:

Meeting called to order

Invocation

Welcome

Agenda items:

1. Consideration and possible adoption of the minutes of the November 30th, 1995 commission meeting
2. Reports from all committees
3. Public comment
4. Discussion and possible action on the repeal of Commission Rules 22 TAC §§203.1, 203.7-203.28
5. Discussion and possible action on adoption of new Commission Rules 22 TAC §§203.1, 203.7-203.31
6. Discussion and possible action on the examination used by the commission to meet licensing requirements under Texas Civil Statutes, Article 4582b, §3
7. Discussion and possible action on Commission Rule 22 TAC §203.6(b) pertaining to the 40 hour per week requirement for

provisional licensees and reconsideration of the exception petition of John Springer

8. Discussion and possible action on proposed inspector evaluation form

9. Discussion and possible action on funeral establishment license renewal procedures and statutory requirements of Article 4582b, §4(A)

10. Discussion and possible action on request for exemption under Commission Rule 22 TAC §203.20(b) pertaining to the location of retained records by Sagmiller Funeral Homes, Inc.

11. Discussion and possible action on proposed wall certificate

12. Discussion and possible action on request for exemption under Commission Rule 22 TAC §203.14(b) pertaining to preparation room by Bryson Knowles

13. Discussion and possible action on accepting and processing anonymous complaints under Article 4582b, §6D

14. Discussion and possible action regarding the agency 1997-2001 strategic plan

Adjourn

Contact: Marc A. Connelly, 8100 Cameron Road, #550, Austin, Texas 78754-3896, (512) 835-9079.

Filed: January 18, 1996, 2:40 p.m.

TRD-9600779

Texas Department of Health

Friday, January 26, 1996, 8:00 a.m.

La Posada Hotel/San Agustin Grand Ballroom, 1000 Zaragoza Laredo

Texas Board of Health, Board Briefing Meeting

AGENDA:

The board will receive a briefing on the current activities of the Texas Department of Health by the commissioner; and will have a discussion concerning procedural and/or administrative issues of the Board of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 18, 1996, 4:05 p.m.

TRD-9600803

Friday, January 26, 1996, 9:00 a.m.

La Posada Hotel/Suites, San Agustin Grand Ballroom, 1000 Zaragoza

Laredo

Texas Board of Health, Health and Clinical Services Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes of the November 30, 1995 meeting; recommendation on status pediatric cardiovascular programs in Lubbock that participate in the Chronically Ill and Disabled Children's Services Program; proposed rule concerning Chronically Ill and Disabled Children's Services Program pharmacy providers; final adoption of rules concerning Mother-Friendly Business Program supporting breast-

feeding; final adoption of rule to establish standards for the performance of mandatory HIV testing during pregnancy and delivery; final adoption of rules concerning training of animal shelter personnel; final adoption of rules concerning rabies control and eradication; Title V futures update; comments from the Panhandle Hospital Alliance concerning the award of Title V maternal and child health funding to Texas Tech University; and presentation on ImmTrac-Immune Tracking System.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, contact Richard Butler at (512) 458-6410 or T.D.D. at (512) 458-7708 at least two days prior to the meeting.

Filed: January 18, 1996, 4:05 p.m.

TRD-9600801

Friday, January 26, 1996, 1:00 p.m.

La Posada Hotel/San Agustin Grand Ballroom, 1000 Zaragoza
Laredo

Texas Board of Health

AGENDA:

The board will meet to discuss and possibly act on the approval of the: legislative comments; approval of the minutes of the December 1, and the December 20, 1995 board meetings; commissioner's report; update on the activities of Public Health Region 11; Strategic Management Committee report (approval of the strategic planning session report); Health Financing Committee report (recommendation on the State Medicaid Director concerning (proposed hearing aid services rules; proposed rules relating to the coverage and reimbursement of mammography services, and final adoption of the rules relating to Medicaid vendor drug reimbursement methodology)); Health and Clinical Services Committee report (recommendation on status pediatric cardiovascular programs in Lubbock that participate in the Chronically Ill and Disabled Children's Services Program; proposed rule concerning Chronically Ill and Disabled Children's Services Program pharmacy providers; final adoption of rules concerning Mother-Friendly Business Program supporting breast-feeding; final adoption of rule to establish standards for the performance of mandatory HIV testing during pregnancy and delivery; final adoption of rules concerning training of animal shelter personnel; final adoption of rules concerning rabies control and eradication; update on the Oral Rabies Vaccination Program (ORVP)); Human Resources Committee report (final adoption of rules concerning the Prostate Cancer Advisory Committee; final adoption of rules concerning Device Distributors and Manufacturers Advisory Committee; appointments to the Device Distributors and Manufacturers Advisory Committee; appointments to the Wholesale Drug Distributors Advisory Committee); Regulatory Committee report (proposed rules concerning regulation and standards for processing and distributing crab meat; proposed rules concerning Texas molluscan shellfish; proposed rules concerning assessment of administrative or civil penalties under (the Texas Food, Drug, and Cosmetic Act; the Texas Food, Drug, Device and Cosmetic Salvage Act; the Tanning Facility Regulation Act; Chapter 437, Health and Safety Code (relating to Food Service Establishments, Retail Food Stores, Mobile Food Units, and Roadside Food Vendors); Chapter 466, Health and Safety Code (relating to Narcotic Drug Treatment Programs); and Chapter 146, Health and Safety Code (relating to Tattoo Studios)); proposed rules concerning licensure of tanning facilities; proposed rule amending the general provisions for radiation control, including exemption criteria and inspection intervals; proposed new rule concerning licenses and radiation safety for irradiators; final adoption of rule repealing department requirements concerning radio-frequency electromagnetic radiation; final adoption of rules concerning charity care and community benefits reporting for non-profit hospitals; and final adoption of rules concerning certification

and accreditation program for lead-based paint activities); public comments (no Board of Health action required); announcement and comments (no Board of Health action required); meeting date for February 1996.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 18, 1996, 4:05 p.m.

TRD-9600802

Monday, January 29, 1996, 1:30 p.m.

Board Room M-739, Texas Department of Health, 1100 West 49th
Street

Austin

Hospital Data Advisory Committee

AGENDA:

The committee will discuss and possibly act on: approval of minutes; assignment of advisory committee member terms; review and approval of revised reporting forms for Chapter 311 non-profit hospital reporting; requested data analysis on government and non-government admissions and revenue from 1994 annual survey of hospitals data; public comment; setting next meeting date.

Contact: Dora McDonald, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600871

Tuesday, January 30, 1996, 9:00 a.m.

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

Drug Use Review Board

AGENDA:

The board will discuss and possibly act on: approval of the minutes of the October 31, 1995 meeting; presentation on the diabetes management program; ketoriac criteria; responses to brand name necessary override intervention letters; nicotine replacement therapy criteria data evaluation; review of tramadol data evaluation; review of non steroidal anti-inflammatory drug's (NSAID's) and anti-ulcer agents data evaluations; and the selection of targeted drugs for further evaluation

Contact: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 338-6947. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600865

Wednesday, January 31, 1996, 9:30 a.m.

Room M-739, Texas Department of Health, 1100 West 49th Street
Austin

Texas Department of Health/Board of Nurse Examiners of Memorandum of Understanding Advisory Committee

AGENDA:

The committee will discuss and possibly act on: approval of the minutes from the last meeting; Home and Community Support Service Advisory Committee's recommendation to involve registered nurses in the competency testing of unlicensed persons providing gastrostomy tube feedings in respite situation; design for outcome on data collection of clients who receive gastrostomy tube feeding; status report of subcommittee formed to develop a draft document that describes the guidelines to be incorporated as an addendum to the personal assistance service guidelines; and public comments.

Contact: Merrie Dufлот, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6648. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600864

◆ ◆ ◆
Texas Department of Human Services

Friday, January 26, 1996, 1:30 p.m.

701 West 51st Street, Third Floor, East Tower, Room 300H

Austin

State Advisory Committee on Child Care Programs

AGENDA:

A conference call has been scheduled to discuss a proposed rule on transitional child care eligibility criteria for additional time limited care. For individuals who wish to attend the meeting in person, the conference call will be held in Room 300H of the John H. Winters Building.

Contact: Shelley Bjorkman, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-4174.

Filed: January 18, 1996, 11:01 a.m.

TRD-9600727

◆ ◆ ◆
Texas Department of Insurance

Monday, February 5, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-0753.c

To consider whether disciplinary action should be taken against Dan Hiram Jarrel, Plano, Texas, who holds a Local Recording Agent's License issued by the Texas Department of Insurance.

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

Filed: January 23, 1996, 9:50 a.m.

TRD-9600943

Tuesday, February 6, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-1735.c

In the matter of Samuel Gateman, et al

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

Filed: January 23, 1996, 9:45 a.m.

TRD-9600934

Thursday, February 8, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-95-1749.d

To consider whether Imperial Premium Finance, Inc., has violated Texas Insurance Code Annotated, Articles 24.14 and 24.17, §(g) and 28 Texas Administrative Code, §25.44 and §25.32(b).

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

Filed: January 23, 1996, 9:46 a.m.

TRD-9600935

Friday, February 9, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-96-0128.c

To consider whether disciplinary action should be taken against Billy Mac Thompson, Missouri City, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License issued by the Texas Department of Insurance.

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

Filed: January 23, 1996, 9:46 a.m.

TRD-9600936

Friday, February 9, 1996, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA:

454-96-0136.c

To consider whether disciplinary action should be taken against James Walter Jackson, Houston, Texas, who holds a Group II, Insurance Agent's License issued by the Texas Department of Insurance.

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

Filed: January 23, 1996, 9:46 a.m.

TRD-9600937

◆ ◆ ◆
Texas Board of Professional Land Surveying

Thursday-Friday, February 1-2, 1996, 1:00 p.m. and 9:00 a.m., respectively.

7701 North Lamar Boulevard, Suite 400

Austin

Revised Agenda

Board Meeting

AGENDA:

An addition has been made to the agenda that was previously filed on January 17, 1996 and published in the January 23, 1996 Texas Register. In the completed agenda attached to our summary, reference is made to Agenda Exhibit A. An addition to the agenda has been made. Under the name Robert Pounds "and 88-7" has been added.

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

Filed: January 23, 1996, 10:28 a.m.

TRD-9600949

Thursday-Friday, February 1-2, 1996, 1:00 p.m. and 9:00 a.m., respectively.

7701 North Lamar Boulevard, Suite 400

Austin

Board Meeting

AGENDA:

Addition to agenda under executive director's report (bold and underlined):

... The board will consider and act upon the executive director's report which will include discussion of NCEES Penalty Guide, Emeritus Members, [and] an LAR request for an investigator and discuss Agreed Modification of Agreed Permanent Injunction for James L. Blumberg, ...

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

Filed: January 18, 1996, 11:00 a.m.

TRD-9600724

◆ ◆ ◆
**Texas State Board of Examiners of Marriage
and Family Therapists**

Wednesday, January 31, 1996, 8:30 a.m.

Room N-456, Exchange Building, 8407 Wall Street

Austin

Application Review Committee

AGENDA:

The committee will discuss and possibly act on pending applications: inactive status (Henry C. Coker, III; Geana Madison Goodwin; William M. Helton, Jr.; Sophia Lonergan; Gerald D. McBride; and Janet S. Washington); post graduate experience (James L. Moody and Rebecca R. Motley).

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600867

Wednesday, January 31, 1996, 8:30 a.m.

Room S-402, Exchange Building, 8407 Wall Street

Austin

Ethics Committee

AGENDA:

The committee will discuss and possibly act on pending complaints: MF-95-5, MF-95-12, MF-95-13, MF-95-22, MF-95-24, MF-95-29, MF-96-1, MF-96-5, MF-96-6; and other pending complaints.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600868

Wednesday, January 31, 1996, 10:00 a.m.

Room S-402, Exchange Building, 8407 Wall Street

Austin

AGENDA:

The committee will discuss and possibly act on: approval of the minutes from the December 4, 1995 meeting; committee reports (Application Committee (Coke, Goodwin, Helton, Lonergan, McBride, Moody, Motley, Washington); Ethics Committee (MF-95-5, 12, 13, 22, 24, 29, MF-96-1, 5, 6; and other pending complaints)); two-year post degree direct clinical experience and supervision; out of state applicants; examination reciprocity; board chair report; executive director report; and next meeting date.

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6657. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600866

◆ ◆ ◆
Texas State Board of Medical Examiners

Friday, January 26, 1996, 10:00 a.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Ad Hoc Committee on Telemedicine

AGENDA:

Call to order

Roll call

Discussion, recommendation, and possible action on House Bill 2669 and related telemedicine issues

Report from federation's telemedicine symposium held on January 17, 1996

Presentation and discussion regarding licensure requirements for physicians

Adjourn

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 305-7016 or Fax: (512) 305-7008.

Filed: January 18, 1996, 3:08 p.m.

TRD-9600785

Friday, January 26, 1996, 1:30 p.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Public Information Committee

AGENDA:

1. Call to order
2. Roll call
3. Discussion, recommendation and possible action on newsletter format and content.
4. Discussion of Spring exhibit schedule.
5. Discussion, recommendation and possible action on proposed homepage.
6. Discussion of proposed brochures.
7. Adjourn

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 305-7016 or Fax: (512) 305-7008.

Filed: January 18, 1996, 3:08 p.m.

TRD-9600786

◆ ◆ ◆
Texas Natural Resource Conservation Commission

Friday, January 26, 1996, at 1:30 p.m.

12118 North Interstate 35, Building E, Room 201S

Austin

AGENDA:

The commission will meet in a work session for discussion between commissioners and staff. No public testimony or comment will be accepted except by invitation of the commission.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: January 18, 1996, 4:03 p.m.

TRD-9600799

Tuesday, January 30, 1996, at 9:30 a.m.

12118 North Interstate 35, Building E, Room 201S

Austin

AGENDA:

The commission will consider approving the following matters on the agenda: agency enforcement report; municipal water discharge enforcement; public water supply enforcement; industrial hazardous waste enforcement; petroleum storage tank enforcement; rules; executive session; the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time. (Registration for 9:30 a.m. agenda starts 8:45 a.m. until 9:25 a.m.)

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: January 19, 1996, 3:55 p.m.

TRD-9600859

Texas State Board of Examiners of Perfusionists

Friday, February 2, 1996, 8:00 a.m.

Room S-402, Exchange Building, 8407 Wall Street

Austin

Application Committee

AGENDA:

The committee will discuss and possibly act on: application numbers PF0250 and PF0265; and announcement of next meeting date.

Contact: Jo Whittenberg, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6751. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600870

Friday, February 2, 1996, 9:30 a.m.

Room S-402, Exchange Building, 8407 Wall Street

Austin

AGENDA:

The board will discuss and possibly act on: approval of the minutes from the November 6, 1995 meeting; chairman's report; report and discussion from the Application Committee (approval of variances for supervision of provisional licenses perfusionists); program director's report; approval of provisional licenses by executive secretary, not variances; utilization of American Board of Cardiovascular Perfusion examination for Texas licensure; letters received from Jorge Molina, PA-C, CCP and Alexander G. Karnavas BA, LP, CCP; final adoption of proposed continuing education rules, §761.14; and setting next meeting date.

Contact: Jo Whittenberg, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6751. To request an accommodation under the ADA, please contact Renee Rusch, ADA Coordinator in the Office of Civil Rights at (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: January 19, 1996, 4:15 p.m.

TRD-9600869

◆ ◆ ◆
Texas State Board of Podiatric Medical Examiners

Thursday, February 1, 1996, 10:00 a.m.

333 Guadalupe, Tower I, Room 1250A

Austin

AGENDA:

Thursday, February 1, 1996, inspection of credentials; reading of the minutes; president's, vice-president's and executive director's reports; public comments; discussion on the role of podiatric medical assistants, their regulation and the Health Department Radiologic Technologist rules-1:30 p.m.; discussion on audit report; discussion on letter from James Tuggle; examination report; discussion on rule changes; discussion and approval of new licenses; discussion on testing consultant contract re: Dr. Zukowski; budget report; complaint status report; discussion to accept policies and procedures from comptroller, LBB, ERS, auditors and Texas State Library from their manuals; board discussion in executive session pursuant to

§2(e) and §2(g) of Article 6252-17 with executive director and staff and possible board action concerning evaluation, employment, reassignment, duties, discipline, or expectations of board or to hear complaints, questions, or receive responses from executive director and staff regarding evaluation; election of officers; set time, place, and date for next scheduled meeting. NOTE: Agenda items may be taken out of order.

Contact: Janie Alonzo, P.O. Box 12216, Austin, Texas 78711-2216, (512) 305-7000.

Filed: January 19, 1996, 3:41 p.m.

TRD-9600850

◆ ◆ ◆
Texas State Board of Examiners of Psychologists

Friday, February 9, 1996, 8:30 a.m.

333 Guadalupe, Suite 2-400A

Austin

Psychological Associate Advisory Committee

AGENDA:

The Psychological Associate Advisory Committee to the Texas State Board of Examiners of Psychologists will meet to consider public comments, minutes of the last meeting; rules; reports from the chair of the committee, the executive director of the agency and the general counsel of the agency; reports from the following subcommittees: Disciplinary Sanctions, Financial Advisory, Legislative, Legal Issues, Policies and Procedures, Public Information and Relations, Professional/Ethical Standards and Development, Professional Reimbursement Guidelines, Publications and Research, and Supervisory Guidelines; the Licensed Specialist in School Psychology Issue; election of officers; planning for the next Advisory Committee meeting; and to seek legal advice in executive session pursuant to Title 5, Chapter 551, Government Code, §551.071.

Contact: Rebecca E. Forkner, 9101 Burnet Road, Suite 212, Austin, Texas 78758, (512) 835-2036.

Filed: January 23, 1996, 8:51 a.m.

TRD-9600925

◆ ◆ ◆
Texas Department of Public Safety

Monday, January 29, 1996, 1:00 p.m.

DPS Headquarters, 5805 North Lamar Boulevard

Austin

Public Safety Commission

AGENDA:

Approval of minutes
Budget matters
Internal audit report
Personnel matters
Pending and contemplated litigation
Real estate matters
Public comment
Miscellaneous and other unfinished business
Discharge appeal hearing of DPS employee George Kevin Kennedy

Contact: James Wilson, 5805 North Lamar Boulevard, Austin, Texas 78752, (512) 424-2000, Ext. 3700.

Filed: January 18, 1996, 11:01 a.m.

TRD-9600726

◆ ◆ ◆
Public Utility Commission of Texas

Wednesday, January 24, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

Emergency Revised Agenda

AGENDA:

In addition to the previously submitted agenda, the commission will also consider the appeal filed in Docket Number 15100 (SOAH Number 473-95-1820) -Request of Golden Spread Electric Cooperative, Inc. for determinations required by §32K of the Public Utility Holding Company Act and for certification of contract.

Reason for emergency: Prompt commission action in necessary to avoid having the appeal moot.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 23, 1996, 10:02 a.m.

TRD-9600944

Tuesday, January 30, 1996, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Revised Agenda

AGENDA:

In addition to the previously submitted agenda, the commission will also consider for approval the report to the Legislature concerning Equal Employment Opportunity, pursuant to §23.11(j) and possible delegation of authority to the executive director to issue the report to the Legislature.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1996, 10:02 a.m.

TRD-9600893

Wednesday, January 31, 1996, 2:30 p.m.

Houston City Hall, 901 Bagby Annex

Houston

AGENDA:

The commissioners will attend a press conference at the above date, time and location regarding Docket Number 14447 (SOAH Number 473-95-1003)-petition of MCI Telecommunications Corporation for an investigation of the practices of Southwestern Bell Telephone Company regarding the exhaustion of telephone numbers in the 214 numbering plan area and request for a cease and desist order against Southwestern Bell Telephone Company; petition of the Office of Public Utility Counsel for an investigation of the practices of Southwestern Bell Telephone Company regarding the exhaustion of telephone numbers in the 713 numbering plan area and request for a cease and desist order against Southwestern Bell Telephone Company.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1996, 4:03 p.m.

TRD-9600911

Thursday, February 1, 1996, 2:30 p.m.

Dallas City Hall, 1500 Marilla

Dallas

AGENDA:

The commissioners will attend a press conference at the above date, time and location regarding Docket Number 14447 (SOAH Number 473-95-1003)-petition of MCI Telecommunications Corporation for an investigation of the practices of Southwestern Bell Telephone Company regarding the exhaustion of telephone numbers in the 214 numbering plan area and request for a cease and desist order against Southwestern Bell Telephone Company; petition of the Office of Public Utility Counsel for an investigation of the practices of Southwestern Bell Telephone Company regarding the exhaustion of telephone numbers in the 713 numbering plan area and request for a cease and desist order against Southwestern Bell Telephone Company.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 22, 1996, 4:03 p.m.

TRD-9600912

Texas Racing Commission

Monday, January 29, 1996, 10:30 a.m.

John H. Reagan Building, Room 101, 105 West 15th Street

Austin

AGENDA:

Call to order; roll call; consideration of and action to propose or adopt the following new sections or amendments: §§303.3, 303.41, 303.43, 303.95, 305.41, 305.70, 309.202, 313.53, 313.132, 313.301, 313.424, 313.449, 315.36, 319.111, 321.111, 321.6, 321.38, 321.114, 321.204, 321.206-321.209, 321.232-321.235, 321.271, 321.272, 321.275, 321.277; petition by Retama Park for amendment to §321.235; petition by Trinity Meadows for amendment to §§309.102, 309.103, and 321.235; petition by Sam Houston Race Park for amendments to §§321.201-321.208, 321.231-321.234, 321.272, 321.273, 321.276, and 321.277; request by Trinity Meadows and Sam Houston Race Park for change in 1996 live race dates; consideration of and possible action on allocation of simulcasting revenue dedicated to purses and Texas-Bred incentive money among the various official breed registries; report by Retama Park; old and new business; adjourn.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 833-6699.

Filed: January 19, 1996, 4:03 p.m.

TRD-9600861

Texas Low-Level Radioactive Waste Disposal Authority

Friday, February 9, 1996, 8:00 a.m.

Stouffer Renaissance Hotel, 6 Greenway Plaza East

Houston

Board of Directors, Budget Committee

AGENDA:

The Budget Committee of the Board of Directors of the Texas Low-Level Radioactive Waste Disposal Authority will meet to consider budget adjustments for fiscal year 1996.

Contact: Lawrence R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: January 23, 1996, 9:19 a.m.

TRD-9600931

Friday, February 9, 1996, 9:00 a.m.

Stouffer Renaissance Hotel, 6 Greenway Plaza East

Houston

Board of Directors

AGENDA:

The board will meet in executive session to receive advice of the Authority's attorneys concerning contemplated litigation related to the Authority's license application pending before the Texas Natural Resource Conservation Commission. The board will open the meeting to the public to approve minutes of their previous meeting; hear a report of the Budget Committee; hear the general manager's report on the year-to-date financial status, hear a report on the U. S. Department of Energy's trust fund, consider budget adjustments for fiscal year 1996, be updated on the proposed Texas and other federal low-level waste compacts; be given status reports on the license application and site access; be given an overview of the demonstration cap and exploratory trench project, and review the status of agency contracts; hear a report on the community development and county working groups, public information program, and the quality assurance program. The board will consider the approval of proposed rulemaking for historically underutilized businesses, planning and implementation fees, below-ground disposal of low-level radioactive waste, discuss proposed rulemaking on the Authority's emergency response plan, discuss hiring a financial advisor for bond insurance, consider contract amendments, and the approval of a railroad crossing contract. The board will consider the approval of a resolution supporting the Texas Radiation Advisory Board and hear public comments before adjourning.

Contact: Lawrence R. Jacobi, Jr., P. E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: January 23, 1996, 9:19 a.m.

TRD-9600932

Railroad Commission of Texas

Monday, January 29, 1996, 9:30 a.m.

1701 North Congress Avenue, 12th Floor, Suite 12-100, Willa Mae Palmer Conference Room

Austin

AGENDA:

The Railroad Commission of Texas will hold a meeting on reorganization and personnel matters; the commission will conduct inter-

views and may take action on personnel matters. The commission may meet in executive session as permitted by Texas Government Code, Chapter 551.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: January 19, 1996, at 10:17 a.m.

TRD-9600827

Tuesday, January 30, 1996, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the agenda. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: January 19, 1996, at 10:17 a.m.

TRD-9600828

Boards for Lease of State-Owned Lands

Friday, January 26, 1996, 3:30 p.m.

General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

Board for Lease of Texas Department of Criminal Justice

AGENDA:

Approval of previous board meeting minutes; consideration of nominations, terms, conditions and procedures for the April 2, 1996 oil, gas and other minerals lease sale; consideration of authorization for commissioner to negotiate and execute in-kind gas contracts and related instruments under Texas Natural Resources Code, §52.133.

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

Filed: January 18, 1996, 2:15 p.m.

TRD-9600769

Friday, January 26, 1996, 3:45 p.m.

General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

Board for Lease of Texas Parks and Wildlife Department

AGENDA:

Approval of previous board meeting minutes; consideration of bids received for the January 2, 1996 special oil and gas lease sale; consideration of nominations, terms, conditions and procedures for the April 2, 1996 oil, gas and other minerals lease sale; easement renewal application, Sea Rim State Park, Jefferson County; consid-

eration of authorization for commissioner to negotiate and execute in-kind gas contracts and related instruments under Texas Natural Resources Code, §52.133; and financial report.

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

Filed: January 18, 1996, 2:16 p.m.

TRD-9600770

Texas Guaranteed Student Loan Corporation

Friday, January 26, 1996, 9:30 a.m.

13809 North Highway 183 (Suite 301)

Austin

Board of Directors

AGENDA:

1. Call to order
2. Approval of September 15, 1995 board meeting minutes
3. Review and action on B/F/A Committee report, auditor's report (Coopers and Lybrand), and internal audit plan
4. Presentation and action on Planning, Personnel, and Executive Committees' reports
5. President's report
6. Presentation of fourth quarter fiscal year 1995 board report
7. Appointment of Lender and School Advisory Committee members as recommended by the president
8. Review and action on modification of corporate resolution for contract execution
9. Review and action on proposed investment policy revisions
10. Discussion and action on fiscal year 1996 budget amendments for expanded marketing plan, additional product development and support, and the development of an alternate student financial aid delivery system
11. Review and action on proposed revised secondary market eligibility policy
12. Review and action on pending purchase contracts exceeding \$250,000
13. Adjourn to executive session

Consultation with attorney on litigation issues

Review and comparison of president's salary with recent salary survey

14. Resume open session

15. Action on items arising from executive session

16. Adjourn

Contact: Pat Boulton, 13809 North Highway 183, Austin, Texas 78750, (512) 219-4550.

Filed: January 18, 1996, 3:21 p.m.

TRD-9600787

Teacher Retirement System of Texas

Friday, January 26, 1996, 8:00 a.m.

1000 Red River, Room 514-E

Austin

Board of Trustees Real Estate Committee

AGENDA:

Approval of minutes of September 15, 1995, meeting; consider approval of GE Capital Investment Advisors, Inc. as a real estate advisor and the assignment of MacFarlane Partners, L.P. real estate advisor agreement to GE Capital Investment Advisors; and update on mortgage risk ratings

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400. For ADA assistance, contact Mary Godzik (512) 397-6400 or T.D. D. (512) 397-6444 or 1-800-841-4497 at least two days prior to the meeting.

Filed: January 18, 1996, 3:57 p.m.

TRD-9600792

Friday, January 26, 1996, 9:00 a.m.

1000 Red River, Fifth Floor Boardroom

Austin

Board of Trustees

AGENDA:

Roll call of board members; public comments; presentation of appreciation awards to employees retiring in January, 1996; approval of the minutes of December 15, 1995, board meeting; report of Retiree Advisory Committee; consideration of changes to the bylaws of the Board of Trustees; consideration of delaying implementation of passive international portfolio until June 1, 1996; review of member service delivery goals; report of the executive director; and comments by board members.

Contact: Mary Godzik, 1000 Red River, Austin, Texas 78701-2698, (512) 397-6400. For ADA assistance, contact Mary Godzik (512) 397-6400 or T.D. D. (512) 397-6444 or 1-800-841-4497 at least two days prior to the meeting.

Filed: January 18, 1996, 3:57 p.m.

TRD-9600791

◆ ◆ ◆
Telecommunications Infrastructure Fund Board

Friday-Saturday, January 26-27, 1996, 9:00 a.m. and 8:30 a.m., respectively.

727 East 26th Street

Austin

AGENDA:

Friday, January 26, 1996, 9:00 a.m.

I. Review, interpret, clarify and re-articulate the mission and goals in House Bill 2128

II. Presentation from Dr. Jay Sanders, director, Telemedicine for Georgia

III. Discussion of informational needs; policy areas; goal setting; unresolved issues/needs.

IV. Planning session; review and assessment of mission, goals, and policies and procedures from similar state-wide initiatives.

V. Presentation from Lou Wetherbee—new technologies and libraries

VI. Recess

Saturday, January 27, 1996, 8:30 a.m.

Business agenda

I. Approve minutes of meeting held on December 11 and December 29, 1995, and January 12, 1996

II. Approve resolution supporting priority projects

III. Approve contract for hiring executive search firm

IV. Approve request for proposal for a consulting contract

Retreat agenda, 9:00 a.m.

I. Summarizing previous day outcomes; set/clarify goals for day

II. Planning session: Categorize and prioritize issues/needs for setting policy and operational procedures. Identify areas needing clarification.

III. Presentation from June Smith Patterson; Technology Policy advisor to the governor of North Carolina

IV. Revisit informational needs and designate responsibility and timetable; revisit policy areas, specifying preliminary parameters for discussion; revisit operational procedures; specifying preliminary guidelines.

V. Summarize and clarify informational needs, initial operational procedures and guidelines. Define accountability and timetable for outcomes. Identify interim goals and set preliminary agenda and time of next meeting.

VI. Adjourn

Contact: Jimmy Glotfelty, P.O. Box 12428, Austin, Texas 78701, (512) 936-8432.

Filed: January 18, 1996, 4:32 p.m.

TRD-9600808

◆ ◆ ◆
The Texas A&M University System

Wednesday, January 24, 1996, 6:00 p.m.

BOR Meeting Room, MSC, Clark Street

College Station

Board of Regents

AGENDA:

Open house forum for discussion of student related issues.

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

Filed: January 19, 1996, 3:53 p.m.

TRD-9600855

Thursday, January 25, 1996, 8:30 a.m.

MSC Room 292, Joe Routh Boulevard

College Station

Board of Regents

AGENDA:

Consider, act and vote on the following: Authorization to present a proposal to the Texas Higher Education Coordinating Board initiating a new program leading to a Master of Science Degree in Gerontology at TAMU-K; adopt resolutions for Robert Merrifield and Corey Pullig; name facilities at system institutions (TAMU and TAMU-CC); appoint provost and vice president for academic affairs at PVAMU; appoint interim president at TAMU; appoint executive vice president and provost at TAMU; grant emeritus titles; confirm appointments and promotions; grant tenure; approve local depository

for PVAMU; establish quasi-endowments at TAMU; approve fiscal year 1997 budget guidelines; authorize issuance of Revenue Financing System Bonds, Series 1996 and PUF Bonds, Series 1996A, and appoint deputy chancellor for Finance and Operations and director of Treasury Services to act pursuant to resolution and to submit application to the Texas Bond Review Board; approve system internal audit plans for 1996 and 1997; authorize CEOs of component institutions to hold public hearings on the increase of general use fees; accept report of appropriations by the chancellor of CEOs; accept of gifts, grants, loans and bequests; confirm vending machine contracts at TEEX; delegate authority for approval of travel; authorize negotiation and execution of ground leases for construction, maintenance and operation of on-campus housing facilities at PVAMU, construction, maintenance and operation of a hotel/motel lodging facility at WTAMU, and construction, maintenance and operations of on-campus housing facilities at TAMU; authorize execution of right-of-way sanitary sewer pipeline easement, surface easement and necessary temporary construction easements in El Paso County; authorize execution of underground pipeline easements and surface easement in Burleson County; authorize execution of easements for construction, maintenance and operations of natural gas collection system in Brazos County; action on bids for movable furnishings for the Administration Building rehabilitation at PVAMU and the Library, Computing and Study Complex at TAMU; approval of programs of requirement, appropriations for design and selections of project architects/engineers for the Natural Resources Informatics Laboratory, Blacklands Research Center at TAES, the Good Laboratory Practices facility at TEES, west campus streets development at TAMU and the athletic facilities renovations/additions, Phase II, at TAMU; supplemental appropriation for design and approval of increased project budget for the TTI hangar rehabilitation at TAMU; initiation of west campus parking garage at TAMU.

Overview of system activities; remarks from the directors of service agencies.

Closed session discussion items: Consultation with system attorneys on pending and proposed litigation and matters recognized as attorney-client confidential and privileged; matters involving the appointment, employment, evaluation, reassignment, duties discipline, or dismissal, or to hear complaints or charges against an officer or employee; appointment of provost and vice president for Academic Affairs, Prairie View A&M University, appointment of interim president, Texas A&M International University; appointment of executive vice president and provost, Texas A&M University.

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

Filed: January 19, 1996, 4:21 p.m.

TRD-9600873

Thursday, January 25, 1996, 8:30 a.m.

MSC Room 292, Joe Routt Boulevard

College Station

Revised Agenda

AGENDA:

Addition to the agenda: Consider, act, and vote on the approval of policy governing the development of core curriculum at Texas A&M University System universities.

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

Filed: January 22, 1996, 8:12 a.m.

TRD-9600878

The Texas A&M University System, Board of Regents

Thursday, January 25, 1996, 11:05 a.m. (or upon adjournment or recess of meeting of the Board of Regents)

Texas A&M University, MSC, Room 292, Joe Routt Boulevard
College Station

Executive Committee

AGENDA:

Consideration, action, and vote on the following: Adopt resolutions for Robert Merrifield and Corey Pullig; name facilities at system institutions (TAMU and TAMU-CC); appoint provost and vice president for Academic Affairs at PVAMU; appoint interim president at TAMU; appoint executive vice president and provost at TAMU; grant emeritus titles; confirm appointments and promotions; grant tenure.

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

Filed: January 19, 1996, 4:21 p.m.

TRD-9600872

Thursday, January 25, 1996, 11:05 a.m. (or upon adjournment or recess of meeting of the Board of Regents)

Texas A&M University, MSC, Room 292, Joe Routt Boulevard
College Station

Revised Agenda

Executive Committee

AGENDA:

Additions to the agenda: Consider, act and vote on the approval of policy governing the development of core curriculum at Texas A&M University System universities.

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

Filed: January 22, 1996, 8:12 a.m.

TRD-9600879

Thursday, January 25, 1996, 11:20 a.m. (or upon adjournment of the meeting of the Executive Committee)

Texas A&M University, MSC, Room 292, Joe Routt Boulevard
College Station

Committee for Academic Campuses

AGENDA:

Consideration, action and vote on the following: Authorization to present a proposal to the Texas Higher Education Coordinating Board initiating a new program leading to a Master of Science Degree in Gerontology at TAMU-K.

Discussion and possible recommendation concerning the following: Policy statement/resolution relating to academic campuses core curriculum requirements as they relate to national and international politics and culture.

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

Filed: January 19, 1996, 4:32 p.m.

TRD-9600875

Thursday, January 25, 1996, 12:15 p.m. (or upon adjournment or recess of meeting of the Committee for Academic Campuses)

Texas A&M University, MSC, Room 292, Joe Routt Boulevard
College Station

Finance and Audit Committee

AGENDA:

Consideration, action and vote on the following: Approve local depository for PVAMU; establish quasi-endowments at TAMU; approve fiscal year 1997 budget guidelines; authorize issuance of Revenue Financing System Bonds, Series 1996 and PUF Bonds, Series 1996A, and appoint deputy chancellor for Finance and Operations and director of Treasury Services to act pursuant to resolution and to submit application to the Texas Bond Review Board; approve system internal audit plans for 1996 and 1997; authorize CEOs of component institutions to hold public hearings on the increase of general use fees; accept report of appropriations by the chancellor of CEOs; accept of gifts, grants, loans and bequests; confirm vending machine contracts at TEEX; delegate authority for approval of travel.

Report and discussion: New investment company for Permanent University Fund.

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

Filed: January 19, 1996, 3:53 p.m.

TRD-9600856

Thursday, January 25, 1996, 1:30 p.m. (or upon adjournment or recess of meeting of Finance and Audit Committee)

Texas A&M University, MSC, Room 292, Joe Routt Boulevard
College Station

Committee for Land and Mineral Resources

AGENDA:

Consideration, action and vote in the following: Authorize negotiation and execution of ground leases for construction, maintenance and operation of on-campus housing facilities at PVAMU, construction, maintenance and operation of a hotel/motel lodging facility at WTAMU, and construction, maintenance and operations of on-campus housing facilities at TAMU; authorize execution of right-of-way sanitary sewer pipeline easement, surface easement and necessary temporary construction easements in El Paso County; authorize execution of underground pipeline easements and surface easement in Burleson County; authorize execution of easements for construction, maintenance and operations of natural gas collection system in Brazos County.

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

Filed: January 19, 1996, 3:53 p.m.

TRD-9600857

Thursday, January 25, 1996, 2:30 p.m. (or upon adjournment or recess of the Committee for Land and Mineral Resources)

Texas A&M University, MSC, Room 292, Joe Routt Boulevard
College Station

Facilities Planning and Building Committee

AGENDA:

Consideration, action and vote on the following: Action on bids for movable furnishings for the Administrative Building rehabilitation at PVAMU and the Library, Computing and Study Complex at TAMU; approval of programs of requirements, appropriations for design and selections of project architects/engineers for the Natural Resources Informatics Library, Blacklands Research Center at TAES, the Good

Laboratory Practices facility at TEES, west campus streets development at TAMU and the athletic facilities renovations/additions, Phase II, at TAMU; supplemental appropriation for design and approval of increased project budget for the TTI Hangar rehabilitation at TAMU; initiation of west campus parking garage at TAMU.

Reports: Status of system construction projects authorized by the Board of Regents, status of projects under construction.

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

Filed: January 19, 1996, 3:53 p.m.

TRD-9600858

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Texas Southern University

Thursday, February 1, 1996, 10:00 a.m.

3100 Cleburne, Law School, Second Floor

Houston

Litigation Committee

AGENDA:

Meeting to consider a review of cases filed and pending against the university.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 23, 1996, 9:05 a.m.

TRD-9600927

Thursday, February 1, 1996, 11:15 a.m.

3100 Cleburne, Hannah Hall, Room 111

Houston

Personnel, Student Services and Academic Affairs Committee

AGENDA:

Meeting to consider: progress reports of academic activities and programs; personnel actions.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 23, 1996, 9:05 a.m.

TRD-9600928

Thursday, February 1, 1996, 1:00 p.m.

3100 Cleburne, Hannah Hall, Room 111

Houston

Finance and Buildings and Grounds Committee

AGENDA:

Meeting to consider: matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments; contract awards; and informational items.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 23, 1996, 9:47 a.m.

TRD-9600941

Friday, February 2, 1996, 8:30 a.m.

3100 Cleburne, Robert J. Terry Library, Fifth Floor

Houston

Board of Regents

AGENDA:

Meeting to consider: minutes; report of the president; report from Standing Committee; executive session.

Contact: Janet Lightfoot, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: January 23, 1996, 9:47 a.m.

TRD-9600940

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Texas State Technical College System

Saturday, January 27, 1996, 8:00 a.m.

TSTC Harlingen Campus, Conference Center Board Room
Harlingen

Board of Regents

AGENDA:

The Board of Regents will discuss and act in the following minute orders:

Classes meeting with less than ten students, AAS Degree Program in Industrial Maintenance Technology at TSTC Waco, requests for budget change, renewal lease agreement with Filterspun Division of Service Filtration Corporation, lease agreement with Texas Historic Aviation Museum, addendum to original ground lease agreement with Chrysler Technologies Airborne Systems, Inc. for 32,017 square feet, addendum to Ground Lease Two with Chrysler Technologies Airborne Systems, Inc. for .330 acres, sale of excess property, request for Texas Higher Education Coordinating Board approval of the Computer Applications Center Construction Project, request for Texas Higher Education Coordinating Board approval of the Fentress Center Phase II construction project, award a contract for construction of the Health Science Technology Building, change orders to Student Health and Recreation Center, approval of the concept of an automated energy management system, approval of consultant to oversee assessment, specification and design of automated energy management system, approval to accept bids for installation of automated energy management system, resolution of appreciation for Arthur Douglas, policy for return-to-work program, salary increase effective February 1, 1996 for TSTC System employees, salary increase for TSTC Waco/Marshall employees for remainder of fiscal year 1996, selection of appraiser to appraise TSTC System Panhandle rental properties in Amarillo, Texas.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 18, 1996, 4:02 p.m.

TRD-9600796

Saturday, January 27, 1996, 8:15 a.m.

TSTC Harlingen Campus, Conference Center Board Room
Harlingen

Board of Regents (Closed Meeting)

AGENDA:

Following item VII of the agenda and shown as Item VIII the Board of Regents will recess from open meeting into closed meeting in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in §§551.071, 551.072, 551.074, and 551.075 and will discuss the following:

Maria Christina Lucio vs. Texas State Technical College and J. Gilbert Leal, Civil Action B-95-01 U. S. District Court Brownsville

Division

Review and evaluate contract status of Texas State Technical College chancellor

Review and evaluate contract status of Texas State Technical College presidents

Status and discussion of Panhandle rental properties in Amarillo, Texas

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 18, 1996, 4:03 p.m.

TRD-9600797

Friday, January 27, 1996, 12:30 p.m.

TSTC Harlingen Campus, Conference Center Board Room
Harlingen

Board of Regents

AGENDA:

Discussion and review of the following TSTC Policy Committee minute orders and reports:

Committee of the Whole-12:30 p.m.

Policy Committee for Instruction and Student Services-12:35 p.m.

Policy Committee for Human Resources and Development-1:00 p.m.

Policy Committee for Facilities-1:30 p.m.

Policy Committee for Fiscal Affairs-2:15 p.m.

Committee of the Whole-3:00 p.m.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: January 18, 1996, 4:02 p.m.

TRD-9600795

Saturday-Sunday, January 27-28, 1996, 2:00 p.m. and 8:00 a.m., respectively.

TSTC Harlingen Campus, Student Center VIP Room
Harlingen

Board of Regents

AGENDA:

The TSTC Board of Regents will participate in a work session to review and discuss Texas State Technical College.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas (817) 867-4890.

Filed: January 19, 1996, 3:17 p.m.

TRD-9600848

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University Interscholastic League

Monday, January 29, 1996, 10:00 a.m.

University Interscholastic League, Thompson Conference Center, 26th and Red River

Austin

Waiver Review Board

AGENDA:

AA. Request for waiver of Parent Residence Rule by Tarek Dahboul, Pflugerville High School.

BB. Request for waiver of the Four-Year Rule by Osvaldo Adame, representing El Paso High School.

CC. Request for waiver of the Four-Year Rule by Jose Solorio, representing North Dallas High School, Dallas, Texas.

DD. Request for waiver of the Four-Year Rule by Jesus Guerra, representing North Dallas High School, Dallas, Texas.

EE. Request for waiver of Parent-Residence Rule by Ben Eibl, representing Taft High School, San Antonio, Texas.

Contact: Sam Harper, 23001 Lake Austin Boulevard, Austin, Texas 78713, (512) 471-5883.

Filed: January 23, 1996, 8:51 a.m.

TRD-9600926

Texas Workers' Compensation Insurance Fund

Tuesday, January 30, 1996, 8:00 p.m.

98 San Jacinto, Plaza Suite 716

Austin

Board of Directors

AGENDA:

The Board of Directors of the Texas Workers' Compensation Insurance Fund (Fund) will have an informal dinner at 8:00 p.m. on Tuesday, January 30, 1996. The dinner is intended to be a social event, and there is no formal agenda. No formal action will be taken, but it is possible that discussions could occur which could be construed to be "deliberations" within the meaning of the Open Meetings Act; therefore, the dinner will be treated as an "open meeting" and the public will be allowed to observe. However, dinner will be provided only for the Board of Directors of the Fund, and certain staff of the Fund. No dinner or refreshments will be provided for members of the public who may wish to attend.

Contact: Jeanette Ward, 100 Congress Avenue, Austin, Texas 78701, (512) 404-7142.

Filed: January 22, 1996, 1:18 p.m.

TRD-9600901

Texas Workforce Commission

Tuesday, January 30, 1996, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

Prior meeting notes; staff reports; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Texas Employment Commission Docket 5; consideration and possible final adoption of rule providing for income tax withholding from unemployment insurance benefits; discussion of Texas Council on Workforce and Economic Competitiveness agenda for February 15 and 16 El Paso meeting; discussion, consideration, and possible action with regard to transfer of programs pursuant to House Bill 1863; consideration and possible proposal for adoption of rules regarding administration of the skills development fund; and set date of next meeting.

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

Filed: January 22, 1996, 4:11 p.m.

TRD-9600914

Regional Meetings

Meetings Filed January 18, 1996

The Bandera County Appraisal District Board of Directors met at the Bandera County Appraisal District, 1116 Main Street, Bandera, January 23, 1996, at 3:00 p.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (210) 796-3039 or Fax: (210) 796-3672. TRD-9600790.

The Burke Center (Revised Agenda.) Board of Trustees met at 4101 South Medford Drive, Lufkin, January 23, 1996, at 1:00 p.m. Information may be obtained from Sandra J. Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9600781.

The Comal Appraisal District Appraisal Review Board will meet at 178 East Mill Street, #102, New Braunfels, February 7, 1996, at 9:00 a.m. Information may be obtained from Curtis Koehler, P.O. Box 311222, New Braunfels, Texas 78131-1222, (210) 625-8597. TRD-9600771.

The Education Service Center, Region XVII Board of Directors will meet at 1111 West Loop 289, Lubbock, February 13, 1996, at 9:00 a.m. Information may be obtained from Virgil (Ed) Flathouse, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4852. TRD-9600784.

The Gulf Bend Center Board of Trustees met at 1502 East Airline, Victoria, January 25, 1996, at Noon. Information may be obtained from Agnes Moeller, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611. TRD-9600798.

The Heart of Texas Region MHMR Center Board of Trustees met at 110 South 12th Street, Waco, January 24, 1996, at 11:45 a.m. Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9600742.

The High Plains Underground Water Conservation District Number 1 (Revised Agenda.) Board (Special Meeting) met at 200 East Jones, City Hall, Alderman's Room, Dimmitt, January 24, 1996, at 1:00 p.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9600744.

The Lamar County Appraisal District Board of Directors met at 521 Bonham, Paris, January 24, 1996, at 4:00 p.m. Information may be obtained from Joe A. Welch, P.O. Box 400, Paris, Texas 75460, (903) 785-7822. TRD-9600789.

The North Central Texas Council of Governments (Revised Agenda.) Executive Board met at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, January 25, 1996, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9600788.

The Northeast Texas Municipal Water District Board of Directors met at the Pilgrim's Pride Corporation, 401 Texas Street, Pittsburg, January 22, 1996, at 2:00 p.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas 75656, (903) 639-7538. TRD-9600722.

The Texas Panhandle Mental Health Authority Board of Trustees, TPMHA met at 7201 I-40 West, Second Floor, Amarillo, January 25, 1996, at 10:30 a.m. Information may be obtained from Shirley Hollis, P.O. Box 3250, Amarillo, Texas 79116-3250, (806) 353-3699 or Fax: (806) 353-9537. TRD-9600818.

The Panhandle Regional Planning Commission Board of Directors met at 415 West Eighth Avenue, Amarillo, January 25, 1996, at 1:30 p.m. Information may be obtained from Rebecca Rusk, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381. TRD-9600728.

The Pecan Valley MHMR Region Board of Trustees met at 104 Pirate Drive, Granbury, January 24, 1996, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9600810.

The Permian Basin Regional Planning Commission Board of Directors, Permian Basin Private Industry Council met at 2910 LaForce Boulevard, Midland, January 24, 1996, at 10:00 a.m. Information may be obtained from Carole Burrow, P.O. Box 60660, Midland, Texas 79711-0660, (915) 563-1061. TRD-9600772.

The Riceland Regional Mental Health Authority Joint Hospital Committee met at 3007 North Richmond Road, Wharton, January 25, 1996, at 10:30 a.m. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9600793.

The Riceland Regional Mental Health Authority Board of Trustees met at 3007 North Richmond Road, Wharton, January 25, 1996, at Noon. Information may be obtained from Marjorie Dornak, P.O. Box 869, Wharton, Texas 77488, (409) 532-3098. TRD-9600794.

The San Jacinto River Authority Board of Directors met at 2301 North Millbend Drive, Woodlands, January 24, 1996, at 12:30 p.m. Information may be obtained from James R. Adams/Ruby Shiver, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9600782.

The West Central Texas Municipal Water District Board of Directors met at 410 Hickory, Abilene, January 24, 1996, at 9:30 a.m. Information may be obtained from Michele R. Sanders, P.O. Box 2362, Abilene, Texas 79604, (915) 673-8254. TRD-9600804.

The UniForce, Alamo Quality Workforce Planning AQWPC will meet at 1020 Northeast Loop 410, San Antonio, February 1, 1996, at 8:00 a.m. Information may be obtained from Walter Ague, 1300 San Pedro, San Antonio, Texas 78212, (210) 733-2970. TRD-9600809.



Meetings Filed January 19, 1996

The Alamo Area Council of Governments Rural Area Judges met at 118 Broadway, Suite 400, San Antonio, January 24, 1996, at 11:30 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9600833.

The Alamo Area Council of Governments Board of Directors met at 118 Broadway, Suite 400, San Antonio, January 24, 1996, at 1:00 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (210) 225-5201. TRD-9600834.

The Austin Travis County MHMR Center Finance and Control Committee met at 1430 Collier Street, Austin, January 23, 1996, at Noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9600860.

The Brazos Valley MHMR Authority Budget and Finance/Personnel met at 1504 South Texas Avenue, Bryan, January 25, 1996, at Noon. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9600847.

The Brazos Valley MHMR Authority Board of Trustees met at 1504 South Texas Avenue, Bryan, January 25, 1996, at 1:00 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9600846.

The Capital Area Rural Transportation System (CARTS) CARTS Board of Directors met in the CARTS Conference Room, 2010 East Sixth Street, Austin, January 25, 1996, at 9:00 a.m. Information may be obtained from Edna M. Burroughs, P.O. Box 6050, Austin, Texas 78702, (512) 389-1011. TRD-9600836.

The Central Texas Council of Governments Executive Committee met at 302 East Central Avenue, Belton, January 25, 1996, at 11:30 a.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9600830.

The Dallas Area Rapid Transit Committee-of-the-Whole met in Conference Room "C", 1401 Pacific Avenue, Dallas, January 23, 1996, at 1:00 p. m. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9600823.

The Dallas Area Rapid Transit Board met in the Board Room-First Floor, 1401 Pacific Avenue, Dallas, January 23, 1996, at 6:30 p.m. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3256. TRD-9600822.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Second Floor, Community Room, Dallas, January 31, 1996, at 10:00 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9600826.

The Dewitt County Appraisal District Appraisal Review Board will meet at 103 Bailey Street, Cuero, January 31, 1996, at 9:00 a.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9600825.

The East Texas Council of Governments Private Industry Council met at 3800 Stone Road, Kilgore, January 25, 1996, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9600837.

The Education Service Center, Region XVIII Board of Directors will meet at 2811 LaForce Boulevard, Midland, February 1, 1996, at 6:00 p.m. Information may be obtained from Dr. Vernon Stokes, P.O. Box 60580, Midland, Texas 79711, (915) 563-2380. TRD-9600838.

The Edwards Aquifer Authority Administrative Committee met at the San Antonio Development Agency, 1170 East Commerce Street, San Antonio, January 25, 1996, at 6:00 p.m. Information may be obtained from Janet E. Anderson, 300 Convent Street, Suite 140, San Antonio, Texas 78205, (210) 270-0800. TRD-9600853.

The Edwards Central Appraisal District Board of Directors met at 408 Austin Street, County Annex Building, Rocksprings, January 23, 1996, at 10:00 a.m. Information may be obtained from Kelley Vernor, P.O. Box 858, Rocksprings, Texas 78880, (210) 683-4189. TRD-9600851.

The Erath County Appraisal District Appraisal Review Board met at 1390 Harbin Drive, Stephenville, January 22, 1996, at 9:00 a.m. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9600854.

The Hickory Underground Water Conservation District Number 1 Board and Advisors met at 2005 South Bridge Street, Brady, January 22, 1996, at 7:00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9600819.

The Houston-Galveston Area Council Projects Review Committee met at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, January 23, 1996, at 9:00 a.m. Information may be obtained from Rowena Ballas, 3555 Timmons Lane, Suite 500, Houston, Texas 77027, (713) 627-3200. TRD-9600832.

The Houston-Galveston Area Council Board of Directors met at 3555 Timmons Lane, Conference Room A, Second Floor, Houston,

January 23, 1996, at 10:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9600831.

The Johnson County Rural Water Supply Corporation Workshop Session met at the Corporation Office, 2849 Highway 171 South, Cleburne, January 23, 1996, at 1:30 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9600840.

The Martin County Appraisal District (Rescheduled from January 22 and 29, 1996.) Board of Directors will meet at the Appraisal Office, 308 North St. Peter, Stanton, January 29, 1996, at 7:00 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9600862.

The North Texas Regional Library System Board of Directors met at 1111 Foch Street, Fort Worth, January 25, 1996, at 1:30 p.m. Information may be obtained from Reba Scott, 1111 Foch Street, Suite 100, Fort Worth, Texas 76107, (817) 335-6076. TRD-9600843.

The Panhandle Ground Water Conservation District Number 3 Board of Directors (Public Meeting) met at the District Office, 300 South Omohundro Street, White Deer, January 24, 1996, at 7:00 p.m. Information may be obtained from C. E. Williams, Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9600839.

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Meetings Filed January 22, 1996

The Andrews Center Board of Trustees met at 2323 West Front Street, Board Room, Tyler, January 25, 1996, at 3:00 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (903) 535-7338. TRD-9600877.

The Ark-Tex Council of Governments (ATCOG) met at 1800 North Jefferson, Mt. Pleasant, January 25, 1996, at 5:00 p.m. Information may be obtained from Becky Borgeson, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9600902.

The Atascosa County Appraisal District Board of Directors met at Fourth and Avenue J, Poteet, January 25, 1996, at 1:30 p.m. Information may be obtained from Bruce H. Martin, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD-9600894.

The Austin Travis County MHMR Center (Emergency Revised Agenda.) Finance and Control Committee met at 1430 Collier Street, Austin, January 23, 1996, at Noon. (Reason for emergency: Added approval of October 24, 1995 minutes to agenda.) Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9600892.

The Austin Travis County MHMR Center Executive Committee met at 1430 Collier Street, Executive Director Conference Room, Austin, January 25, 1996, at 4:00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9600908.

The Austin Travis County MHMR Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, January 25, 1996, at 5:00 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9600881.

The Texas Automobile Insurance Plan Association Governing Committee will meet at the DoubleTree Guest Suites, 303 West 15th

Street, Austin, January 30, 1996, at 9:00 a.m. Information may be obtained from Dianna Brooks, P.O. Box 18447, Austin, Texas 78760-8447, (512) 444-5999. TRD-9600917.

The Coryell City Water Supply District Board of Directors met at FM 929, Coryell City, January 25, 1996, at 7:00 p.m. Information may be obtained from Helen Swift, Route 2, Box 93, Gatesville, Texas 76528, (817) 865-6089. TRD-9600909.

The Fisher County Appraisal District Fisher CAD Board of Directors will meet the Fisher County Courthouse-Court Room, Roby, February 8, 1996, at 8:00 a.m. Information may be obtained from Betty Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9600918.

The Heart of Texas Region MHMR Center (Emergency Revised Agenda.) Board of Trustees met at 110 South 12th Street, Waco, January 24, 1996, at 11:45 a.m. (Reason for emergency: To meet Junior League's acceptance fund appropriation dateline.) Information may be obtained from Helen Jasso, P.O. Box 890, Waco, Texas 76703, (817) 752-3451, Ext. 290. TRD-9600884.

The Jones County Appraisal District Appraisal Review Board will meet at 1137 East Court Plaza, Anson, January 26, 1996, at 2:00 p.m. Information may be obtained from Susan Holloway, P.O. Box 348, Anson, Texas 79501, (915) 823-2422. TRD-9600910.

The Kendall Appraisal District Board of Directors met at 121 South Main Street, Boerne, January 25, 1996, at 5:30 p.m. Information may be obtained from Mick Mikulenska or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012 or Fax: (210) 249-3975. TRD-9600888.

The Lee County Appraisal District Board of Directors will meet at 218 East Richmond Street, Giddings, January 31, 1996, at 9:00 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9600899.

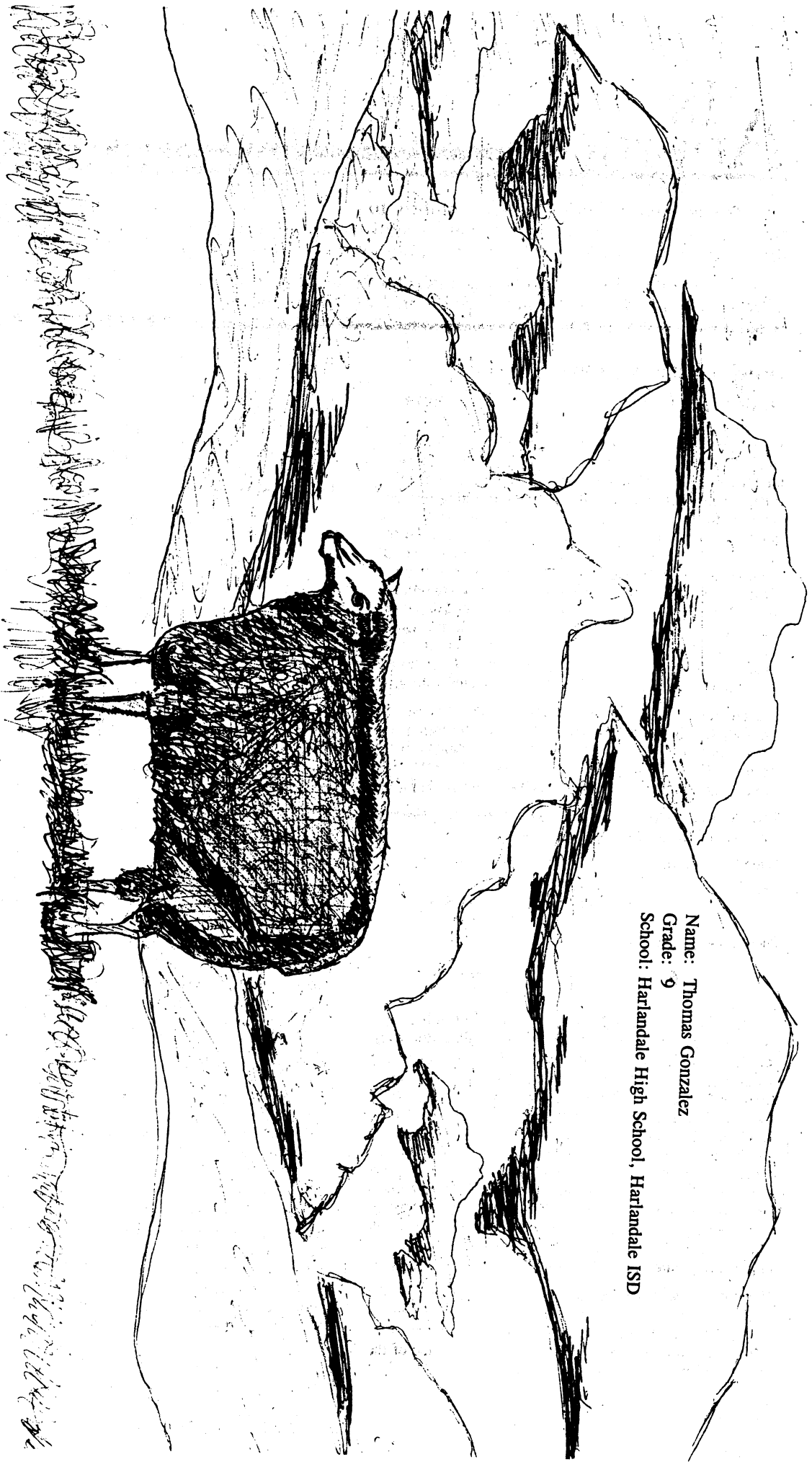
The TML Group Benefits Risk Pool Board of Trustees will meet at the Hyatt Hill Country Resort, 9800 Hyatt Resort Drive, San Antonio, January 26, 1996, at 8:00 a.m. Information may be obtained from Gayle Gardner, 1821 Rutherford Lane, Suite 300, Austin, Texas 78754, (512) 719-6521. TRD-9600887.

The Upper Leon River Municipal Water District (Emergency Meeting.) Board of Directors met at the General Office, Located off of FM 2861, Lake Proctor Dam, Comanche, January 23, 1996, at 6:30 p.m. (Reason for emergency: Change in agenda items prior to regular meeting.) Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9600885.

The Wood County Appraisal District Appraisal Review Board will meet at 210 Clark Street, Quitman, January 26, 1996, at 9:00 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9600876.

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Meetings Filed January 23, 1996

The Golden Crescent Regional Planning Commission Board of Directors will meet at 105 Huck, Yoakum, January 31, 1996, at 4:30 p.m. Information may be obtained from Rhonda G. Stastny, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9600924.



Name: Thomas Gonzalez

Grade: 9

School: Harlandale High School, Harlandale ISD

IN ADDITION

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

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

Office of the Attorney General Notices of Consulting Services Contract

In accordance with the provisions of the Consulting Services Act, Texas Government Code, §2254.021 (the Act), the Office of the Attorney General hereby gives notice that it has entered into an amendment to a consulting services contract for advice concerning the implementation of a grant of federal funds awarded by the Governor's Office of Criminal Justice. The grant is for the provision of training to school districts, community-based service organizations, and other social service agencies, including the Texas Youth Council, related to mediation and intervention skills in connection with services to high-risk youth. The Attorney General previously has used consultants in connection with activities for the provision of the necessary training, site visits, and other grant-related activities.

The contract so amended originally was executed by the Attorney General and Rebecca Bales. The consulting services rendered pursuant to the contract commenced on April 1, 1995, and ended on December 31, 1995. The value of the contract after the amendment will be \$11,150.

The Attorney General intends to award the proposed amendment to the existing consultant.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600729 Suzanne Marshall
Special Assistant Attorney General
Office of the Attorney General

Filed: January 18, 1996

In accordance with the provisions of the Consulting Services Act, Texas Government Code, §2254.021 (the Act), the Office of the Attorney General hereby gives notice that it has entered into an amendment to a consulting services contract for advice concerning the implementation of a grant of federal funds awarded by the Governor's Office of Criminal Justice. The grant is for the provision of training to school districts, community-based service organizations, and other social service agencies, including the Texas Youth Council, related to mediation and intervention skills in connection with services to high-risk youth. The Attorney General previously has used consultants in connection with activities for the provision of the necessary training, site visits, and other grant-related activities.

The contract so amended originally was executed by the Attorney General and Phillip Irby. The consulting services rendered pursuant to the contract commenced on April 1, 1995, and ended on December 31, 1995. The value of the contract after the amendment will be \$20,208.74.

The Attorney General intends to award the proposed amendment to the existing consultant.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600730 Suzanne Marshall
Special Assistant Attorney General
Office of the Attorney General

Filed: January 18, 1996

In accordance with the provisions of the Consulting Services Act, Texas Government Code, §2254.021 (the Act), the Office of the Attorney General hereby gives notice that it has entered into an amendment to a consulting services contract for advice concerning the implementation of a grant of federal funds awarded by the Governor's Office of Criminal Justice. The grant is for the provision of training to school districts, community-based service organizations, and other social service agencies, including the Texas Youth Council, related to mediation and intervention skills in connection with services to high-risk youth. The Attorney General previously has used consultants in connection with activities for the provision of the necessary training, site visits, and other grant-related activities.

The contract so amended originally was executed by the Attorney General and Walter Price. The consulting services rendered pursuant to the contract commenced on April 1, 1995, and ended on December 31, 1995. The value of the contract after the amendment will be \$13,480.

The Attorney General intends to award the proposed amendment to the existing consultant.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600731 Suzanne Marshall
Special Assistant Attorney General
Office of the Attorney General

Filed: January 18, 1996

Texas Clean Air Act Enforcement Settlement Notice

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

improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act.

Case Title and Court: State of Texas v. Sunbelt Demolishing Corporation, and Douglas M. Jones, Cause Number 93 CI-05576, in the 45th Judicial District Court of Bexar County, Texas.

Nature of Defendants' Operations: Defendants operate a building demolition business.

Proposed Agreed Judgment: The proposed Agreed Final Judgment contains provisions for civil penalties in the amount of \$2,000 and permanent injunctive relief prohibiting defendant from conducting any demolishing activity in violation of Texas Health and Safety Code, §382.085(b) and/or Texas Natural Resource Conservation Commission Rule 30 TAC §101.20(2), and/or §61.145 of the National Emission Standards for Hazardous Air Pollutants. For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment and written comments on the judgment should be directed to Mehron Azarmehr, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0052. Written comments must be received within 30 days of publication of this notice to be considered.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600780

Suzanne Marshall
Special Assistant Attorney General
Office of the Attorney General

Filed: January 18, 1996

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**Council on Competitive Government
Notice of Vendor Forums**

BACKGROUND:

Legislative directives from the Texas Legislature's 74th Regular Session have given the Texas Health and Human Services Commission (HHSC) and the Council on Competitive Government (CCG) the opportunity to explore ways to make government processes more efficient and cost effective. In particular, House Bill 1863 and Senate Bill 1675 direct HHSC to "integrate and streamline" the various health and human service eligibility determination processes. To encourage cost effectiveness, the Legislature directed CCG to analyze the costs and benefits of competitively bidding certain functions of health and human services.

To that end, HHSC and CCG have entered into an agreement with Deloitte & Touche to plan for the integration of health and human service enrollment processes and analyze the costs and benefits of procuring certain functions through a competitive bidding process.

VENDOR FORUMS:

In order to facilitate an open process, HHSC and CCG are sponsoring monthly Vendor Forums during the planning phase of this effort. If the planning phase indicates that competitively bidding certain health and human service functions will result in cost savings and efficiencies for the State of Texas, then HHSC and CCG want to make sure that the competitive bidding instrument will reflect a fair request for what the market will be able to provide.

AGENDAS:

The Vendor Forums will be oriented to providing the vendor community information about the planning effort. If a competitive instrument (or instruments) is recommended, HHSC and CCG will be seeking input from the vendor community about how to make the instrument as fair, open and realistic as possible.

FIRST VENDOR FORUM:

Wednesday, January 31, 1996, from 10:00 a.m. to 12:00 noon in Conference Room E2.026 of the Capitol Extension in Austin, Texas.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600708

David Ross Brown
Assistant General Counsel
State Council on Competitive Government

Filed: January 17, 1996

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**Comptroller of Public Accounts
Notice of Intent to Amend Consultant
Contract**

In accordance with the provisions of the Texas Government Code, Chapter 2254, Subchapter B, the Comptroller of Public Accounts announces this notice of its intent to amend an existing consultant contract, unless a better offer is received.

The consultant contract to be amended is with Bonner and Associates, Inc., and relates to the provision of marketing agent services in connection with the establishment of a prepaid higher education tuition program for the State of Texas. The services to be provided pursuant to the amendment relate to the provision of additional television advertising in selected secondary markets within the State. The required services are of the same type as those currently being provided to the Comptroller's office by Bonner and Associates, Inc. under the existing contract. The Comptroller's office intends to amend its contract with Bonner and Associates, Inc. to provide the required services, unless a better offer is received. Bonner and Associates, Inc. has indicated its intent to provide the required services at its cost, with no element of compensation for the additional services to be provided. Consultants are invited to provide offers to provide the required services. The closing date for the receipt of offers is January 31, 1996.

Consultants intending to provide offers in response to this invitation should contact Tres Lorton, Senior Legal Counsel, Comptroller of Public Accounts, either by telephone at (512) 463-4813 or in writing at Post Office Box 13528, Austin, Texas 78711. The Comptroller's office will award the required services following an evaluation by qualified Comptroller staff of all offers received in response to this invitation.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600705

Arthur F. Lorton
Senior Legal Counsel
Comptroller of Public Accounts

Filed: January 17, 1996

**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 Title 79, Texas Civil Statutes, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	01/22/96-01/28/96	18.00%	18.00%

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

Issued in Austin, Texas, on January 17, 1996.

TRD-9600723 Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner

Filed: January 18, 1996

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**Texas Department of Health
Licensing Action 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
San Antonio	Sunport Medical Corporation	L04918	San Antonio	0	01/08/96

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Abilene	Hendrick Medical Center	L02433	Abilene	46	01/05/96
Abilene	Abilene Regional Medical Center	L02434	Abilene	37	01/12/96
Abilene	ABCO NDE, Division of Global Boiler & Mechanical, Inc	L03153	Abilene	12	01/04/96
Amarillo	High Plains Baptist Hospital	L01259	Amarillo	47	01/12/96
Austin	Seton Medical Center	L02896	Austin	39	01/12/96
Carrollton	NME Hospitals Dallas	L03765	Carrollton	18	01/12/96
College Station	Brazos Valley Medical Center	L02559	College Station	22	01/09/96
College Station	Cashion Cardiology	L04890	College Station	1	01/02/96
College Station	Cashion Cardiology	L04890	College Station	2	01/08/96
Conroe	Drilling Specialties Company	L04825	Conroe	2	01/10/96
Corpus Christi	Memorial Medical Center	L00265	Corpus Christi	58	01/10/96
Corpus Christi	Cardiology Associates of Corpus Christi	L04611	Corpus Christi	6	01/09/96
Cuero	Cuero Community Hospital	L02448	Cuero	9	01/12/96
Dallas	Tri-City Health Center, Inc.	L02263	Dallas	18	01/05/96
Dallas	Animal Radiology Clinic	L03535	Dallas	8	01/09/96
Dallas	The Dallas Heart Group	L04694	Dallas	8	01/11/96
Dallas	Texas Oncology, P.A. - Sammons Cancer Center	L04878	Dallas	1	01/05/96
El Paso	Columbia Medical Center - West	L02715	El Paso	19	01/05/96
Electra	Electra Memorial Hospital	L03227	Electra	8	01/08/96
Farmers Branch	MTC Imaging Services, Inc.	L04662	Farmers Branch	2	01/05/96
Fort Worth	M.D. Anderson - Moncrief Cancer Center of Fort Worth	L00047	Fort Worth	32	01/04/96
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	59	01/12/96
Fort Worth	John Peter Smith Hospital	L02208	Fort Worth	27	01/12/96
Gonzales	Warm Springs Rehabilitation Hospital - Gonzales	L03485	Gonzales	6	01/03/96
Granbury	Hood General Hospital	L02903	Granbury	13	01/11/96
Houston	WHMC, Inc.	L02224	Houston	28	01/08/96
Houston	Smithkline Bio-Science Laboratories	L02787	Houston	9	01/02/96

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Lake Jackson	Brazosport Memorial Hospital	L03027	Lake Jackson	11	01/02/96
Laredo	Mercy Regional Medical Center	L01306	Laredo	35	01/12/96
Lewisville	Lewisville Memorial Hospital	L02739	Lewisville	17	01/02/96
Linden	Linden Municipal Hospital	L02721	Linden	10	01/11/96
McAllen	McAllen Medical Center	L01713	McAllen	52	01/10/96
McNeil	Austin White Lime Company	L02941	Austin	6	01/08/96
Missouri City	Fort Bend Hospital, Inc.	L03457	Missouri City	14	01/11/96
Pampa	Titan specialties incorporated	L04920	Pampa	0	01/05/96
Pasadena	Pasadena Bayshore Medical Center	L00153	Pasadena	52	01/12/96
Port Arthur	AMI Park Place Medical Center	L01707	Port Arthur	28	01/05/96
San Antonio	University of Texas Health Science Center	L01279	San Antonio	68	01/11/96
San Antonio	City Public Service	L02876	San Antonio	13	01/11/96
San Antonio	St. Luke's Baptist Hospital	L03309	San Antonio	29	01/05/96
San Antonio	Baptist Imaging Center	L04506	San Antonio	5	01/12/96
San Antonio	Medi+Physics, Inc.	L04764	San Antonio	3	01/09/96
San Marcos	Central Texas Medical Center	L03133	San Marcos	13	01/10/96
Throughout Texas	Professional Service Industries, Inc.	L00203	Houston	84	01/08/96
Throughout Texas	Western Atlas International, Inc.	L00446	Houston	108	01/09/96
Throughout Texas	E I. DuPont de Nemours & Co., Inc.	L00517	Beaumont	57	01/12/96
Throughout Texas	TN Technologies, Inc.	L01105	Round Rock	44	01/11/96
Throughout Texas	Gulf Coast Testing Laboratory, Inc.	L01474	Corpus Christi	21	01/12/96
Throughout Texas	Berry Fabricators	L01575	Corpus Christi	28	01/08/96
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	106	01/09/96
Throughout Texas	Raba-Kistner Consultants, Inc.	L02337	El Paso	14	01/08/96
Throughout Texas	Bushong C. Stewart, Sc.D.	L02397	Houston	10	01/10/96
Throughout Texas	EMCON Baker - Shiflett, Inc.	L02906	Fort Worth	18	01/03/96
Throughout Texas	TN Technologies, Inc.	L03524	Round Rock	38	01/11/96
Throughout Texas	D-Arrow Inspection Inc.	L03816	Houston	50	01/05/96
Throughout Texas	Koch Engineering Company, Inc.	L03913	La Porte	44	01/09/96
Throughout Texas	SGS Industrial Services	L04460	Deer Park	24	01/08/96
Throughout Texas	Quality Assurance Services, Inc.	L04601	Grand Prairie	9	01/10/96
Throughout Texas	Heller Lewis & House	L04613	Longview	2	01/11/96
Throughout Texas	Selective Tools, Inc.	L04669	Houston	3	01/12/96
Throughout Texas	TJ Lambrecht Construction, Inc.	L04748	D/FW Airport	1	01/12/96
Victoria	Victoria Regional Medical Center	L03575	Victoria	11	01/12/96
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	0	01/12/96

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Dallas	Charles A. Sammons Cancer Center	L00554	Dallas	21	01/03/96
Lubbock	Southern Cotton Oil	L04441	Lubbock	1	01/11/96
Plano	Presbyterian Hospital of Plano	L04467	Plano	7	01/08/96

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Arlington	Pioneer Imaging and Diagnosis	L04817	Arlington	2	01/12/96
Port Arthur	Park Place Medical Center	L01300	Port Arthur	21	01/10/96

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	H & G Inspection Company, Inc.	L02181	Houston	0	01/12/96
Throughout Texas	SOLOCO, Inc.	L04708	Bridge City	0	01/03/96

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 Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

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

Issued in Austin, Texas, on January 17, 1996.

TRD-9600783 Susan K. Steeg
General Counsel
Texas Department of Health

Filed: January 18, 1996

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Texas Department of Housing and Community Affairs

Notice of Public Hearing

The Texas Department of Housing and Community Affairs (TDHCA) announces that a public hearing will be held to receive comments on the proposed 1996 program year state plan for the Texas Weatherization Assistance Program for Low-Income Persons.

The public hearing will be held at 10:00 a.m. on Tuesday, February 13, 1996, in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas. At the hearing, a representative from TDHCA will provide descriptions of the Weatherization Assistance Program and the proposed use of the United States Department of Energy funds for the program year which begins April 1, 1996.

Local officials and citizens are encouraged to participate in the hearing process. Written and oral comments received will be used to finalize the FFY 1996 Texas Weatherization Assistance Program State Plan and Application. Written comments from those who cannot attend the hearing in person may be provided by February 16, 1996, to Ju Vega, Planner, Energy Assistance Section, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941. A copy of the proposed state plan may be requested by calling J. Al Almaguer at (512) 475-3866 or by writing Mr. Almaguer at the TDHCA address given.

Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employee, at (512) 475-3822 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on January 19, 1996.

TRD-9600845 Larry Paul Manley
Executive Director
Texas Department of Housing and
Community Affairs

Filed: January 19, 1996

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Texas Department of Insurance Insurer Services

The following applications have been filed with the Texas Department of Insurance and are under consideration.

Application for a name change in Texas for Prairie States Life Insurance Company, a foreign life, accident and health company. The proposed new name is American Memorial Life Insurance Company. The home office is in Rapid City, South Dakota.

Application for a name change in Texas for Dependable Insurance Company, Inc., a foreign fire and casualty company. The proposed new name is MEDMARC Casualty Insurance Company. The home office is in Jacksonville, Florida.

Application for a name reservation in Texas for Medexcel of Texas, Inc., a domestic health maintenance organization. The home office is in Houston, Texas.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, January 22, 1996.

TRD-9600891 Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: January 22, 1996

Notice

The Commissioner of Insurance of the Texas Department of Insurance will consider approval of adoption of amendments to the Plan of Operation for the Texas Automobile Insurance Plan Association (TAIPA), pursuant to the Insurance Code, Article 21.81.

TAIPA's Governing Committee, subject to the Commissioner's approval, has voted to amend §§6, 13, 14, and 17 of its Plan of Operation. The amendment to §6 would add a condition that a policy change request will not become effective until the request is received by the designated insurer, if the policy change request is not mailed by the producer within one working day as required by the Plan of Operation. The amendment to §13 would delete references to "extended assignments," as these no longer exist and should have been deleted previously. The amendment to §14 would clarify the manner of selecting public members of the Governing Committee and reversing the expiration dates for the terms of public members so that the terms of three members expire in odd numbered years and two terms expire in even numbered years. This amendment would also remove a provision concerning the terms of office of members of the Governing Committee from the subsection dealing with the annual meeting and makes it an independent subsection of §14. The amendment to §17 would make more specific that the take-out plans relate to private passenger "classed vehicles."

The amendments to the TAIPA Plan of Operation are subject to approval by the Commissioner without a hearing unless an objection is filed with Alicia M. Fechtel, General Counsel and Chief Clerk at 333 Guadalupe Street, P.O. Box 149104, Mail Code 113-2A, Austin, Texas 78701 within 15 days after publication of this notice in the *Texas*

Register.

For further information or to request a copy of the proposed amendments, please contact Sylvia Gutierrez at (512) 463-6326 (reference number A-1095-36).

Issued in Austin, Texas, on January 18, 1996.

TRD-9600811 Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: January 18, 1996

Notice of Application by Texas Children Health Plan, Inc., Houston, Texas for Issuance of a Certificate of Authority to Establish and Operate an HMO in the State of Texas

Notice is given to the public of the application of Texas Children Health Plan, Inc., Houston, Texas for the issuance of a certificate of authority to establish and operate a health maintenance organization (HMO) offering basic health care services in the State of Texas in compliance with the Texas HMO Act and rules and regulations for HMOs. The application is subject to public inspection at the offices of the Texas Department of Insurance, HMO Unit, 333 Guadalupe, Hobby Tower I, Sixth Floor, Austin, Texas.

Upon consideration of the application, if the Commissioner is satisfied that all requirements of law have been met, the Commissioner or his designee may take action to issue a certificate of authority to TEXAS CHILDREN HEALTH PLAN, INC., without a public hearing.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600812 Alicia M. Fechtel
General Counsel and Chief Clerk
Texas Department of Insurance

Filed: January 18, 1996

Texas Natural Resource Conservation Commission

Notice of Availability

The Texas Natural Resource Conservation Commission publishes a report in accordance with the Texas Health and Safety Code, Chapter 361, Solid Waste Disposal Act Known as the Annual Report of the Hazardous and Solid Waste Program. The report provides a summary of inspection activities performed by the Field Operations Division and a summary of enforcement activities performed by the Industrial and Hazardous Waste Division in industrial waste programs for the State of Texas.

The report identifies facilities that were inspected in fiscal year 1995 which were compliant. The report also identifies those facilities having demonstrated an exemplary record of compliance over the preceding three years.

The report identifies each hazardous and solid waste facility inspected and includes the following information: a listing of those facilities found to be compliant with all hazardous and solid waste regulations; those facilities with only minor or clerical violations; and those found to have substantive, non-clerical violations. In addition, for sub-

stantive, non-clerical violations, the report identifies the violations and either summarizes corrective actions or describes the status of unresolved violations.

Requests for copies may be addressed to: Texas Natural Resource Conservation Commission Publications, 12100 Park 35 Circle, Building A, Room 102, Austin, Texas 78758 or contact Publications at (512) 239-0028. Copies must be prepaid. There is a nominal cost for the publication, including postage and handling. Checks should be made payable to the "Texas Natural Resource Conservation Commission."

For copies of any specific inspection report listed in the document, you may contact the Texas Natural Resource Conservation Commission Central Records Office Located at 12118 North I-35, Building D, Austin, Texas 78753 or contact Central Records at (512) 239-2927.

Issued in Austin, Texas, January 19, 1996.

TRD-9600889 Kevin McCalla
Director, Legal Division
Texas Natural Resource Conservation
Commission

Filed: January 22, 1996

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Public Utility Commission of Texas
Notices of Application In Compliance
With Public Utility Regulatory Act of
1995, §3.311

Notice is given to the public of the filing with the Public Utility Commission of Texas, an application by Fort Bend Telephone Company on December 27, 1995, in compliance with the Public Utility Regulatory Act of 1995, Texas Civil Statutes, Article 1446c-0, §3.311, Hunting Service. A summary of the application follows.

Tariff Title and Number: Application of Fort Bend Telephone Company for Tariff Revisions Regarding Hunting Service Pursuant to the Public Utility Regulatory Act of 1995, §3.311. Tariff Control Number 15174.

The Application: Fort Bend Telephone Company seeks approval to revise its General Exchange Tariff to comply with the Public Utility Regulatory Act of 1995, §3.311, Hunting Service to be handled in accordance with PURA, §3.212, Changes by Local Exchange Companies; Hearings; Suspension of Proposed Changes. Fort Bend Telephone Company's application affects regulation only; charges and/or rates are not affected.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas, 78757, or call the Public Utility Commission Consumer Affairs Section at (512) 458-0223, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600671 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 17, 1996

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Notice is given to the public of the filing with the Public Utility Commission of Texas, an application by Guadalupe

Valley Telephone Cooperative, Inc. on December 29, 1995, in compliance with the Public Utility Regulatory Act of 1995, Texas Revised Civil Statutes Annotated, Article 1446c-0, §3.311, Hunting Service. A summary of the application follows.

Tariff Title and Number: Application of Guadalupe Valley Telephone Cooperative, Inc. for Tariff Revisions Regarding Hunting Service Pursuant to the Public Utility Regulatory Act of 1995, §3.311. Tariff Control Number 15198.

The Application: Guadalupe Valley Telephone Cooperative, Inc. seeks approval to revise its Local Exchange Tariff to comply with the Public Utility Regulatory Act of 1995, §3.311, Hunting Service to be handled in accordance with PURA, §3.212, Changes by Local Exchange Companies; Hearings; Suspension of Proposed Changes. Guadalupe Valley Telephone Cooperative, Inc.'s application affects regulation only; charges and/or rates are not affected.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas, 78757, or call the Public Utility Commission Consumer Affairs Section at (512) 458-0223, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600672 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 17, 1996

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Notices of Intent to File Pursuant to
Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the City of Laredo in Laredo, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for the City of Laredo in Laredo, Texas. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 15222.

The Application. Southwestern Bell Telephone Company is requesting approval of an optional feature addition to the existing PLEXAR-Custom service for the City of Laredo. The geographic service market for this specific service is the Laredo, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600664 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 17, 1996

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for NationsBank in Dallas, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for NationsBank in Dallas, Texas. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 15232.

The Application. Southwestern Bell Telephone Company is requesting approval of a an optional feature addition to the existing PLEXAR-Custom service for NationsBank. The geographic service market for this specific service is the Dallas, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 17, 1996.

TRD-9600665 Paula Mueller
Secretary of the Commission
Public Utility Commission of Texas

Filed: January 17, 1996

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The Texas A&M University System
Follow-up Notice on Consulting Services
Contract

Pursuant to Texas Government Code, Chapter 2254, The Texas A&M University System provides the following information for publication in the *Texas Register*:

1. The award of the executive consulting services contract to Sandhurst Associates was made pursuant to Texas Government Code, Chapter 2254.
2. The publication date of the request for proposal was November 7, 1995, at 20 TexReg 9307.
3. The private consultant is to conduct an executive search for the position of president at Texas A&M International University.
4. The total value of the contract is \$47,500. The contract dated December 22, 1995, will terminate upon the provision of the requested services which should be on or about March 31, 1996.
5. The private consultant selected is Sandhurst Associates, 4851 LBJ Freeway, Suite 601, Dallas, Texas 75244.
6. The consultants are scheduled to identify candidates for the position of president at Texas A&M International University by March 31, 1996.

Issued in College Station, Texas, on January 17, 1996.

TRD-9600844 Vickie Running
Secretary of the Board of Regents
The Texas A&M University System

Filed: January 19, 1996

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Texas Workforce Commission
Notice of Hearing

The Texas Workforce Commission will hold a public hearing on February 14, 1996, at 1:30 p.m. at hearing room 101 in the John H. Reagan Building, 15th and Congress Avenue, Austin, Texas.

The public hearing is to receive comments from interested parties concerning new Commission rules §801.2 and §801.3, proposed under the Labor Code, Texas Civil Statutes, §302.063, as amended by Chapter 655, Acts of the 74th Legislature, 1995, which directs the Commission to develop objective criteria for the granting of waivers under the Government Code, Texas Civil Statutes, §§2308.264, 2308.267, and 2308.312; and under the Labor Code, Texas Civil Statutes, §302.041 and §302.042, as amended by Chapter 655, Acts of the 74th Legislature, 1995, which direct the Commission to design and implement a state-local planning process for workforce training and services, to review local plans and to make recommendations to the Texas Council on Workforce and Economic Competitiveness regarding plan implementation.

Any interested person may appear and offer comments or statements, either orally or in writing. While any person with pertinent comments or statements will be granted an opportunity to present them during the course of the hearing, the Commission reserves the right to restrict statements in terms of time or repetitive content. If you are unable to attend the hearing but wish to comment on the proposed rules, written comments will be accepted if mailed to Leslie Geballe, Intergovernmental Relations, Texas Workforce Commission Building, 101 East 15th Street, Room 662, Austin, Texas 78778. A copy of the proposed rules may be requested by calling Leslie Geballe at (512) 463-2213.

Organizations, associations, or groups are encouraged to present their commonly held views or similar comments through a representative member where possible. Persons with disabilities who have special needs and who plan to attend the meeting should contact Ms. Geballe at (512) 463-2213.

Issued in Austin, Texas, on January 18, 1996.

TRD-9600805 C. Ed Davis
Deputy Administrator for Legal Affairs
Texas Workforce Commission

Filed: January 18, 1996

January 1996 Publication Schedule

The following is the January 1996 Publication Schedule for the *Texas Register*. Listed below are the deadline dates for these issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication.

FOR ISSUE PUBLISHED ON:	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 2	Wednesday, December 27	Thursday, December 28
2 Friday, January 5	*Friday, December 29	Tuesday, January 2
3 Tuesday, January 9	Wednesday, January 3	Thursday, January 4
4 Friday, January 12	Monday, January 8	Tuesday, January 9
5 Tuesday, January 16	Wednesday, January 10	Thursday, January 11
6 Friday, January 19	*Friday, January 12	Tuesday, January 16
7 Tuesday, January 23	Wednesday, January 17	Thursday, January 18
8 Friday, January 26	Monday, January 22	Tuesday, January 23
9 Tuesday, January 30	<i>1995 Annual Index</i>	

February - December 1996 Publication Schedule

The following is the proposed February-December 1996 Publication Schedule for the *Texas Register*. Listed below are the deadline dates for these issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Monday and Wednesday of the previous week, and deadlines for a Friday edition are Wednesday of the previous week and Monday of the week of publication. No issues will be published on February 23, March 15, November 8, December 3, and December 31. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON:	DEADLINES FOR RULES BY 10 A.M.	DEADLINES FOR MISCELLANEOUS DOCUMENTS BY 10 A.M.	DEADLINES FOR OPEN MEETINGS BY 10 A.M.
10 Friday, February 2	Wednesday, January 24	Monday, January 29	Monday, January 29
11 Tuesday, February 6	Monday, January 29	Wednesday, January 31	Wednesday, January 31
12 Friday, February 9	Wednesday, January 31	Monday, February 5	Monday, February 5
13 Tuesday, February 13	Monday, February 5	Wednesday, February 7	Wednesday, February 7
14 Friday, February 16	Wednesday, February 7	Monday, February 12	Monday, February 12
15 Tuesday, February 20	Monday, February 12	Wednesday, February 14	Wednesday, February 14
Friday, February 23	<i>No Issue Published</i>		
16 Tuesday, February 27	*Tuesday, February 20	Wednesday, February 21	Wednesday, February 21
17 Friday, March 1	Wednesday, February 21	Monday, February 26	Monday, February 26
18 Tuesday, March 5	Monday, February 26	Wednesday, February 28	Wednesday, February 28
19 Friday, March 8	Wednesday, February 28	Monday, March 4	Monday, March 4
20 Tuesday, March 12	Monday, March 4	Wednesday, March 6	Wednesday, March 6
Friday, March 15	<i>No Issue Published</i>		
21 Tuesday, March 19	Monday, March 11	Wednesday, March 13	Wednesday, March 13
22 Friday, March 22	Wednesday, March 13	Monday, March 18	Monday, March 18

23 Tuesday, March 26	Monday, March 18	Wednesday, March 20	Wednesday, March 20
24 Friday, March 29	Wednesday, March 20	Monday, March 25	Monday, March 25
25 Tuesday, April 2	Monday, March 25	Wednesday, March 27	Wednesday, March 27
26 Friday, April 5	Wednesday, March 27	Monday, April 1	Monday, April 1
27 Tuesday, April 9	<i>First Quarterly Index</i>		
28 Friday, April 12	Wednesday, April 3	Monday, April 8	Monday, April 8
29 Tuesday, April 16	Monday, April 8	Wednesday, April 10	Wednesday, April 10
30 Friday, April 19	Wednesday, April 10	Monday, April 15	Monday, April 15
31 Tuesday, April 23	Monday, April 15	Wednesday, April 17	Wednesday, April 17
32 Friday, April 26	Wednesday, April 17	Monday, April 22	Monday, April 22
33 Tuesday, April 30	Monday, April 22	Wednesday, April 24	Wednesday, April 24
34 Friday, May 3	Wednesday, April 24	Monday, April 29	Monday, April 29
35 Tuesday, May 7	Monday, April 29	Wednesday, May 1	Wednesday, May 1
36 Friday, May 10	Wednesday, May 1	Monday, May 6	Monday, May 6
37 Tuesday, May 14	Monday, May 6	Wednesday, May 8	Wednesday, May 8
38 Friday, May 17	Wednesday, May 8	Monday, May 13	Monday, May 13
39 Tuesday, May 21	Monday, May 13	Wednesday, May 15	Wednesday, May 15
40 Friday, May 24	Wednesday, May 15	Monday, May 20	Monday, May 20
41 Tuesday, May 28	Monday, May 20	Wednesday, May 22	Wednesday, May 22
42 Friday, May 31	Wednesday, May 22	*Friday, May 24	*Friday, May 24
43 Tuesday, June 4	*Tuesday, May 28	Wednesday, May 29	Wednesday, May 29
44 Friday, June 7	Wednesday, May 29	Monday, June 3	Monday, June 3
45 Tuesday, June 11	Monday, June 3	Wednesday, June 5	Wednesday, June 5
46 Friday, June 14	Wednesday, June 5	Monday, June 10	Monday, June 10
47 Tuesday, June 18	Monday, June 10	Wednesday, June 12	Wednesday, June 12
48 Friday, June 21	Wednesday, June 12	Monday, June 17	Monday, June 17

49 Tuesday, June 25	Monday, June 17	Wednesday, June 19	Wednesday, June 19
50 Friday, June 28	Monday, June 19	Wednesday, June 24	Wednesday, June 24
51 Tuesday, July 2	Wednesday, June 24	Wednesday, June 26	Wednesday, June 26
52 Friday, July 5	Wednesday, June 26	Monday, July 1	Monday, July 1
53 Tuesday, July 9	Monday, July 1	Wednesday, July 3	Wednesday, July 3
54 Friday, July 12	<i>2nd Quarterly Index</i>		
55 Tuesday, July 16	Monday, July 8	Wednesday, July 10	Wednesday, July 10
56 Friday, July 19	Wednesday, July 10	Monday, July 15	Monday, July 15
57 Tuesday, July 23	Monday, July 15	Wednesday, July 17	Wednesday, July 17
58 Friday, July 26	Wednesday, July 17	Monday, July 22	Monday, July 22
59 Tuesday, July 30	Monday, July 22	Wednesday, July 24	Wednesday, July 24
60 Friday, August 2	Wednesday, July 24	Monday, July 29	Monday, July 29
61 Tuesday, August 6	Monday, July 29	Wednesday, July 31	Wednesday, July 31
62 Friday, August 9	Wednesday, July 31	Monday, August 5	Monday, August 5
63 Tuesday, August 13	Monday, August 5	Wednesday, August 7	Wednesday, August 7
64 Friday, August 16	Wednesday, August 7	Monday, August 12	Monday, August 12
65 Tuesday, August 20	Monday, August 12	Wednesday, August 14	Wednesday, August 14
66 Friday, August 23	Wednesday, August 14	Monday, August 19	Monday, August 19
67 Tuesday, August 27	Monday, August 19	Wednesday, August 21	Wednesday, August 21
68 Friday, August 30	Wednesday, August 21	Monday, August 26	Monday, August 26
69 Tuesday, September 3	Monday, August 26	Wednesday, August 28	Wednesday, August 28
70 Friday, September 6	Wednesday, August 28	*Friday, August 30	*Friday, August 30
71 Tuesday, September 10	*Tuesday, September 3	Wednesday, September 4	Wednesday, September 4
72 Friday, September 13	Wednesday, September 4	Monday, September 9	Monday, September 9
73 Tuesday, September 17	Monday, September 9	Wednesday, September 11	Wednesday, September 11
74 Friday, September 20	Wednesday, September 11	Monday, September 16	Monday, September 16

75 Tuesday, September 24	Monday, September 16	Wednesday, September 18	Wednesday, September 18
76 Friday, September 27	Wednesday, September 18	Monday, September 23	Monday, September 23
77 Tuesday, October 1	Monday, September 23	Wednesday, September 25	Wednesday, September 25
78 Friday, October 4	Wednesday, September 25	Monday, September 30	Monday, September 30
79 Tuesday, October 8	<i>Third Quarterly Index</i>		
80 Friday, October 11	Wednesday, October 2	Monday, October 7	Monday, October 7
81 Tuesday, October 15	Monday, October 7	Wednesday, October 9	Wednesday, October 9
82 Friday, October 18	Wednesday, October 9	Monday, October 14	Monday, October 14
83 Tuesday, October 22	Monday, October 14	Wednesday, October 16	Wednesday, October 16
84 Friday, October 25	Wednesday, October 16	Monday, October 21	Monday, October 21
85 Tuesday, October 29	Monday, October 21	Wednesday, October 23	Wednesday, October 23
86 Friday, November 1	Wednesday, October 23	Monday, October 28	Monday, October 28
87 Tuesday, November 5	Monday, October 28	Wednesday, October 30	Wednesday, October 30
Friday, November 8	<i>No Issue Published</i>		
88 Tuesday, November 12	Monday, November 4	Wednesday, November 6	Wednesday, November 6
89 Friday, November 15	Wednesday, November 6	*Friday, November 8	*Friday, November 8
90 Tuesday, November 19	*Tuesday, November 12	Wednesday, November 13	Wednesday, November 13
91 Friday, November 22	Wednesday, November 13	Monday, November 18	Monday, November 18
92 Tuesday, November 26	Monday, November 18	Wednesday, November 20	Wednesday, November 20
93 Friday, November 29	Wednesday, November 20	Monday, November 25	Monday, November 25
Tuesday, December 3	<i>No Issue Published</i>		
94 Friday, December 6	Wednesday, November 27	Monday, December 2	Monday, December 2
95 Tuesday, December 10	Monday, December 2	Wednesday, December 4	Wednesday, December 4
96 Friday, December 13	Wednesday, December 4	Monday, December 9	Monday, December 9
97 Tuesday, December 17	Monday, December 9	Wednesday, December 11	Wednesday, December 11
98 Friday, December 20	Wednesday, December 11	Monday, December 16	Monday, December 16

99 Tuesday, December 24	Monday, December 16	Wednesday, December 18	Wednesday, December 18
100 Friday, December 27	Wednesday, December 18	Monday, December 23	Monday, December 23
Tuesday, December 31	<i>No Issue Published</i>		



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 Chapter 334 \$35 update service \$15/year (*Underground/Aboveground Storage Tanks*)
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