

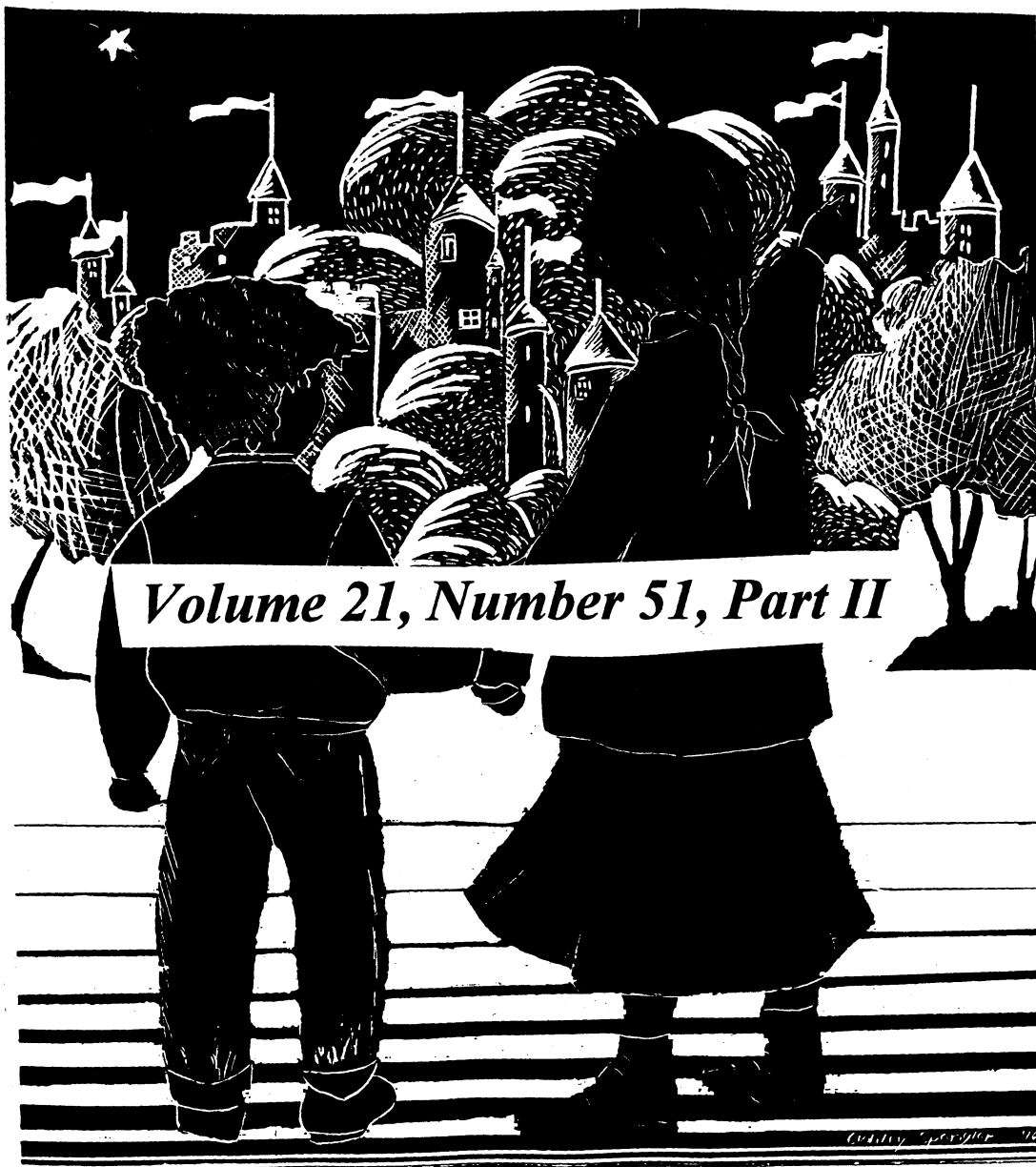
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Volume 21, Number 51, Part II

This month's front cover artwork:

Artist: Ashley Spangler

8th grade

Hendrick Middle School, Plano ISD

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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 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Housing and Community Affairs

Chapter 49. Low Income Tax Credit Rules - 1996 10 TAC §§49.1-49.15

The Texas Department of Housing and Community Affairs (the Department) adopts the repeal of §§49.1-49.15, concerning the Low Income Tax Credit Rules, without changes to the proposed text as published in the March 19, 1996 issue of the *Texas Register* (21 TexReg 2095).

The Sections are repealed in order to enact new sections conforming to the requirements of new regulations enacted under the Internal Revenue Code of 1986, §42 as amended, which provides for credits against federal income taxes for owners of qualified low-income rental housing.

No comments were received regarding adoption of the repeals.

The repeals are adopted pursuant to the authority of the Texas Government Code, Chapter 2306; Acts of the 73rd Legislature, Regular Senate Bill 45, Chapter 141, effective May 16, 1993; and Acts of the 73rd Legislature, Senate Bill 1356, Chapter 725, effective September 1, 1993; and the Internal Revenue Code of 1986, § 42 as amended, which provides the Department with the authority to adopt rules governing the administration of the Department and its programs and Executive Order AWR-91-4 (June 17, 1991), which provides this Department with the authority to make housing credit allocations in the State of Texas.

The Texas Government Code, Chapter 2306, is affected by these adopted repeals.

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

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

TRD-9609179

Larry Paul Manley
Executive Director

Texas Department of Housing and Community Affairs
Effective date: July 17, 1996

Proposal publication date: March 19, 1996

For further information, please call: (512) 475-3044



The Texas Department of Housing and Community Affairs adopts new §§49.1-49.15, concerning the Qualification Allocation Plan and Rules (the "Rules"), with changes to the proposed text as published in the March 19, 1996 issue of the *Texas Register* (21 TexReg 2096).

The new sections are being adopted to provide procedures for the allocation, by the Department, of low income housing tax credits available under federal income tax laws to owners of qualified low-income rental housing projects.

II. SUMMARY OF COMMENTS RECEIVED UPON PUBLICATION OF THE PROPOSED RULES IN THE TEXAS REGISTER ON MARCH 19, 1996, AND COMMENTS MADE AT A PUBLIC HEARING HELD ON APRIL 1, 1996:

On March 19, 1996, the proposed Rules were published in the *Texas Register* thereby commencing the required 30 day comment period. Said comment period ended on April 19, 1996.

The Department distributed 500 copies of the proposed 1996 Rules. Staff received 200 requests for copies of the proposed Rules from the public.

During the public comment period and at the April 1, 1996, public hearing, the Department received both oral and written comments from the public. The scope of public comments concerning the Rules pertain to the following issues:

Single Family Detached Homes - Several commenters at the April 1, 1996 public hearing and in written comments to the Department expressed opposition to the provision in the Rules which makes single-family detached homes ineligible to receive tax credits. One reason cited in support of a change in the Rules to allow such Projects to qualify for credits, was that single-family homes provide an avenue for home ownership after the 15-year Compliance Period when structured under a lease-purchase program. Commentators also reasoned that expectations of home ownership contribute to the stability of neighborhoods by encouraging longer tenancy for renters and better maintenance of the property. One commenter argued that precluding single-family detached Projects from qualifying for credits would negatively impact needed housing for border residents that now live in "Colonias."

Department's Response - To leave in tact, the proposed exclusion of single family detached homes from the 1996 tax credit program.

Prison Communities - Several commenters supported the idea of having a separate set-aside for Projects in Communities with State Prisons as opposed to considering such Projects under the rural set-aside. They expressed concern that Projects in Prison Communities will receive priority over those in rural areas.

Department's Response - The Department believes 15% of the total credit ceiling dedicated to the Rural/Prison Communities set-aside is proportionate to these areas' share of the State's population. Furthermore, the Prison Community list was conceived to include communities under 50,000 that are located in areas that have received few credits in the past. Many of these communities also qualify as rural.

In making an allocation of tax credits the Department and the Board will consider many factors besides project location. Thus the draft Rules do not provide any advantage to Projects in Prison Communities compared to those in rural areas.

Rural Set-aside - Several members of the Rural Rental Housing Association of Texas, Inc. stated that the definition of a Rural Project would adversely affect those areas of the State that have traditionally qualified as "rural" as such term is defined by Texas Department Rural of Development (TxRD). The commenters also suggested that the 150 unit limitation for Prison/Rural Projects could allow a few Projects to utilize the entire set-aside. They also expressed concern that the Selection Criteria is heavily weighted towards giving points for items that most Projects financed by TxRD, primarily rehabs, could not claim. Other issues raised centered on the need to reduce the points for the creation of units that are accessible for the physically challenged in family Projects. The commenters reasoned that if not occupied by tenants who are physically challenged, many of these units will be difficult to rent to the general population.

Department's Response - The definition of "Rural Project" was not based strictly on TxRD definition, primarily because TxRD has very limited resources to commit to Rural Projects compared to past years. Consequently, the number of units expected to be produced under the program will be located in a much broader geographic area than TxRD's definition would allow. However, the Department proposes to replace for item (C) in the definition of Rural Projects as follows: "that is located in an area that is eligible for funding by TxRD."

With respect to the number of units allowable under the Rural/Prison Set-aside, the Department proposes that the maximum number of units for new construction Projects be reduced from 150 to 75. The Department believes that since Rural Projects will be competing against other Projects within the same set-aside, any advantage that Projects in the General set-aside have would not materially affect the allocation decisions. With respect to the units designed for the physically challenged, the Department has provided adequate flexibility to allow Applicants to claim these points if they have provided for the modifications of units to meet ANSI standards.

Exhibit 109 and 112 Market Studies and Appraisal - Several commenters argued that the requirements for conducting a Mar-

ket Study are too stringent and would mean the disqualification of otherwise qualified candidates. Others argued against requiring an appraisal for a property whose owner is not applying for acquisition credits.

Department's Response - The Department believes that requiring professional credentials and setting minimum standards for Market Studies have been beneficial to the program and should be continued. With respect to the appraisal, the Department proposes that appraisals be required only in instances where a project is submitted for acquisition credits or where the Applicant is related to the Seller. Staff is proposing EXHIBIT 112 to read as follows: "if applying for acquisition credits or if the Applicant is affiliated with the seller an appraisal of the Property apportioning the value of the land and the improvements where applicable, a valuation report from the local tax appraisal district and a bona fide valid contract verifying the acquisition cost which clearly identifies the selling Persons or entities, and details any relationship with the Applicant or any Affiliation with the Development Team, any Qualified Market Analyst and any other professional or consulting performing services with respond to the Project and/or subject Property."

Conditions to Carryover Allocation - Two commenters requested that the deadline for the closure of the construction loan be extended from 120 days from the execution of the carryover allocation document to 150 days after such event, with a one time 30-day extension.

Department's Response - The Department agrees with this request and proposes that the Rules be amended to reflect this change.

Exhibit 207, Leveraging of Funds - Several commenters have argued that grants, loans or other in-kind contributions should not be deducted from a Project's Eligible Basis as proposed in the Rules because it would negate any benefit created by the funding, thereby adversely affect the viability of many Projects.

Department's Response - The Department proposes to amend this provision to allow the amount of the contribution to remain in basis only in the event that the Department makes a determination that the contribution fills a funding "gap" that is essential to the financial feasibility of the project. In making such a determination, the Department will take into account the possibility that the subject project may not be able to attract conventional financing.

HUBs - A commenter suggested that the Department should strengthen the provision dealing with HUBs to ensure the individual or entities who claim these points are at risk with respect to financing the project.

Department's Response - The Department concurs with this suggestion and proposes the addition of the following language to the HUB definition: "With respect to the filing of an Application and the development, operation and ownership of a Project, the historically underutilized person or persons whose ownership interests comprise a majority of a corporation, partnership, joint venture or other business entity, must maintain this majority and must demonstrate regular, continuous, and substantial participation in the operation and management activities of the entity. Likewise, with regard to a sole proprietorship, the individual who comprise the sole proprietorship must demon-

strate regular, continuous, and substantial participation in the development, operation and ownership of the Project. The Department shall require evidence of regular, continuous and substantial participation and this evidence shall include, but not limited to, the agreement to personally guarantee the interim construction loan secured (and all other guarantees to the equity investor) relative to the development of a Project by the person or persons upon whose purported ownership interest(s) and participation form the basis for which the designation of a HUB is being claimed. Any such guarantee wherein an Affiliate, partner and or Beneficial Owner of the guarantor agrees to indemnify, in whole or in part, the guarantor from liability arising from the guarantee, shall not constitute said evidence. The Department shall, during and after the Application Round, monitor those individuals upon whose purported ownership interest(s) and participation form the basis for which the designation of HUB is being claimed and may require the submission of any additional documentation as required to verify said evidence."

Nonprofit Developments and Right of First Refusal - Several commenters noted that in not providing points for Projects developed by Qualified Nonprofit Applicants, the Department would hinder the developments of Projects that are intended to serve the lowest income tenants for the longest period of time. The commenters also asked for the reinstatement of the Right of First Refusal provision which allows a project owner who wishes to sell the property after the end of the Compliance Period to offer the Project first to a Qualified Nonprofit Organization or tenants' organization.

Department's Response - The draft Rules comply with the provisions of Section 42 of the Internal Revenue Code in requiring at least 10% of the total allocation be made to Qualified Nonprofit Projects. However, the Department proposes to reinstate the provision allowing longer low income use period to be used as one of the tie-breakers.

Special Housing Needs - Several commenters urged the Department to equalize the points assigned to Projects serving special needs populations and to recognize that persons with mental disabilities do not necessarily have corresponding physical disabilities. Also, they suggested the addition of a new category for persons with mental disabilities.

Department's Response - The points assigned for Projects serving tenants with special housing needs are not necessarily intended as a statement of the relative worth of one disability or set of disabilities over another. Rather, they are a recognition of the fact that tenants with special housing needs have varying degrees of access to housing. For instance, the fact that 10 points are awarded to Projects serving the elderly is a recognition that such tenants have access to regular apartments that are not dedicated or operated solely for them compared to a homeless person. Projects serving the homeless on the other hand, are assigned 15 points due to both the difficulty of producing housing for such groups and their lack of access to housing other than that dedicated specifically for them.

The Department acknowledges that while persons with mental disabilities do not necessarily have corresponding physical disabilities, to the extent that they do, an Applicant can claim points for providing housing opportunities for tenants who are physically challenged (in addition to having a mental

disability). Applicants that serve the needs of tenants with mental disabilities can claim points for providing supportive services under Exhibit 213.

The Department proposes to amend its recommendation relating to the definition of Physically Challenged Persons as follows: Persons with Disabilities - A person who:

- (A) has a physical, mental or emotional impairment that;
 - (i) Is expected to be of long, continued and indefinite duration,
 - (ii) Substantially impedes his or her ability to live independently, and
 - (iii) Is of such a nature that the ability could be improved by more suitable housing conditions, or
- (B) has a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6007).

The Department also proposes to amend the definition of Special Housing Project as follows: Special Housing Project - Any Project developed specifically for Special Housing Need Groups, including mental health/mental retardation Projects, group homes, housing for the homeless, transitional housing, elderly Projects, congregate care facilities, Projects for persons with HIV/AIDS, or as otherwise defined in the State Consolidated Plan.

Supportive Services - One commenter stated that by focusing on the duration of service agreements in awarding points for supportive services under Exhibit 213, the Department is not taking into account the fact that State service providers cannot enter into a long-term contract to provide such services. She suggested that this issue should be considered in evaluating supportive services.

Department's Response - The Department is aware that some service providers rely on funding sources that are subject to annual reauthorization. The Department will take this into account in evaluating supportive services.

Self-scoring by Applicants - Several commenters cautioned against allowing self-scoring to determine the ranking of tax credit Applications.

Department's Response - Section 49.6(b)(2) of the Rules provides that for ranking purposes only, Applications not yet scored by staff shall be deemed to have the score allocated through self-scoring until actually scored. This is not intended to be a substitute for scoring by staff.

Building Permits - Several commenters have highlighted the potential for inequity in awarding points for building permits based on the location of the project. Specifically, Projects located outside a city can secure a building permit with less expense compared to the cost of securing a permit within a city.

Department's Response - The Department recognizes this disparity and will propose the elimination of the points for securing a building permit. As a substitute the Department proposes that points be awarded for SUBSTANTIAL READINESS TO PROCEED as follows: "Such evidence must be in the form of an enforceable construction financing commitment from a regulated

financial institution that is actively and regularly engaged in the business of lending money. Such a commitment must be a written approval of a loan or grant (i.e., preliminary approval by the lender's loan committee) and be subject only to conditions fully under the control of the Applicant to satisfy (excluding the allocation of tax credits)." (4 Points)

Evidence of Zoning - A commenter called attention to the Threshold Criterion which requires proper zoning at the time of Application. She reasoned that this measure gives properties in communities such as Houston, where zoning is not required, an unfair advantage over those in Austin or Dallas.

Department's Response - The Department has re-evaluated this aspect of the Rules and proposes to allow the following: "In lieu of such documentation, the Applicant must submit evidence that a rezoning request has been filed with the appropriate Municipal Authority as of the date of submission of the Application. Any commitment of tax credits to the Applicant will be contingent upon proper rezoning prior to Carryover Allocation."

Elderly Projects - A commenter asked if elderly Projects can include 3 bedroom units. Another sought clarification on qualification for occupancy of a unit in an elderly Project, specifically item 6(A)(ii) of the Selection Criteria which states, in part, "where at least 80% of the total housing Units are occupied by at least one Person who is 55 years of age or older."

Department's Response - The Department believes available data indicates elderly Projects should contain mainly one and two bedrooms. They must not include any units with three or more bedrooms.

With respect to eligibility requirements for an elderly project, there are two elections:

(1) is constructed for, and solely occupied by Persons 60 years of age or older; and

(2) adheres to policies and procedures which demonstrate a firm commitment by the owner and manager to provide housing for Persons 60 years of age or older. (10 points)

Limitation on Project Size - With respect to the limitation of 250 units for a new construction project, a commenter asked whether an existing rehabilitation Project comprised of 200 units and is being expanded by an additional 100 units would fall under this limitation?

Department's Response - The 250 unit limitation for new construction Projects was conceived to help distribute low income persons over a broad geographic area. Existing Projects are not covered by this limitation due to the large expense that would result from complying with this provision. To the extent that any new construction activity results in more than 250 units, the limitation would apply. The Department proposes to amend the Rules in response to this question.

General Pool Credits - A commenter sought clarification of the meaning of general pool as used under Section 49.6(c).

Department's Response - The "general pool" is comprised of tax credits that have been returned or recovered from prior years' allocations after the Board has made its initial allocation of the current year's available credit ceiling. General pool credits will

be used to fund Applications on the waiting list without regard to set-aside.

EXHIBIT 206A - The Department is proposing to remove item (ii) Low-Emittance Windows and include the following additional energy saving devices::

(v) Gas heating system with an 80% flue efficiency

(vi) Energy efficient air conditioning system with a 10 SEER or above

(vii) Dual pane insulating windows

The last sentence in this section will read as follows:

Of the six (vi) items proposed to be listed in EXHIBIT 206 at least four must be selected to qualify for these points.

EXHIBIT 202 - Staff is proposing that the documentation submitted to the Department shall include a certified copy of the appropriate resolution from the mayor, local city council, county judge, or county commissions court in support of the Project stating that the designated area was:

(i) created by the local city council/county commission;

(ii) targets a specific geographic area; and

(iii) offers tangible and significant area-specific incentives or benefit over and above those normally provided by the city or county. Public Improvement Districts (PIDs), Tax Increment Financing Zones (TIFs), or similar districts organized under the Texas Local Government Code are prime examples of such redevelopment efforts. (10 points)

The Department also proposes to provide guidance to Applicants with respect to what constitute "significant area-specific incentives or benefits" as follows: "To claim these points, the benefits or incentives provided must amount to at least 10% of the Total Development Cost."

Real Estate Owned (REO) Projects - In view of the tax credit counsel comments on the definition of REO, the Department proposes to redefine REO Projects as follows: Real Estate Owned (REO) Projects - Any existing residential development that is owned or that is being sold by an insured depository institution in default, or by receiver or conservator of such an institution, or is a property held by, HUD, Fannie Mae, Freddie Mac, federally chartered bank, savings bank, Federal Home Loan Bank or a federally approved mortgage company or any other federal agency.

EXHIBIT 213 (6)(A) - Staff is proposing to eliminate the term physical handicap accessibility from the text in Exhibit 213, subsection (6)(A), such that it reads as follows: "This criterion applies to elderly Projects which must provide significant facilities and services specifically designed to meet the physical and social needs of the residents. Significant services may include congregate dining facilities, social and recreation programs, continuing education, welfare information and counseling, referral services, transportation and recreation. Other attributes of such Projects include providing hand rails along steps and interior hallways, grab bars in bathrooms, routes that allow for barrier-free lever type doorknobs and single lever faucets as well as elevators for Projects of over two stories. Elderly Projects must not contain any three bedrooms or larger units.

Such a Project must conform to the Federal Fair Housing Act and must be a Project which:

- (1) is constructed for, and solely occupied by Persons 60 years of age or older; and
- (2) adheres to policies and procedures which demonstrate a firm commitment by the owner and manager to provide housing for Persons 60 years of age or older. (10 points)

EXHIBIT 214 - Staff is proposing to amend its recommendation relating to the narrative for Exhibit 214 which the committee accepted at the May 15, 1996 meeting as follows:

(B) EXHIBIT 214: "Label as EXHIBIT 214, evidence verifying that the subject development provides units specifically equipped for persons who have a physical disability or targeted for persons with a mental disability as such a term is defined in the Rules. Such evidence must be in the form of a certification from an accredited architect stating the number of Units which are/will be designed to meet American National Standards for buildings and facilities providing accessibility and usability for persons with physical disabilities (ANSI A117.1 - 1986 or successor) and will conform to the Fair Housing Act of 1988. "Equipped" means that features that make the Units fully usable to such persons are installed in the Units at the time of construction or provisions have been included in construction for easy modification to meet the ANSI A117.1 standards. For Units targeted for tenants with mental disabilities, such evidence must include a referral agreement with an entity that provides on-site supportive services specifically designed for such tenants."

- (i) 6% to 10% of Units are set-aside for persons with physical disabilities or targeted for persons with mental disabilities. (4 points)
- (ii) 11% to 15% of Units are set-aside for persons with physical/mental disabilities. (6 points)
- (iii) 16% + of Units are set-aside for persons with physical/mental disabilities. (8 points)

Limitation on Allocation Amount per Project and per Applicant - At the Committee's direction, staff is proposing to amend the language pertaining to the \$1.2 million limit per project and the \$2.4 million limit per Applicant as follows: "The foregoing information does not apply (i) to an entity which raises or provides equity for one or more Projects, solely with respect to its actions in raising or providing equity for such Projects (including syndication related activities as agent on behalf of investors), (ii) to the provision by an entity of "qualified commercial financing" within the meaning of the Code, §49(a)(1)(D)(ii) (without regard to the 80% limitation thereof), and (iii) to a Qualified Nonprofit Organization or other not-for-profit entity, to the extent that the participation in a Project by such organization consists of the provision of loan funds or grants."

Limitation on Project Size - Pursuant to comments made at the Committee meeting on May 15, 1996, the Committee recommended that the §49.6(g) be amended as follows: "Rural Projects involving new construction must not exceed 75 Units. All other Projects involving new construction will be limited to 250 Units."

FOR CLARIFICATION

Assorted Questions - One commenter provided the scenario for the structuring of a partnership and asked the following questions:

- (1) Would the structure meet the definition of a "Qualified Nonprofit Project?"
- (2) Does Exhibit 111 require an IRS determination letter at the time of Application?
- (3) Would financial statements be required of the limited partners?

Department's Response - The Department's response is as follows:

1. The definition of a Qualified Nonprofit Project is "a project in which a qualified nonprofit organization has control (directly or through a partnership or a wholly owned subsidiary) and materially participates within the meaning of Section 469(h) of the Code."

. The Department requires the submission of an IRS determination letter at the time of Application if the Applicant is applying in the non-profit set-aside.

3. Financial statements are not required of the limited partners.

Market Studies and Developer's Fees - One commenter urged the Department to allow 25% developer fees for Projects in the Colonias and for a waiver of the Market Studies for such Projects citing development costs and the existence of long Waiting Lists for affordable housing.

Department's Response - The Department recognizes the difficulty in producing housing in many communities across the State where median incomes are substantially less than those of large metropolitan areas. Nevertheless, the tax credits are a source for filling an "equity gap" not a sole source of total funding for affordable housing. Furthermore, in the most recent Allocation Round in 1995B, the State allocated tax credits to Projects in El Paso, Brownsville and Edinburg all of which are in the process of syndication or closure of the interim construction loan and allowed only 15% developer fee in basis.

While the Department is aware that the cost of a Market Study could be as high as \$4,500, this amount is a small outlay relative to the total cost of a project. Additionally, a Waiting List is not a substitute for a Market Study because such studies address issues as operating expenses, development costs, unit-mix and Project feasibility that a Waiting List cannot address.

Development Location and Phase I Review - Several commenters raised the following issues:

1. Will points be awarded for a project that meets the criteria for both Exhibit 201 and 202?
2. Are Municipal Management Districts or Tax Abatement Districts eligible for points under Exhibit 202?
3. What percentage of stock ownership in a corporation is sufficient to meet the definition of "Control?"
4. Is asbestos testing required for rehab Projects?

Department's Response - The Department's Response is as follows:

1. The points for Exhibit 201 and 202 are mutually exclusive and so are the points for Exhibit 211.

2. Points for tax abatement can be claimed under Exhibit 207. Municipal Management Districts or other locally sponsored redevelopment efforts may qualify provided they meet the three test described under Exhibit 202 and have been properly formed at the time of Application. The Department would also emphasize that to claim these points as part of a local redevelopment initiative, the benefits or incentives provided must amount to at least 10% of the total Project costs.

3. Under the Rules, "Control" is defined not in terms of percentage ownership, but as "the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any Person, whether through the ownership of voting securities, by contract or otherwise."

4. Phase I environmental reviews for older Projects are expected to address the presence of asbestos. If asbestos is detected on the property, remediation measures must be addressed in the report.

The Department is also proposing to amend the Rules based on the suggestions from Anthony S. Freedman, tax credit counsel.

The new sections are adopted under the Texas Government Code, Chapter 2306 and Texas Civil Statutes. Article 4413(501) as amended by the 73rd Legislature, Chapter 725 and 141, and Chapter 2001 and 2002, Texas Government Code, Texas Civil Statutes.

The Internal Revenue Code of 1986, Section 42 as amended, provides for credits against federal income taxes for owners of qualified low income rental housing projects. That section provides for the allocation of available tax credit amount by state housing credit agencies. Pursuant to Executive Order AWR-91-4 (June 17, 1991), the Texas Department of Housing and Community Affairs was authorized to make housing credit allocation for the State of Texas. As required by the Internal Revenue Code, Section 42 (m)(1), the Department developed a Qualified Allocation Plan which sets forth §49.3 through §49.8 of this title (relating to State Housing Credit Ceiling, Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments, Set-Asides, Commitments and Preferences, Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects; Compliance Monitoring, Housing Credit Allocations).

§49.1. Scope.

The Rules in this chapter apply to the allocation by the Texas Department of Housing and Community Affairs (the Department) of certain low income housing tax credits authorized by applicable federal income tax laws. The Internal Revenue Code of 1986, §42, as amended, provides for credits against federal income taxes for owners of qualified low-income rental housing Projects. That section provides for the allocation of the available tax credit amount by state housing credit agencies. Pursuant to Executive Order AWR-91-4 (June 17, 1991), the Department was authorized to make housing credit allocations for the State of Texas. As required by the Internal Revenue Code, §42(m)(1), the Department developed a Qualified Allocation Plan (QAP) which is set forth in §§49.3-49.8 of this title (relating to State Housing Credit Ceiling, Applications; Environmental As-

essments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments, Set-Asides, Commitments and Preferences, Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects; Compliance Monitoring, Housing Credit Allocations). Sections in this chapter establish procedures for applying for and obtaining an allocation of the low income housing tax credit, along with insuring that the proper Threshold Criteria, Selection Criteria, priorities and preferences are followed in making such allocations. It is a goal of this Department, through these provisions, to encourage diversity through broad geographic allocation of tax credits within the state and to promote maximum utilization of the available tax credit amount, consistent with ensuring that the tax credits are allocated to owners of Projects that will serve the Department's public policy objectives and federal requirements to provide housing to persons and families of very low and low income. It is the policy of the Department to encourage the use of Historically Underutilized Businesses (HUBs) in all of the Department's programs. In response to this policy, the Department has established a minimum goal of 30% participation of HUBs in the low income housing tax credit program. Project Owners are encouraged to achieve these minimum goals.

§49.2. Definitions.

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

Ad Hoc Tax Credit Committee - That Committee comprised of members of the Board of the Department charged with the direct oversight of the Low Income Housing Tax Credit Program, also referred to as the "Committee."

Affiliate - An individual, corporation, partnership, joint venture, limited liability company, trust, estate, association, cooperative or other organization or entity of any nature whatsoever that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with any other Person, and specifically shall include parents or subsidiaries.

Agreement and Election Statement - A document in which the Project Owner elects, irrevocably, to fix the applicable credit percentage with respect to a building or buildings, as that in effect for the month in which the Department and the Project Owner enter into a binding agreement as to the housing credit dollar amount to be allocated to such building or buildings, which Agreement and Election Statement shall be executed by the Project Owner no later than five days after the end of the month of execution of the agreement as to housing credit dollar amount.

Applicable Fraction - The fraction used to determine the Qualified Basis of the qualified low income building, which is the smaller of the Unit fraction or the floor space fraction, as defined more fully in the Code, §42(c)(1).

Applicable Percentage - The percentage used to determine the amount of the low income housing tax credit, as defined more fully in the Code, §42(b).

Applicant - Any Person and any Affiliate of such Person, corporation, a partnership, joint venture, association, or other that submits an Application to the Department requesting a tax credit allocation pursuant to the Rules and the QAP. The Applicant is also the Project Owner unless the Applicant transfers or assigns its interest in the

Project (which assignment can only occur with the consent of the Department). Each Project Owner, and each of the Project Owner's successors in interest, shall be obligated to carry out the commitments made to the Department by the Applicant.

Application - An Application in the form prescribed by the Department, including any required exhibits or other supporting materials, filed with the Department by a Project Owner requesting a low income housing tax credit allocation.

Application Acceptance Period - That period of time as published in the Texas Register during which Applications for tax credits may be submitted to the Department.

Application Round - The period beginning with the start of the Application Acceptance Period and lasting until such time as all available credits (as stipulated by the Department) are allocated, provided that the Application Round not extend beyond the last day of the calendar year.

Application Submission Procedures Manual - That certain manual produced by the Department which sets forth procedures, forms, and guidelines for the filing of Applications for low income housing tax credits, which manual may be amended from time to time by the Department.

Beneficial Owner - A "Beneficial Owner" means:

(A) Any Person who, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise has or shares;

(i) voting power which includes the power to vote, or to direct the voting as any other Person or the securities thereof, and/or

(ii) investment power which includes the power to dispose, or direct the disposition of, any Person or the securities thereof.

(B) Any Person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement or any other contract, arrangement or device with the purpose or effect of divesting such Person of Beneficial Ownership (as defined herein) of a security or preventing the vesting of such Beneficial Ownership as part of a plan or scheme to evade inclusion within the definitional terms contained herein; and

(C) Any Person who has the right to acquire Beneficial Ownership during the Compliance Period, including but not limited to any right to acquire any such Beneficial Ownership;

(i) through the exercise of any option warrant or right,

(ii) through the conversion of a security,

(iii) pursuant to the power to revoke a trust, discretionary account or similar arrangement, or

(iv) pursuant to the automatic termination of a trust, discretionary account, or similar arrangement. Provided, however, that any Person who acquires a security or power specified in clauses (i), (ii) or (iii) of this subparagraph, with the purpose or effect of changing or influencing the control of any other Person, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition is deemed to be the Beneficial Owner of the securities which may be acquired through the exercise or conversion of such security or power. Any

securities not outstanding which are subject to options, warrants, rights or conversion privileges as deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by such Person but are not deemed to be outstanding for the purpose of computing the percentage of the class by any other Person.

Board - The governing Board of Directors of the Department and may also denote as used in this chapter, the Committee.

Carryover Allocation - An allocation of current year tax credit authority by the Department pursuant to the provisions of the Code, §42(h)(1)(E) and Treasury Regulations, §1.42-6.

Carryover Allocation Document - A document issued by the Department to a Project Owner pursuant to §49.4(k) of this title (relating to Applications; Environmental Assessments; Market Study; Reservations; Notification; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments).

Carryover Allocation Procedures Manual - That certain manual produced by the Department which sets forth procedures, forms, and guidelines for the filing of request for Carryover Allocations for low income housing tax credits, which said manual may be amended from time to time by the Department.

Code - The Internal Revenue Code of 1986, as the same may be amended from time to time, together with any applicable regulations, rules, rulings, revenue procedures, information statements or other official pronouncements issued thereunder by the United States Department of the Treasury or the Internal Revenue Service relating to the Low Income Housing Tax Credit Program authorized by the Code, §42, and as may be amended from time to time.

Commitment Notice - A notice issued by the Department to a Project Owner pursuant to §49.4(h) of this title (relating to Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments) and also referred to as the "commitment".

Compliance Period - With respect to a building, the period of 15 taxable years, beginning with the first taxable year of the Credit Period pursuant to the Code, §42(i)(1).

Contractor - One who contracts for the construction, or rehabilitation of an entire building or Project, rather than a portion of the work. The Contractor hires subcontractors, such as plumbing contractors, electrical contractors, etc., coordinates all work, and is responsible for payment to the said subcontractors. This party may also be referred to as the "general contractor".

Control - (including the terms "controlling," "controlled by, and/or "under common control with") the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any Person, whether through the ownership of voting securities, by contract or otherwise.

Cost Certification Procedures Manual - That certain manual produced by the Department which sets forth procedures, forms, and guidelines for the filing of requests for IRS Forms 8609 for Projects placed in service under the Low Income Housing Tax Credit Program, which said manual may be amended from time to time by the Department.

Credit Period - With respect to a building within a Project, the period of ten taxable years beginning with the taxable year the building

is placed in service or, at the election of the Project Owner, the succeeding taxable year, as more fully defined in the Code, §42(f)(1).

Declaration of Land Use Restrictive Covenants (LURA) - An agreement between the Department, the Project Owner and all successors in interest in the Project Owner which encumbers the Project with respect to provisions stipulated in the Code, §42, §§49.1-49.15 of this title (relating to Low Income Housing Tax Credit Qualified Allocation Plan and Rules), and the Texas Government Code, Chapter 2306 as may be amended from time to time. The LURA includes an Extended Low Income Housing Commitment Agreement.

Department - The Texas Department of Housing and Community Affairs, a public and official governmental Department of the State of Texas created and organized under the Texas Department of Housing and Community Affairs Act, Texas Government Code, Chapter 2306 and Texas Civil Statutes, Article 4413(501) as amended by the 73rd Legislature, Chapter 725 and 141.

Development Team - All Persons or Affiliates thereof which play(s) a material role in the development, construction, rehabilitation, management and/or continuing operation of the subject Property, which may include any consultant(s) hired by the Applicant for the purpose of the filing of an Application for low income housing tax credits with the Department.

Difficult Development Area - Any area which is so designated by the Secretary of the United States Department of Housing and Urban Development (HUD) as an area which has high construction, land, and utility costs relative to area median gross income.

Eligible Basis - With respect to a building within a Project, the building's Eligible Basis as defined in the Code, §42(d).

Equity Gap - The difference between the total sources of financing for the Project and the total Project costs that is to be filled with the proceeds of the credit.

Extended Low Income Housing Commitment Agreement - An agreement between the Department, the project owner and all successors in interest to the project owner concerning the extended low income housing use of buildings within the project throughout the extended use period as provided in the Code, §42(h)(6).

Financial Statement - Document(s) which provides information about the Applicant's economic resources, claims against those resources, and the interests of owners at specific dates as more fully defined in subparagraphs (A)-(D) of this definitions:

(A) **Statement of Financial Position/Balance Sheet** - a listing, as of a particular date, of all assets and claims against those assets (liabilities). The difference is equity.

(B) **Income Statement** - a listing that relates to a specific period of time, presenting an entity's results of operations.

(C) **Statement of Retained Earnings** - reports all changes in retained earnings during the accounting period, reconciles beginning and ending retained earning balances and provides a connecting link between the income statement and the balance sheet.

(D) **Cash Flow Statement** - a report listing the changes in an entity's cash and cash equivalents, classified by principal sources and uses, for a given period.

General Project - Any project which is not a Qualified Nonprofit Project or is not under consideration in the Rural/Prison set-aside as such terms are defined by the Department.

General Pool - The pool of credits that have been returned or recovered from prior years' allocations or current year's Commitment Notices after the Board has made its initial allocation of the current year's available credit ceiling. General pool credits will be used to fund Applications on the waiting list without regard to set-aside.

Governmental Entity - Includes federal or state agencies, departments, boards, bureaus, commissions, authorities, and political subdivisions, special districts and other similar entities.

Historically Underutilized Businesses - Pursuant to Texas Civil Statutes, Article 601b, §§1.02, 1.03, and 1.04, entitled State Purchasing and General Services Act which is codified at Chapter 2161, Texas Government Code, entitled Historically Underutilized Businesses, a business in the form of a corporation, partnership or joint venture which is at least 51% owned, or a sole proprietorship which is 100% owned by a person or persons who have been historically underutilized due to their identification as a member of a certain group. With respect to the filing of an Application and the development, operation and ownership of a Project, the historically underutilized person or persons whose ownership interests comprise a majority of a corporation, partnership, joint venture or other business entity, must maintain this majority and must demonstrate regular, continuous, and substantial participation in the operation and management activities of the entity. Likewise, with regard to a sole proprietorship, the individual who comprise the sole proprietorship must demonstrate regular, continuous, and substantial participation in the development, operation and ownership of the Project. The Department shall require evidence of regular, continuous and substantial participation and this evidence shall include, but not limited to, the agreement to personally guarantee the interim construction loan secured (and all other guarantees to the equity investor) relative to the development of a Project by the person or persons upon whose purported ownership interest(s) and participation form the basis for which the designation of a HUB is being claimed. Any such guarantee wherein an Affiliate, partner and or Beneficial Owner of the guarantor agrees to indemnify, in whole or in part, the guarantor from the liability arising from the guarantee, shall not constitute said evidence. The Department shall, during and after the Application Round, monitor those individuals upon whose purported ownership interest(s) and participation form the basis for which the designation of HUB is being claimed and may require the submission of any additional documentation as required to verify said evidence. The following are the groups which will be considered pursuant to this definition:

(A) **African Americans** - persons having origins in any of the Black racial groups of Africa;

(B) **Hispanic Americans** - persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(C) **Asian-Pacific Americans** - persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, Philippines, Samoa, Guam, U.S. Trust Territories of the Pacific and the Northern Marianas;

(D) **Native Americans** - persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or

(E) **Women** - includes all women of any ethnicity.

Homeless Person - An individual or family that lacks a fixed, regular, and adequate nighttime residence as more fully defined in 24 Code of Federal Regulations, §841.1, and as may be amended from time to time.

Housing Credit Agency - A governmental entity charged with the responsibility of allocating low income housing tax credits pursuant to the Code, §42. For the purposes of these Rules, the Department is the sole "Housing Credit Agency" of the State of Texas.

Housing Credit Allocation - An allocation by the Department to a Project Owner of low income housing tax credit in accordance with §49.8 of this title (relating to Housing Credit Allocations).

Housing Credit Allocation Amount - With respect to a Project or a building within a Project, that amount the Department determines to be necessary for the financial feasibility of the Project and its viability as a qualified low income housing Project throughout the Compliance Period and allocates to the Project.

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

Costs - Costs associated with the sale or use of tax credits to raise equity capital. Such costs include but are not limited to syndication and partnership organization costs and fees, filing fees, broker commissions, related attorney and accounting fees, appraisal, engineering, environmental site assessment, etc.

IRS - The Internal Revenue Service, or its successor.

Local Tax Exempt Organization - An entity which is described in the Code, §501(c)(3) or (4), as these cited provisions may be amended from time to time, and which is registered or qualified to conduct business in the State of Texas and/or the governmental unit wherein the Project will be situated.

Person - Means, without limitation, any natural person, corporation, partnership, limited partnership, joint venture, limited liability company, trust, estate, association, cooperative, government, political subdivision, agency or instrumentality or other organization of any nature whatsoever and shall include any group of Persons acting in concert toward a common goal.

Persons with Disabilities - A person who:

- (A) has a physical, mental or emotional impairment that;
 - (i) is expected to be of a long, continued and indefinite duration,
 - (ii) substantially impedes his or her ability to live independently, and
 - (iii) is of such a nature that the ability could be improved by more suitable housing conditions, or

(B) has a developmental disability, as defined in section 102(7) of the 6001-6007.

Prison Community - A city or town which is located outside of a major Metropolitan Statistical Area (MSA) or Primary Metropolitan Statistical Area (PMSA) and was recently awarded a state prison as set forth in the Reference Manual.

Project - A low income rental housing Property the owner of which represents that it is or will be a qualified low income housing Project within the meaning of the Code, §42(g). With regards to this definition, the "Project" is that Property which is the basis for the

Application for low income housing tax credits. May also be referred to as the subject "property".

Project Owner - Any Person or Affiliate thereof that owns or proposes to develop the Project or expects to acquire Control of the Project pursuant to a purchase contract satisfactory to the Department.

Property - The real estate and all improvements thereon which are the subject of the Application (including all items of personal property affixed or related thereto), whether currently existing or proposed to be built thereon in connection with the Application.

Qualified Allocation Plan - An allocation plan executed by the Governor of the State of Texas which sets forth the Threshold Criteria, Selection Criteria, priorities, preferences, and compliance and monitoring as provided in the Code, §42(m)(1) and as further provided in §§49.3-49.8 of this title (relating to State Housing Credit Ceiling, Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments, Set-Asides, Commitments and Preferences, Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects; Compliance Monitoring, Housing Credit Allocations).

Qualified Basis - With respect to a building within a Project, the building's Eligible Basis multiplied by the Applicable Fraction, within the meaning of the Code, §42(c)(1).

Qualified Census Tract - Any census tract which is so designated by the Secretary of HUD and, for the most recent year for which census data are available on household income in such tract, in which 50% or more of the households have an income which is less than 60% of the area median gross income for such year.

Qualified Market Analyst - Certified General Real Estate Appraiser (Texas) who is also designated as MAI, SRPA, RM, SREA or SRA and is independent of any member of the Development Team. The Qualified Market Analyst must also show proof of having taken and passed Parts A and B of the Standards of Professional Practice course within the last five years or is otherwise approved to conduct a market study by the Department. The Qualified Market Analyst must not be related to or Affiliated with the Project consultant, or the independent CPA employed for certifying the 10% test and/or the final Project cost certification.

Qualified Nonprofit Organization - An organization that is described in the Code, §501(c)(3) or (4), as these cited provisions may be amended from time to time, that is exempt from federal income taxation under the Code, §501(a), that is not Affiliated with or Controlled by a for profit organization, and includes as one of its exempt purposes the fostering of low income housing within the meaning of the Code, §42(h)(5)(C).

Qualified Nonprofit Project - A Project in which a Qualified Nonprofit Organization has Control (directly or through a partnership or wholly-owned subsidiary) and materially participates (within the meaning of the Code, §469(h), as may be amended from time to time) in its development and operation throughout the Compliance Period.

Real Estate Owned (REO) Projects - Any existing residential development that is owned or that is being sold by an insured depository institution in default, or by receiver or conservator of such an institution, or is a property held by, HUD, Fannie Mae, Freddie Mac, federally chartered bank, savings bank, savings and loan association,

Federal Home Loan Bank or a federally approved mortgage company or any other federal agency.

Reference Manual - That certain manual, and any amendments thereto, produced by the Department which sets forth reference material pertaining to the Low Income Housing Tax Credit Program.

Rehabilitation Expenditure - Amounts incurred in connection with the rehabilitation which the Project Owner represents to be "Rehabilitation Expenditures" within the meaning of the Code, §42(e)(2).

Residential Development - Any Project that is comprised of at least one "Unit" as such term is defined in this title.

Rules - The Department's low income housing tax credit Rules, §§49.1-49.15 of this title (relating to Low Income Housing Tax Credit Qualified Allocation Plan and Rules) excluding §§49.3-49.8 of this title (relating to State Housing Credit Ceiling, Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments, Set-Asides, Commitments and Preferences, Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects; Compliance Monitoring, Housing Credit Allocations).

Rural Project - A Project located within an area which:

(A) is situated outside the boundaries of a PMSA or MSA; or

(B) is situated within the boundaries of a PMSA or MSA if it has a population of not more than 20,000 and does not share boundaries with an urbanized area; or

(C) is located in an area that is eligible for funding by TxRD.

Scattered Site Project - A group of buildings, (excluding apartments and townhomes) which would (but for their lack of proximity) qualify as a Project for purposes of the Code and which are all rent restricted, owned by the same Project Owner and financed under a common plan. This shall include all single family detached housing, duplexes, triplexes and fourplexes, except fourplexes in clusters of four or more on contiguous property under common ownership, management and Control.

Selection Criteria - Criteria used to determine housing priorities of the State under the Low Income Housing Tax Credit Program.

Small Development - A Project consisting of not more than ten single-family detached Units or 35 multifamily Units, which is not a part of, or contiguous to, a larger Project.

Special Housing Project - Any Project developed specifically for Special Housing Need Groups, including mental health/mental retardation Projects, group homes, housing for the homeless, transitional housing, elderly Projects, congregate care facilities, projects for persons with HIV/AIDS, or as otherwise defined in the State Consolidated Plan.

State Housing Credit Ceiling - The limitation imposed by the Code, §42(h), on the aggregate amount of housing credit allocations that may be made by the Department during any calendar year, as determined from time to time by the Department in accordance with the Code, §42(h)(3).

Sustaining Occupancy - The figure at which occupancy income is equal to all operating expenses and mandatory debt service requirements for a Project.

Threshold Criteria - Criteria used to determine the Project's qualifications which are the minimum level of acceptability for consideration under the Low Income Housing Tax Credit Program.

Total Housing Development Cost - The total of all costs incurred or to be incurred by the Project Owner in acquiring, constructing, rehabilitating and financing a Project, as determined by the Department based on the information contained in the Project Owner's Application. Such costs include Intermediary Costs, reserves and any expenses attributable to commercial areas. Projects which include commercial space must allocate the relative portion of all applicable expenses to the commercial space and exclude the same from Total Development Costs. In determining the Equity Gap calculation, the Department will not deduct from the Project's sources of funds the amount of financing associated with the commercial use, unless such financing specifically identifies in its terms that it is being provided for the commercial use.

TxRD - The Texas Department of Rural Development, or its successor.

Unit - Any residential rental unit in a Project consisting of an accommodation containing separate and complete physical facilities and fixtures for living, sleeping, eating, cooking and sanitation. The term "Unit" includes a single room occupancy housing unit used on a non-transient basis.

§49.3. State Housing Credit Ceiling.

(a) The Department shall determine the State Housing Credit Ceiling for each calendar year as provided in the Code, §42(h)(3)(C).

(b) The Department shall publish each such determination in the Texas Register within 30 days after notification by the Internal Revenue Service.

(c) The aggregate amount of Housing Credit Allocations made by the Department during any calendar year shall not exceed the State Housing Credit Ceiling for such year as provided in the Code, §42.

§49.4. Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments.

(a) Any Project Owner requesting a Housing Credit Allocation for a Project must submit an Application to the Department which Application shall be originally executed by the Project Owner. This Application shall contain full and complete information as to each item specified in the Application Submission Procedures Manual, as amended. When any item is marked "not applicable," the Project Owner shall provide a written explanation why such item is "not applicable." Failure to provide a detailed written explanation will result in the Application being deemed incomplete and not accepted for filing. The Department is also authorized to request the Project Owner to provide any additional information it deems relevant as clarification to the Application. The Department will require, as a part of a completed Application, information to be submitted by the Project Owner which identifies the number of HUBs to be used in the development and/or continuous operation of the Project, in a form specified within the Application Submission Procedures Manual. Further, the Department will require the Project Owner to supply sufficient documentation which will represent the means by which these HUBs

were or are to be selected. The Project Owner is also advised that the Department will be requesting information pertaining to the use of HUBs in the actual development of the Project at the time of final allocation of tax credits, pursuant to §49.8(c) of this title (relating to Housing Credit Allocations).

(b) As part of the complete Application the Applicant must submit the most current Phase I Environmental Assessment of the subject Property, dated not more than 12 months from the date of Application to the Department. In the event that a Phase I Environmental Assessment on the Project is older than 12 months, the Project Owner may supply the Department with an update letter from the Person or organization which prepared the initial assessment; provided, however, that the Department will not accept any Phase I Environmental Assessment which is more than 24 months old. This environmental assessment should be conducted and reported in conformity with the standards of the American Society for Testing and Materials (ASTM) and such other recognized industry standards as a reasonable person would deem relevant in view of the Property's anticipated use for human habitation. The report must include, but is not limited to, a review of records, interviews with people knowledgeable about the Property, a certification that the environmental engineer has conducted an inspection of the Property, the building(s), and adjoining Properties, as well as any other industry standards concerning the preparation of this type of environmental assessment. If the report recommends further studies or establishes that environmental hazards currently exist on the Property, or are originating off-site but would nonetheless affect the Property, the Project Owner must act on such a recommendation or provide either a plan for the abatement or elimination of the hazard. The environmental assessment shall be conducted by an environmental or professional engineer and be prepared at the expense of the Project Owner. For Projects which have had a Phase II Environmental Assessment performed and hazards identified, the Project Owner is required to maintain a copy of said assessment on site available for review by all persons which either occupy the Property or are applying for tenancy. Properties financed through the TxRD or Properties with four Units or fewer will not be required to supply this information; however, the Project Owners of such Projects are hereby notified that it is their responsibility to ensure that the Property is maintained in compliance with all state and federal environmental hazard requirements. Those Projects which have or are to receive first lien financing from HUD may submit HUD's environmental assessment report, provided that it conforms with the requirements of this subsection. An environmental report that is not submitted with the Application will result in the Application being deemed incomplete and not accepted for filing.

(c) The Market Study required by the Department shall comply with the Uniform Standards of Professional Appraisal Practice and with paragraphs (1)-(2) of this subsection and other guidelines provided for the Reference Manual.

(1) A Market Study (prepared by a Qualified Market Analyst acceptable to the Department who is independent of the Development Team), which is not dated more than six months prior to the date of Application, is required as part of the complete Application. Projects which are comprised of 12 Units or fewer or whose funds have been obligated by TxRD are not required to provide the Department with a market study; provided that the Department may request information with respect to the operating expenses, proposed new construction or rehabilitation cost or other

information. In the event that a Market Study on a Project is older than six months, a Project Owner may supply the Department with an updated Market Study from the entity or organization which prepared the initial report; provided, however, that the Department will not accept as having satisfied the condition of this subsection any Market Study which is more than 12 months old. The Market Study shall be prepared for the Department at the expense of the Project Owner and shall include, at a minimum, the following information:

(A) an evaluation of the existing occupancy rates in comparable multifamily rental Residential Developments in the same market and submarket area as the proposed Project with special emphasis given to available low income rental housing;

(B) Project absorption rates for the three years prior to the date of the study for Units in comparable multifamily rental Residential Developments in the same market area as the Project. Further, provide a projection of the time necessary for the Project to achieve Sustaining Occupancy;

(C) an evaluation of the current physical condition of existing rental housing Units in the market area, with special emphasis given to available low income rental housing;

(D) an evaluation of the need for affordable housing within the Project market area, which includes an analysis of any existing federal, state and/or locally subsidized rental housing Units in the market area;

(E) an evaluation of the appropriateness of the Unit-mix and size in terms of market demand and low income housing demographics;

(F) an evaluation of the appropriateness of the location and total development cost of the Project from a market feasibility standpoint;

(G) an evaluation of the appropriateness of the anticipated operating costs of the Project for the housing market in which the Project is located, generally, and specifically for low income housing;

(H) an evaluation of the appropriateness of the existing or proposed physical amenities and appliance packages at the Project for the low income target population;

(I) a summary of qualifications of the individuals who participated in the development of the Market Study;

(J) a statement from the Qualified Market Analyst certifying that he/she is not a part of the Development Team, nor Affiliated with any member of the Development Team engaged in the development of the Property; and

(K) such other matters as the Department, in its discretion, may determine from time to time to be relevant to the Department's evaluation of the need for the Project and the allocation of the requested Housing Credit Allocation Amount. If any of the required information is not obtainable, the Market Analyst shall provide a statement to such effect and offer an alternative analysis intended to address the applicable question.

(2) a written opinion is required from the Qualified Market Analyst who prepared the Market Study required under paragraph (1) of this subsection, stating that:

(A) the projected Total Housing Development Costs of the proposed Project do or do not appear to be reasonable. The Qualified Market Analyst must provide the Department with sufficient documentation to support his/her conclusion with regards to the reasonableness of the projected development costs;

(B) the projected Total Operating Costs of the proposed Project do or do not appear to be reasonable. The Qualified Market Analyst must provide the Department with sufficient documentation to support his/her conclusions with regards to the reasonableness of the projected operating costs;

(C) the proposed Project, in light of the vacancy and absorption rates for the applicable market area and/or any applicable submarket area, is or is not likely to result in an unreasonably high vacancy rate for comparable Units within the market area and/or any applicable submarket area (i.e., standard, well maintained Units within such market area that are reserved for occupancy by low and very low income tenants). The Qualified Market Analyst must provide the Department with sufficient documentation to support his/her conclusion with regard to the effects of the Project's development on the vacancy rates for comparable Units within the market area and/or any applicable submarket area;

(D) the projected initial rents for the Project are or are not below the rental range for comparable Projects within the market area. The Qualified Market Analyst must provide the Department with sufficient documentation to support his/her conclusion with respect to the data on comparable rents in the Project's market area; and

(E) Project reserves are or are not adequate to cover operating shortfalls until the Project achieves Sustaining Occupancy. The Qualified Market Analyst must provide the Department with sufficient documentation to support his/her conclusions with regards to the adequacy of the Project reserves.

(3) All Applicants shall acknowledge by virtue of filing an Application that the Department shall not be bound by any such opinion or the Market Study itself, and may substitute its own analysis and underwriting conclusions for those submitted by the Qualified Market Analyst.

(d) A Project Owner may file an Application at any time during the Application Acceptance Period(s), as published from time to time by the Department in the *Texas Register*.

(e) An Application that is incomplete or that is not filed in accordance with the Application Submission Procedures Manual, as amended, unless any such requirement has been waived by the Department, will be deemed not to have been timely filed, will be deemed terminated and will be returned to the Applicant. Failure to return the Application shall not affect its status and the Department shall not be deemed to have accepted any such incomplete Application.

(f) The Department will not recommend an Application for funding if it includes a member of the Development Team who has been, or is:

(1) barred, suspended, or terminated from procurement in a state or federal program or who is listed in the List of Parties Excluded from Federal Procurement or Nonprocurement Programs, whether in the hardcopy or electronic form;

(2) convicted within the past five years, under indictment for or is on probation for a state or federal crime involving fraud, bribery, theft, misrepresentations of material facts, misappropriation of funds, or other similar criminal offenses;

(3) subject to enforcement action under state or federal securities law, or is the subject of an enforcement proceeding with a state or federal agency or another governmental entity unless any such action has been concluded and no adverse action or finding (or entry into a consent order) has been taken with respect to such member; or

(4) active in the ownership or management of any other low income housing tax credit Property (or any Property pursuant to an affordable housing program administered by a local, state or federal entity) that is or was materially out of compliance with the rules or regulations of the appropriate regulatory authority.

(g) After eligible Applications have been evaluated, ranked and underwritten in accordance with the QAP and the Rules the Department shall make its recommendations to the Committee and the Board at their next meeting for the issuance of Commitment Notices.

(h) The Board's decisions shall be based upon its evaluation of the Project's consistency with the criteria and requirements set forth in the QAP and the Rules. In making a determination to allocate tax credits, the Department and Board shall be authorized not to rely solely on the number of points scored by an Applicant. They shall in addition, be entitled to take into account, as appropriate, such factors as Project feasibility, underwriting, concentration of low income Projects within specific markets or submarkets, geographic dispersion of multifamily housing in any particular market or submarket, as well as dispersion of the credits on a state-wide basis, site conditions, the experience of the Development Team, the type of housing being proposed and/or the Project's impact on the Low Income Housing Tax Credit Program's goals and objectives as stated in the QAP and the Rules and as otherwise provided under this chapter.

(1) If the Board approves the Application, the Department will issue a Commitment Notice to the Project Owner which :

(A) shall confirm that the Board has approved the Application; and

(B) shall state the Department's commitment to make a Housing Credit Allocation to the Project Owner in a specified amount, subject to the feasibility determination described at §49.8(a) of this title (relating to Housing Credit Allocations), compliance by the Project Owner with the remaining requirements of this chapter, and any other conditions set forth therein by the Department. This Commitment Notice shall expire on the date specified therein, unless the commitment has been accepted and the conditions to receipt of an allocation set forth therein shall have been met.

(C) the Department shall notify, in writing, the mayor or other equivalent chief executive officer of the municipality in which the Property is located informing him/her of the Board's issuance of a Commitment Notice.

(2) If the Board disapproves or fails to act upon the Application, the Department shall issue to the Project Owner a written notice stating the reason(s) for the Board's disapproval or failure to act.

(i) A Project Owner may request that the Department extend the expiration date of a Commitment Notice which has not expired by submitting a written request for such action, accompanied by the

extension fee specified in §49.11 of this title (relating to Program Fees). The request shall specify the term of the extension requested and the reason(s) why the Project Owner has been unable to satisfy the requirements of this chapter prior to the original expiration date. The Department, in its sole discretion, may consider and grant such extension requests; provided, however, that in no event shall the expiration date of a Commitment Notice be extended beyond the last business day of the applicable calendar year.

(j) A Project Owner must indicate acceptance of the Department's offer of a commitment of tax credit authority by executing the Commitment Notice and paying the commitment fee specified in §49.11 of this title (relating to Program Fees) prior to the expiration date set forth in the notice. Together with or following the Project Owner's acceptance of the commitment, the owner may request the Department to execute an Agreement and Election Statement, in the form prescribed by the Department, for the purpose of fixing the applicable credit percentage for the Project as that for the month in which the commitment was accepted, as provided in the Code, §42(b)(2). Upon receipt of a duly dated and executed Agreement and Election Statement and the accepted Commitment Notice, if the Project Owner is in compliance with the Rules of this chapter, the Department shall execute the Agreement and Election Statement and return a copy to the Project Owner. The Agreement and Election Statement shall be executed by the Project Owner no later than five days after the end of the month in which the offer of commitment was accepted. Current Treasury Regulations, §1.42-8(a)(1)(v), suggest that in order to permit a Project Owner to make an effective election to fix the applicable credit percentage for a Project, the Commitment Notice must be executed by the Department and the Project Owner in the same month. The Department will cooperate with a Project Owner, as needed, to assure that the Commitment Notice can be so executed.

(k) Prior to the expiration of the Commitment Notice a Project Owner who has been issued a Commitment Notice may request the Department to execute a Carryover Allocation Document. The Carryover Allocation must be properly completed, signed, dated and notarized by the Project Owner and delivered to the Department along with any and all other documentation prescribed in the Carryover Allocation Procedures Manual, as amended. The commitment fee as specified in §49.11 of this title (relating to Program Fees) must be received by the Department prior to the processing of any Carryover Allocation Documentation.

(l) If the entire State Housing Credit Ceiling for the applicable calendar year has been, committed or allocated in accordance with this chapter, the Department shall place all remaining Applications which have satisfied all Threshold Criteria on a waiting list. All such waiting list Applications will be weighed one against the other and a priority list shall be developed by the Department and approved by the Committee. If at any time prior to the end of the Application Round, one or more Commitment Notices expire and a sufficient amount of the State Housing Credit Ceiling becomes available, the Department shall issue a Commitment Notice to Applications on the waiting list in order of priority. In the event that the Department makes a Commitment Notice or offers a commitment within the last month of the calendar year, it will require immediate action by the Applicant to assure that an allocation or Carryover Allocation can be issued before the end of that same calendar year.

(m) Within 15 business days of the date an Application is received, the Department shall notify in writing the mayor or other

equivalent chief executive officer of the municipality, if the Project or a part thereof is located in a municipality; otherwise the Department shall notify the chief executive officer of the county in which the Project or a part thereof is located, to advise such individual that the Project or a part thereof will be located in his/her jurisdiction and request any comments which such individual may have concerning such Project. Such comments shall be part of the documents required to be reviewed by the Board under this subsection if received by the Department within 30 days after receipt of such certified mail notification to said individual; otherwise, if comments are received by the Department after 30 days, same may be reviewed at the discretion of the Board under this subsection. If the local municipal authority expresses opposition to the Project, the Department will give consideration to the objections raised and will visit the proposed site or Project within 30 days of notification.

(n) Prior to the Department's issuance of the IRS Form 8609 declaring that the Project has been placed in service for purposes of the Code, §42, Project Owners must date, sign and acknowledge before a notary public a LURA and send the original to the Department for execution. The Project Owner shall then record said LURA, along with any and all exhibits attached thereto, in the real Property records of the county where the Project is located and return the original document, duly certified as to recordation by the appropriate county official, to the Department. If any liens (other than mechanics' or materialmen's liens) shall have been recorded against the Project and/or the Property prior to the recording of the LURA, the Project Owner shall obtain the subordination of the rights of any such lienholder, or other effective consent, to the survival of certain obligations contained in the LURA following the foreclosure of any such lien. Receipt of such certified recorded original LURA by the Department is required prior to issuance of IRS Form 8609. A representative of the Department shall physically inspect the Property for compliance with the Application and the representatives, warranties, covenants, agreements and undertakings contained therein before the IRS Form 8609 is issued.

§49.5. Set-Asides, Commitments and Preferences.

(a) At least 10% of the State Housing Credit Ceiling for each calendar year shall be allocated to Qualified Nonprofit Projects which meet the requirements of the Code, §42(h)(5). Such organizations may compete in one of the following set-asides:

Non Profit - 10%;
Rural Projects/Prison Communities - 15%;
General Projects - 75%.

(b) The Department may redistribute the credits depending on the level of demand exhibited during the Allocation Round; provided that no more than 90% of the State's Housing Credit Ceiling for the calendar year may go to Projects which are not Qualified Nonprofit Projects. Information concerning the appropriate set-aside for each Application Round will be published in the Texas Register. Applicants may submit only one Application for each site.

(c) No Commitment Notice shall be issued with respect to any Project, the total development cost of which, as determined by the Department, or the acquisition, construction or rehabilitation cost of which exceed the limitations established from time to time by the Department and the Board as more specifically provided for within the Reference Manual. The Department will reduce the Applicant's estimate of developer's and/or Contractor fees in instances where these fees are considered excessive, as more specifically provided for within the Application Submission Procedures Manual, as amended.

In the instance where the Contractor is an Affiliate of the Project Owner and both parties are claiming fees, Contractor's overhead, profit, and general requirements, the Department will reduce the total fees estimated to a level that it deems appropriate. Further, the Department shall deny or reduce the amount of low income housing tax credits on any portion of costs which it deems excessive or unreasonable. The Department also may require bids in support of the costs proposed by any Applicant.

§49.6. Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects.

(a) Threshold Criteria. To have an Application considered for Selection Criteria, a Project Owner must first supply all required information and demonstrate that the Project meets all of the requirements of the Threshold Criteria set forth as follows and as more specifically provided for in the Application Submission Procedures Manual, as amended. Applications not meeting Threshold Criteria may be terminated as otherwise provided under this chapter. No Scattered Site Project will be considered for allocation of tax credits under this QAP and the Rules, and thus Scattered Site Projects do not satisfy Threshold Criteria. Project Owners whose Applications do not meet Threshold Criteria will be so informed in writing. The following are the Threshold Criteria that are mandatory requirements at the time of Application submission:

(1) EXHIBIT 101: Label as EXHIBIT 101, the following documents:

(A) a letter from the design architect specifying the type of amenities proposed for the development;

(B) original photographs of the signage, existing buildings, and interior photographs; and

(C) original photographs of the development site and the surrounding area. Property Owners must provide at least four of the following amenities:

- (i) limited access security fence;
- (ii) designated playground and equipment;
- (iii) community laundry room/laundry hook-up in Units;
- (iv) furnished community room;
- (v) recreation facilities;
- (vi) public telephone(s);
- (vii) on-site day care, Senior Center, or Community meals room;
- (viii) storage areas; or
- (ix) covered parking. With respect only to Small Developments (35 Units or less) and Special Housing Projects, the Department will consider requests for waivers of the foregoing amenity requirement. Any such waiver requests shall be submitted in writing at the time of the Application submission, setting forth the reasons for the proposed waiver. All Projects must adhere to the Texas Property Code statute relating to Security Devices and other applicable requirements for Residential Tenancies.

(2) EXHIBIT 102: Label as EXHIBIT 102(A) or (B), according to the development type, provide construction costs breakdown associated with the proposed new construction or rehabilitation.

Additionally, all rehabilitation Projects must provide a detailed work write-up/physical assessment report with estimated cost which is prepared by a registered architect, professional engineer or bonded general Contractor detailing the scope of work to be performed throughout the rehabilitation process.

(3) EXHIBIT 103: There shall exist evidence of readiness to proceed in the form of at least one of the items under each subparagraphs (A)-(E) of this paragraph:

(A) Label as EXHIBIT 103(A), evidence of site control through one of the following:

(i) A recorded warranty deed in the name of the ownership entity, or entities which comprise the Applicant;

(ii) A contract for sale or lease (the minimum term of the lease must be at least 45 years) in the name of the ownership entity, or entities which comprise the Applicant which is valid for the entire period the development is under consideration for tax credits or at least 90 days, whichever is greater; or

(iii) An exclusive option to purchase in the name of the ownership entity, or entities which comprise the Applicant which is valid for the entire period the development is under consideration for tax credits or at least 90 days, whichever is greater.

(B) Label as EXHIBIT 103(B), evidence of current and appropriate zoning in the form of a letter from the appropriate municipal authority. In lieu of such documentation the Applicant must submit evidence that a rezoning request has been filed with the appropriate municipal authority as of the date of submission of the Application. Any commitment of tax credits to the Applicant will be contingent upon proper rezoning prior to Carryover Allocation. If zoning is not required, the Applicant must submit a letter from the local municipal/county authority so stating. If the Property is currently a non-conforming use as presently zoned, provide the following:

- (i) a detailed narrative of the nature of non-conformance;
- (ii) the applicable destruction threshold;
- (iii) owners rights to reconstruct in the event of damage; and
- (iv) penalties of noncompliance.

(C) Label as EXHIBIT 103(C), evidence of the availability of all necessary utilities/services to the development site. Exhibits must be in the form of a letter from the appropriate municipal provider/local service provider, or in the form of the last monthly bill which must clearly identify the development by name and address. Necessary utilities are GAS/ELECTRIC; TRASH; WATER, and SEWER.

(D) Label as EXHIBIT 103(D), evidence of permanent financing in only one of the following forms:

(i) Bona Fide permanent financing in place as evidenced by a valid and binding loan agreement and a deed(s) of trust in an amount not less than the projected liens to be placed upon the Project upon completion of construction in the name of the ownership entity which identifies the mortgagor as the Applicant or entities which comprise the general partner;

(ii) Bona Fide commitment or term sheet issued by a lending institution or mortgage company that is actively and regularly engaged in the business of lending money which is addressed to the ownership entity, or entities which comprise the Applicant and which has been executed and accepted by both parties (the term of the loan must be for a minimum of 15 years with a 25 year amortization); or

(iii) if the development will be financed through owner contributions, provide a letter from an independent CPA verifying the capacity of the Applicant to provide the proposed financing and that funds are committed solely for such purpose with a letter from the Applicant's bank or banks confirming that such funds have been provided for or deposited in a separate account at said bank(s).

(E) Label as EXHIBIT 103(E), a copy of the current title policy which shows that the ownership of the land/Project is vested in the exact name of the Applicant, or entities which comprise the Applicant (purchaser) or the entity/Person (seller) with which the Applicant or entities which comprise the Applicant has executed an option to purchase, a purchase and sale agreement, a long-term lease or option to lease.

(4) EXHIBIT 104: Label as EXHIBIT 104, evidence of pre-Application notification by the Applicant to the local chief executive officer(s) (i.e., mayor and county judge) of the locality of the development. Such evidence must be in the form of a copy of the certified mail receipt, overnight mail receipt, or confirmation letter from said official.

(5) EXHIBIT 105: Provide Applicant's Financial Statements for the current year (as well as the most current) of all Applicants, corporation or general partner(s) and its principal(s) which are not more than 12 months old prepared and submitted in EXHIBIT 105, which is provided as part of this Application Submission Procedures Manual. Audited Financial Statements not more than 12 month old for the general partner(s), or unaudited Financial Statement not more than 90 days old prepared by an independent CPA, may be accepted in lieu of EXHIBIT 105.

(6) EXHIBIT 106: must be the original copy of the completed and executed Previous Participation and Background Certification Form (EXHIBIT 106) with respect to each member of the Department Team which is provided as part of the Application Submission Procedures Manual.

(7) EXHIBIT 107: Label as EXHIBIT 107, a current rent roll for occupied Projects undergoing rehabilitation. The rent roll must disclose terms and rate of the lease, "street" rents, Unit mix, tenant names or vacancy, dates of first occupancy and expiration of lease. Vacant and proposed new construction Projects will, of course, be exempt from this requirement.

(8) EXHIBIT 108: Label as EXHIBIT 108, for rehabilitation developments, historical monthly operating statements of the subject development to date for the past three full calendar years and for the current year to date as of the end of the month occurring not more than 45 days prior to the date of initial Application, or since the date of acquisition of the development and for new construction, submit 15-year proforma estimates of operating expenses and all supporting documentation to support projections. Rehabilitation Projects must also submit a 15-year proforma of operating expenses with appropriate supporting documentation.

(9) EXHIBIT 109: Label as EXHIBIT 109 on the cover page only, a Market Study addressing all items listed in §49.4(c) of this title (relating to Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments) and/or required by the Reference Manual.

(10) EXHIBIT 110: Label as EXHIBIT 110 on the cover page only, a Phase I Environmental Study prepared in accordance with §49.4(c) of this title (relating to Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments).

(11) EXHIBIT 111: Label as EXHIBIT 111, documentation, as applicable, that the Applicant is a Qualified Nonprofit Organization pursuant to the Code, §42(h)(5)(C), as evidenced by:

(A) an IRS determination letters,

(B) partnership agreement which shows that the nonprofit Controls the Project (directly or indirectly) and will materially participate (within the meaning of the Code §469(h) in the development and operation of the Project throughout the Compliance Period, and

(C) a current list of all directors and officers of the nonprofit organization, along with information pertaining to their primary occupations and disclosing any relationship; as an Affiliate or otherwise, with other members of the Applicant and/or any members or Affiliate of the Development Team, including any market analyst, CPA, appraiser, or other professional performing any services with respect to the Project and/or the subject Property.

(12) EXHIBIT 112: Label as EXHIBIT 112, if applying for acquisition credits or if the Applicant is affiliated with the seller an appraisal of the Property apportioning the value of the land and the improvements where applicable, a valuation report from the local tax appraisal district and a bona fide valid contract verifying the acquisition cost which clearly identifies the selling Persons or entities, and details any relationship with the Applicant or any Affiliation with the Development Team, any Qualified Market Analyst and any other professional or consultant performing services with respect to the Project.

(13) EXHIBIT 113: Label as EXHIBIT 113, a copy of the public notice published in a widely circulated newspaper in the area in which the proposed development will be located. Such notice must run at least twice within a two week period, except on holidays, prior to the submission of the Application to the Department. The notice must be prepared in accordance with the guidelines established in the Application Submission Procedures Manual.

(b) Evaluation factors. The Department will consider Applications for a housing credit allocation using the evaluation and point system described herein and in the Application Submission Procedures Manual:

(1) Applications will be initially evaluated against the Threshold Criteria as they are accepted for filing in the Department during any Application Acceptance Period. Applications not meeting the Threshold Criteria may be terminated and may, at the Department's discretion, be returned to the Applicant without further review. The Department shall not be responsible for the Applicant's failure to meet the Threshold Criteria, and any oversight or failure of the Department's staff to notify the Applicant of such inability

to satisfy the Threshold Criteria shall not confer upon the Applicant any rights to which it would not otherwise be entitled. All Applicants may withdraw and subsequently refile an Application, as well as file a new Application before the filing deadline.

(2) Applications will then be ranked according to the points scored under the Selection Criteria in accordance with the Rules and the Application Submission Procedures Manual. Applications not scored by the Department's staff shall be deemed to have the points allocated through self-scoring by the Applicants until actually scored. This shall apply only for ranking purposes.

(3) Applications which receive the highest number of points, in each set-aside category during the applicable round, and if a sufficient amount of state housing tax credits are available, will be eligible for an evaluation by an Underwriter. As detailed in §49.4(h) of this title (relating to Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments) the Department, the Committee and the Board shall evaluate an Application on the basis of additional factors beyond scoring criteria such as underwriting analysis, geographic dispersion of multi-family housing as well as tax credit allocation, site conditions, impact on the Low Income Housing Tax Credit Program's goals and objectives as stated in the QAP and the Rules, and as otherwise provided under this chapter. If such evaluation warrants, the Application will be forwarded to the Committee and to the Board for approval. The Department may have an outside third party perform the underwriting evaluation to the extent it determines appropriate. The expense of any third party underwriting evaluation shall be paid by the Applicant prior to the commencement of the aforementioned evaluation.

(4) Applications which have not received a Commitment Notice at the end of the Application Round may be placed on a waiting list to be established by the Department and approved by the Committee. At the end of each calendar year, all Applications which have not received a Commitment Notice shall be deemed terminated, unless the Department shall determine to retain or act upon such Applications as provided hereinafter at §49.15 of this title (relating to Forward Reservations; Binding Commitments). The Applicant may re-apply to the Department during the next Application Acceptance Period.

(c) Selection Criteria. Pursuant to subsection (b)(1)-(4) of this section, Applications receiving the highest number of points in each set aside category, in each Application Acceptance Period, if a sufficient amount of the State Housing Credit Ceiling is available, will be eligible for an evaluation by an Underwriter. All Applications will be ranked according to the Selection Criteria listed in paragraphs (1)-(9) of this subsection. If no additional set-aside credits are available, the Application shall be scored and evaluated in the General Pool using the criteria to which such General Pool Applications are subject, without special set-aside scoring points being considered.

(1) DEVELOPMENT LOCATION.

(A) EXHIBIT 201: Label as EXHIBIT 201, a copy of the census map (may be obtained from HUD or the local planning department) if the subject Property is located within a Qualified Census Tract (QCT) as defined by the Secretary of HUD and qualifies for the 30% increase in Eligible Basis, pursuant to the Code, §42(d)(5)(C). The census map must clearly identify the proposed development to be located within a QCT. Census tract numbers must be clearly marked on the map, and must be identical to the QCT

number stated in the Department's Reference Manual. Applicants for Projects in a Difficult Development Area or a Targeted Texas County must indicate this designation in the space provided in the Application Submission Procedures Manual. (10 points) OR

(B) EXHIBIT 202: Label as EXHIBIT 202, evidence that the proposed development is located within a city-sponsored neighborhood preservation/redevelopment area or a designated state or federal empowerment/enterprise zone. Such evidence must be in the form of a letter and a map from a city/county official verifying the proposed development to be located within a preservation/redevelopment area or empowerment/enterprise zone. In order to qualify for these points, an Applicant whose Project is located within a city-sponsored redevelopment area must submit a certified copy of the appropriate resolution or documentation from the mayor, local city council, county judge, county commissioners court in support of the Project stating that the designated area was:

(i) created by the local city council/county commission;

(ii) targets a specific geographic area; and

(iii) offers tangible and significant area-specific incentives or benefit over and above those normally provided by the city or county. Public Improvement Districts (PIDs), Tax Increment Financing Zones (TIFs), or similar districts organized under the Texas Local Government Code are prime examples of such redevelopment efforts. (10 points)

(2) HOUSING NEEDS CHARACTERISTICS.

(A) The proposed development is located in a county in which 10% or more of the households are below the poverty level as set forth in the Department's "County Data Elements Guide" incorporated into the Reference Manual. Utilize the percentages below to assess the appropriate score.

(i) 10% to 20% of households are below the poverty level (3 points).

(ii) 21% to 31% of households are below the poverty level (5 points).

(iii) 32% to 42% of households are below the poverty level (7 points).

(iv) 42% + of households are below the poverty level (9 points).

(B) The proposed development is located in a county in which 20% or more of the rental units have a cost burden as set forth in the County Data Elements guide. Utilize the following percentages to assess the appropriate score:

(i) 20% to 30% of rental units have a cost burden (4 points).

(ii) 31% to 41% of rental units have a cost burden (6 points).

(iii) 42% + of rental units have a cost burden (8 points).

(3) PROJECT CHARACTERISTICS.

(A) EXHIBIT 203: Label as Exhibit 203, evidence that the proposed development to be purchased qualifies as a federally assisted building within the meaning of the Code, §42(d)(6)(B), and is

in danger of having the mortgage assigned to HUD, TxRD, or creating a claim on a federal mortgage insurance fund. Such evidence must be a letter from the institution to which the development is in danger of being assigned. (5 points)

(B) EXHIBIT 204: Label as EXHIBIT 204, evidence that the proposed development is a low-income building with mortgage prepayment eligibility as provided for in the Code, §42(d)(6)(C). Such evidence must be a copy of the HUD regulatory agreement which evidences the prepayment clause. (5 points)

(C) EXHIBIT 205: Label as EXHIBIT 205, evidence that the Applicant is purchasing(ed) a Property (no earlier than 1995) owned by HUD, an insured depository institution in default, or a receiver or conservator of such an institution, or is an REO Property. Such evidence must be in the form of a binding contract to purchase from such federal or other entity as described in this section, closing statements, or recorded warranty deed. (5 points)

(D) The proposed development's composition offers a Unit mix which is conducive to housing large families. To qualify for these points, these Units must have at least 1,000 square feet of living space for three bedrooms or 1200 square feet for four bedrooms with at least two baths. Five points will be awarded for the first 15% of the Units in the development that are three bedrooms or larger. An additional point will be awarded in 5% increments for every 5%, up to 30% of Units which are three bedrooms or larger, up to a maximum of three points. In computing qualified Units for this selection item where the Unit Project is a mixed-income development, only tax credit Units should be included.

(i) 15% of the Units in the development are three or four bedrooms. (5 points)

(ii) An additional point will be awarded for every 5% of Units that are three or four bedrooms up to a maximum of three points. (3 points)

(E) EXHIBIT 206: Label as Exhibit 206A, for new Construction, a letter from the architect which certifies that at least four of the following energy saving devices will be utilized in the construction of each tax credit Unit. The devices selected must be certified as included in each tax credit Unit of the Project upon placement in service.

(i) Ceiling Fans.

(ii) Insulation which exceeds code for walls and ceilings.

(iii) Solar Screens.

(iv) Gas heating system with a minimum 80% flue efficiency.

(v) Energy efficient air conditioning system with a 10 SEER or above.

(vi) Dual pane insulating windows To qualify for these points at least four of the six items listed must be selected. (3 points) Label as Exhibit 206B for rehabilitation, an energy audit of 10% of the tax credit Units and common areas, conducted by a local utility servicer or a registered architect. Upon placement in service, another audit will be required of the same Units to certify that the design features and/or construction components installed in each tax credit Unit exceeds local/regional building code with respect to energy efficiency. In the event that an energy

audit is unobtainable because the Units are currently vacant and uninhabitable, a certification from a registered architect will suffice. (3 points)

(F) EXHIBIT 207: Label as EXHIBIT 207, evidence that the proposed development's financing involves leveraging of resources from a nonprofit private foundation (which is not related to the lender, developer, sponsor, or syndicator) and/or federal, state and/or local governmental entity(s) (that is at or below the Applicable Federal Rate). Such evidence must be a letter of commitment from the entity which states the terms of the permanent loan or grant and all other conditions. To qualify for these points and to retain such funds in basis, the Applicant must demonstrate to the Department's satisfaction that such funds fill a funding gap that is essential for the financial feasibility of the Project. The donation of land, waiver of fees and/or tax abatement(s) will also be considered under this criterion provided that the value of the contribution is quantified and verifiable.

(i) 5% of total residential costs are funded by private nonprofit foundation(s) or government resources. (3 points)

(ii) One additional point will be awarded for every 2% of total residential costs funded from such contributions up to a maximum of three points. (3 points)

(G) The proposed development provides low density housing of less than 10 Units per acre or as follows:

(i) 10 Units or less per acre (6 points)

(ii) 11 to 15 Units per acre (4 points)

(H) The subject Project is an existing Residential Development without maximum rent limitations or set-asides for affordable housing seeking rehabilitation credits. (8 points)

(I) The subject Project is a mixed-income development comprised of both market rate Units and qualified tax credit Units.

(i) Project's Applicable Fraction is no greater than 75%. (6 points)

(ii) Project's Applicable Fraction is no greater than 60%. (10 points)

(J) EXHIBIT 208: Label as EXHIBIT 208, evidence that the proposed historic residential development has received an historic property designation by a federal, state or local governmental entity. Such evidence must be in the form of a letter from the designating entity identifying the development by name and address and stating that the project is:

(i) listed in the National Register of Historic Places under the U.S. Department of the Interior in accordance with the National Historic Preservation Act of 1966;

(ii) located in a registered historic district and certified by the U.S. Department of the Interior as being of historic significance to that district;

(iii) identified in a city, county, or state historic preservation list; or

(iv) designated as a state landmark. (6 points)

(K) Property Owner will set-aside Units for households with incomes at 50% or less of Area Median Gross Income (AMGI) for occupancy of the tax credit Units (TCU's) in the de-

velopment. The rents for these Units must not be higher than the allowable tax credit rents at the 50% AMGI level. Utilize the percentages below to assess the appropriate score:

(i) Four points will be awarded for the first 10% of the Units in the development that are set-aside for tenants with incomes at 50% or less of AMGI. (4 points)

(ii) An additional point will be awarded for every 5% of additional Units set-aside for tenants with incomes at 50% or less of AMGI up to a maximum of four points. (4 points)

(L) Proposed development is comprised of fourplexes in clusters of four or more on contiguous property under common ownership, management and Control or townhome developments of at least 16 Units. To qualify for these points the development must have a density of no more than 15 Units per acre. (5 points)

(M) EXHIBIT 209: Label as EXHIBIT 209, for rehabilitation evidence that a majority of the development's residential Units, as of the end of the Application Acceptance Period, are vacant and uninhabitable. Such evidence must be in the form of a letter and report from the local municipal authority citing substantial code violations. To qualify for these points, the Applicant or its Affiliates must not have owned a significant interest in, or have had Control of the Project during the period in which such Units were rendered uninhabitable. (4 points)

(N) EXHIBIT 210: Label as EXHIBIT 210, evidence from the local municipal authority stating that the proposed development fulfills a need for additional affordable rental housing as evidenced in a local Consolidated Plan and is supported by the local municipal authority. (5 points)

(O) The Project is a Small Development. A Small Development is defined as a Project consisting of not more than 35 multifamily Units, which is not a part of, or contiguous to, a larger Project. A Project may not receive points for this characteristic if it would otherwise qualify as a Rural Project. (5 points)

(4) SPONSOR CHARACTERISTICS.

(A) EXHIBIT 211: Label as EXHIBIT 211, evidence that the ownership entity, general partner, or its principals have a record in successfully developing and operating affordable rental housing under a program operated by HUD, TxRD, RTC, HOME, LIHTC or any other verifiable source which provides affordable housing. With respect to the Properties listed as developed and operated, such ownership entity, principals or general partner must be the Project Owner or have the Control of the Project Owner. The term "successful" is defined as developing, operating, and maintaining current Control of at least 100 Units under the tax credit program, or at least 100 Units under all other affordable housing programs except TxRD and Rural Projects. For such Projects, a minimum of 35 Units are required. For the tax credit program, evidence in the form of a copy of the IRS Form 8609 for the first building and a copy of the partnership agreement must be submitted. For HUD subsidized properties, the evidence must include the most recent Housing Quality Standards inspection and the Annual Performance Review (HUD Form 9822). For other affordable housing programs, documentation (including development and partnership agreements) evidencing current ownership and operation of the Project is required. Applicants whose experience in affordable housing was through mortgage revenue bonds, must submit documentation which shows that the ownership entity/general partner and its principals have

developed and had or currently maintain Control in the Project Owner. Such evidence should include a copy of the financing and/or regulatory agreements, warranty deed which shows the ownership entity as the grantee, the partnership and development agreements, the name, address and contact Person of the bond trustee, issuer, and compliance agent. Additional information to be provided shall include a schedule of Properties owned, years of ownership, addresses of properties, number of Units in the Properties, and the percentage of direct or indirect ownership of each Property. Property Owners in noncompliance with any of the aforementioned programs, but which are not barred from having an Application recommended by §49.4(f), or which have had a continuing pattern of defaults and foreclosures are ineligible to claim the points for this item.

(i) Project Owner or general partner has developed and currently maintains Control of at least 100 affordable housing Units under the tax credit or other affordable housing programs. (8 points); or

(ii) Project Owner or general partner has developed and had Control of at least 100 affordable housing Units under the tax credit or other affordable housing program for a period of not less than five years. (6 points); or

(iii) Project Owner or general partner has developed and had or currently maintains Control of at least 100 market-rate Units for a period of not less than five years. (4 points)

(B) EXHIBIT 212: Label as EXHIBIT 212, evidence that the HUB has been certified by the General Services Commission and is the Project Owner or Controls the Project Owner. To qualify for these points, the HUB and its principals must provide the necessary loan and syndication guarantees to develop the Project. (5 points)

(5) PARTICIPATION OF LOCAL TAX EXEMPT ORGANIZATIONS EXHIBIT 213: Label as EXHIBIT 213, evidence that the Property owner has an executed agreement with a Local Tax Exempt Organization for the provision of special supportive services that would not otherwise be available to the tenants. The supportive services will be evaluated based upon the following:

(A) the duration of the service agreement,

(B) the accessibility and appropriateness of the service to the tenants,

(C) the experience of the service provider, and

(D) the importance of the service in enhancing the tenants standard of living. The supportive service will be included in the LURA. (Up to 5 points)

(6) TENANT POPULATIONS WITH SPECIAL HOUSING NEEDS.

(A) This criterion applies to elderly Projects which must provide significant facilities and services specifically designed to meet the physical and social needs of the residents. Significant services may include congregate dining facilities, social and recreation programs, continuing education, welfare information and counseling, referral services, transportation and recreation. Other attributes of such Projects include providing hand rails along steps and interior hallways, grab bars in bathrooms, routes that allow for barrier-free lever type doorknobs and single lever faucets, as well as elevators for Projects of over two stories. Elderly Projects must not contain any

Units with three or more bedrooms. Such a Project must conform to the Federal Fair Housing Act and must be a Project which:

(i) is constructed for, and solely occupied by Persons 60 years of age or older; and

(ii) adheres to policies and procedures which demonstrate a firm commitment by the owner and manager to provide housing for Persons 60 years of age or older. (10 points)

(B) EXHIBIT 214: Label as EXHIBIT 214, evidence verifying that the subject development provides Units specifically equipped for persons with physical or mental disabilities. Such evidence must be in the form of a certification from an accredited architect stating the number of Units which are/will be designed to meet American National Standards for buildings and facilities providing accessibility and usability for Persons with Disabilities (ANSI A117.1 - 1986 or successor) and will conform to the Fair Housing Act. "Equipped" means that features that make the Units fully usable to such persons are installed in the Units at the time of construction or provisions have been included in construction for easy modification to meet the ANSI A117.1 standards. For Units targeted for tenants with mental disabilities, such evidence must include a referral agreement with an entity that provides on-site supportive services specifically designed for such tenants.

(i) 6% to 10% of Units are set-aside for persons with physical disabilities or targeted for persons with mental disabilities. (4 points)

(ii) 11% to 15% of Units are set-aside for persons with physical/mental disabilities. (6 points)

(iii) 16% + of Units are set-aside for persons with physical/mental disabilities. (8 points)

(C) EXHIBIT 215: Label as EXHIBIT 215, evidence that the Project is designed solely for transitional housing for homeless persons on a non-transient basis, with supportive services designed to assist tenants in locating and retaining permanent housing. Such evidence must include a detailed narrative describing the type of proposed housing; a referral agreement with an established organization which provides services to the homeless; and a marketing plan designed to attract qualified tenants and housing providers, as well as a list of supportive services. (15 points)

(7) PUBLIC HOUSING WAITING LISTS. EXHIBIT 216: Label as EXHIBIT 216, evidence that the Property owner has committed in writing to the local public housing authority (PHA), the availability of Units which also states that the Property owner agrees to consider as potential tenants, those households on the PHA's waiting list. Property owner's letter to the PHA must be accompanied by a marketing plan outlining how these Units will be marketed to individuals on the waiting list. If no PHA is within the locality of the development PHA, the Property owner must utilize the nearest authority or office responsible for administering Section 8 programs. Such evidence must include a copy of the Property owner's letter to the local PHA; a copy of the marketing plan submitted with letter to the local PHA; verification of receipt by the PHA in the form of certified return receipt or overnight mail receipt; and a letter received from an appropriate municipal authority, or local PHA stating the need for additional affordable housing Units within its jurisdiction. (3 points)

(8) SUBSTANTIAL READINESS TO PROCEED. EXHIBIT 217: Label as EXHIBIT 217, evidence of substantial readiness to proceed. Such evidence must be in the form of an enforceable construction financing commitment from a regulated financial institution that is actively and regularly engaged in the business of lending money. Such a commitment must be a written approval of a loan or grant (i.e., preliminary approval by the lender's loan committee) and be subject only to conditions fully under the control of the Applicant to satisfy (excluding the allocation of tax credits). (4 Points)

(9) BONUS POINTS: Application is received within the first ten days of the Application Acceptance Period. (2 points)

(d) Final Ranking. The Department will evaluate Projects according to the strength of the Project in meeting the Threshold and Selection Criteria. In the event that two or more Applications receive the same number of points in any given set-aside category, the Department will utilize the following factors in the order presented in paragraphs (1)-(7) of this subsection in making a determination as to which Project will receive a preference in consideration for a tax credit commitment:

(1) which demonstrates the highest substantial readiness to proceed as evidenced by the Selection Criteria, more specifically provided for in subsection (c)(8) of this section;

(2) which provide for the most efficient usage of the low income housing tax credit on a per Unit basis;

(3) which have substantial community support as evidenced by the commitment of local public funds toward the construction, rehabilitation and acquisition and subsequent rehabilitation of the Project;

(4) Project which is a Special Housing Project as defined in §49.2 of this title (relating to Definitions);

(5) which serve the lowest income tenants;

(7) whose Unit composition provides the highest percentage of three bedrooms or greater sized Units.

(e) In reaching the final ranking of an Application, the Department will take into consideration the Project Owner's history in the tax credit program and other affordable housing programs. The Department may disqualify from this allocation round, any Applicant, Project Owner, developer and its partners, principals, and/or Affiliates who have received an allocation of credits in the 1994 or 1995A rounds and who have not yet commenced construction or finalized the closing of the construction loan, respectively, as of the start of this Application Acceptance Period. The Department may deduct up to ten points from the final score of any Applicant (or an Affiliate of which), in the past, has not placed into service developments for which the Department has made an allocation, or if a Property Owner has failed to perform under the obligations of any previous Commitment Notice. The Department may, at its sole discretion disqualify or impose limitation or disabilities upon an Applicant, Project Owner, developer, and its partners, principals and/or Affiliates with respect to the competition for allocations of tax credits as a consequence of material misstatement or omission, noncompliance with any Code requirements, or any of the terms, conditions or obligations of the program for any Project that has received a commitment or allocation, or for failure to place in service buildings for which credits were allocated. The Department will disqualify an Applicant who has been convicted of fraud, theft, misappropriation

of funds; who has made misrepresentations to the Department; who is in noncompliance with the LURA or other similar agreement for any other Project monitored by the Department, or who is in noncompliance under this program or another program administered by this Department or other governmental entities. Additionally, Applicants are advised that the Department reserves the right to reject Applications which include principals who have been:

(1) Excluded from federal and non federal procurement programs (either debarment or suspension);

(2) Convicted of a felony offense;

(3) Indicted or subject to enforcement action under state or federal securities law; and

(4) Negligent in the physical upkeep of subject Property, or negligent in the operation of the subject Property, as deemed so by another federal or state authority. All such rejections of Applications shall be at the sole discretion of the Department.

(f) Credit Amount. The Department shall issue tax credits only in the amount needed for the financial feasibility and viability of a Project throughout the Compliance Period. The issuance of tax credits or the determination of any allocation amount in no way represents or purports to warrant the feasibility or viability of the Project by the Department. The Department will limit the allocation of tax credits to no more than \$1.2 million per Project or \$2.4 million per Applicant. For these purposes this limitation will apply to all Affiliates of any Applicant, developer, Project Owner, general partner, sponsor or their Affiliates or related entities unless otherwise provided for by the Department. The limitation does not apply to an entity which raises or provides equity for one or more Projects, solely with respect to its actions in raising or providing equity for such Projects (including syndication related activities as agent on behalf of investors), to the provision by an entity of "qualified commercial financing" within the meaning of the Code, §49(a)(1)(D)(ii) (without regard to the 80% limitation thereof), and to a Qualified Nonprofit Organization or other not-for-profit entity, to the extent that the participation in a Project by such organization consists of the provision of loan funds or grants. In making determinations with respect to the limitation the Department may take into account such factors as the percentage of interest held by a particular individual or any Affiliate thereof in a Project, the amount of fees or other compensations paid to a particular individual or any Affiliate thereof with respect to a Project, any other financial benefits, either directly or indirectly through Beneficial Ownership received by a particular individual or any Affiliate thereof with respect to a Project. The Committee, in its sole discretion, may allocate credits to a Project Owner in addition to those awarded at the time of the initial Carryover Allocation in instances where there is bona fide substantiation of cost overruns and the Department has made a determination that the allocation is needed to maintain the Project's financial viability as a qualified low income Project.

(g) Limitations on the Size of Projects. Rural Projects involving new construction must not exceed 75 Units. All other Projects involving new construction or requesting both rehabilitation and new construction tax credits will be limited to 250 Units.

(h) Tax Exempt Bond Financed Projects. Applications for Projects which receive at least 50% of their financing from the proceeds of tax-exempt bonds which are subject to the state volume cap as described in the Code, §42(h)(4)(B) are also subject to

evaluation under the QAP and Rules. Such Projects must meet all the Threshold Requirements stipulated in the QAP and demonstrate consistency with the bond issuer's local Consolidated Plan. The issuer, at its discretion, may enter into a contractual agreement to allow the Department to underwrite the Project.

(i) Adherence to Obligations. All representations, undertakings and commitments made by an Applicant in the applications process for a Project, whether with respect to Threshold Criteria, Selection Criteria or otherwise, shall be deemed to be a condition to any Commitment Notice and/or Carryover Allocation for such Project, the violation of which shall be cause for cancellation of such Commitment Notice or Carryover Allocation by the Department, and if concerning the ongoing features or operation of the Project, shall be reflected in the LURA.

§49.7. Compliance Monitoring.

(a) The Code, §42(m)(1)(B)(iii), requires each State Allocating Agency to include in its "Qualified Allocation Plan" a procedure that the agency (or an agent or other private Contractor of such agency) will follow in monitoring Projects for noncompliance with the provisions of the Code, §42 and in notifying the Internal Revenue Service (the "Service"), or its successor, of such noncompliance of which such agency becomes aware. This procedure does not address forms and other records that may be required by the Service on examination or audit.

(b) The Department will also monitor compliance with any additional covenants made by the Project Owner in the Extended Low Income Housing Commitment Agreement.

(c) The owner of a low income housing Project must keep records for each qualified low income building in the Project showing:

(1) the total number of residential rental Units in the building (including the number of bedrooms and the size in square feet of each residential rental Unit);

(2) the percentage of residential rental Units in the building that are low income Units;

(3) the rent charged on each residential rental Unit in the building including documentation to support the utility allowance;

(4) the number of occupants in each low income Unit;

(5) the low income Unit vacancies in the building and information that shows when, and to whom, the next available Units were rented;

(6) the annual income certification of each low income tenant per Unit, in the form designated by the Department in the Compliance Reference Guide, as may be amended;

(7) documentation to support each low income tenant's income certification, consistent with the verification procedures required by HUD under §8 of the United States Housing Act of 1937 (§8). In the case of a tenant receiving housing assistance payments under §8, the documentation requirement is satisfied if the public housing authority provides a statement to the Project Owner declaring that the tenant's income does not exceed the applicable income limit under the Code, §42(g) as described in the Compliance Reference Guide;

(8) the Eligible Basis and Qualified Basis of the building at the end of the first year of the Credit Period;

(9) the character and use of the nonresidential portion of the building included in the building's Eligible Basis under the Code, §42(d), (e.g. tenant facilities that are available on a comparable basis to all tenants and for which no separate fee is charged for use of the facilities, or facilities reasonably required by the Project); and

(10) additional information as required by the Department.

(d) Record retention provision. The owner of a low-income housing Project is required to retain the records described in subsection (c) of this section for at least six years after the due date (with extensions) for filing the federal income tax return for that year; however, the records for the first year of the tax Credit Period must be retained for at least six years beyond the due date (with extensions) for filing the federal income tax return for the last year of the Compliance Period of the building.

(e) Certification and Review.

(1) On or before February 1st of each year, the Department will send each Project Owner of a completed Project an Owner's Certification of Program Compliance to be completed by the Owner and returned to the Department on or before the first day of March of each year in the Compliance Period. Any Project for which the certification is not received by the Department, is received past due, or is incomplete, improperly completed or not signed by the Project Owner, will be considered not in compliance with the provisions of the Code. The Owner Certification of Program Compliance shall cover the proceeding calendar year and shall include the following statements of the Owner:

(A) the Project met the minimum set-aside test which was applicable to the Project;

(B) there was no change in the Applicable Fraction of any building in the Project, or that there was a change, and a description of the change;

(C) the owner has received an annual income certification from each low income tenant and documentation to support that certification;

(D) each low income Unit in the Project was rent-restricted under the Code, §42(g)(2) and Internal Revenue Service Final Regulation §1.42 - 10 regarding utility allowances;

(E) all Units in the Project were for use by the general public and used on a non-transient basis (except for transitional housing for the homeless provided under the Code, §42(i)(3)(B)(iii));

(F) each building in the Project was suitable for occupancy, taking into account local health, safety, and building codes;

(G) either there was no change in the Eligible Basis (as defined in the Code, §42(d)) of any building in the Project, or that there has been a change, and the nature of the change;

(H) all tenant facilities included in the Eligible Basis under the Code, §42(d), of any building in the Project, such as swimming pools, other recreational facilities, and parking areas, were provided on a comparable basis without charge to all tenants in the building;

(I) if a low income Unit in the Project became vacant during the year, reasonable attempts were, or are being, made to rent that Unit or the next available Unit of comparable or smaller size

to tenants having a qualifying income before any other Units in the Project were, or will be, rented to tenants not having a qualifying income;

(J) if the income of tenants of a low income Unit in the Project increased above the limit allowed in the Code, §42(g)(2)(D)(ii), the next available Unit of comparable or smaller size in the Project was, or will be, rented to tenants having a qualifying income;

(K) a LURA including an extended low income housing commitment agreement as described in the Code, §42(h)(6)(B), was in effect for buildings subject to the Revenue Reconciliation Act of 1989, §7106(c)(1) (generally any building receiving an allocation after 1989);

(L) no change in the ownership of a Project has occurred during the reporting period;

(M) the Project Owner has not been notified by the Internal Revenue Service that the Project is no longer "a qualified low income housing project" within the meaning of the Code, §42; and

(N) the Project met all terms and conditions which were recorded in the LURA, or if no LURA was required to be recorded, the Project met all representations of the Project Owner in the Application for credits.

(2) Review.

(A) The Department will review each Owner's Certification of Program Compliance for compliance with the requirements of the Code, §42.

(B) Each year, the Department will perform monitoring reviews of at least 20% of the low income housing Projects. A monitoring review will include an inspection of the income certification, the documentation the Project Owner has received to support that certification, the rent record for each low income tenant, and any additional information that the Department deems necessary, for at least 20% of the low income Units in those Projects. The Department shall give reasonable notice to the Project Owner that an inspection will occur; however, the Projects and records to be reviewed will be selected by the Department in its discretion. Monitoring reviews will be performed at the location of the Project, unless the Project is required to have fewer than ten low income Units.

(C) The Department may, at the time and in the form designated by the Department, require the Project Owners to submit for compliance review, information on tenant income and rent for each low income Unit, and may require a Project Owner to submit for compliance review a copy of the income certification, the documentation the Project Owner has received to support that certification and the rent record for any low income tenant.

(3) Exception. The Department may, at its discretion, enter into a Memorandum of Understanding with the TxRD, whereby the TxRD agrees to provide to the Department information concerning the income and rent of the tenants in buildings financed by the TxRD under its §515 program. Owners of such buildings may be excepted from the review procedures of paragraph (2)(B) or (C) of this subsection or both; however, if the information provided by TxRD is not sufficient for the Department to make a determination that the income limitation and rent restrictions of the Code, §42(g)(1)

and (2), are met, the Project Owner must provide the Department with additional information.

(f) Inspection provision. The Department retains the right to perform an on site inspection of any low income housing Project including all books and record pertaining thereto through either the end of the Compliance Period or the end of the period covered by any Extended Low Income Housing Commitment Agreement, whichever is later. An inspection under this subsection may be in addition to any review under subsection (e)(2) of this section.

(g) Notices to Owner. The Department will provide prompt written notice to the owner of a low income housing Project if the Department does not receive the certification described in subsection (e)(1) of this section or discovers through audit, inspection, review or any other manner, that the Project is not in compliance with the provisions of the Code, §42. The notice will specify a correction period which will not exceed 90 days, during which the owner may respond to the Department's findings, bring the Property into compliance, or supply any missing certifications. The Department may extend the correction period for up to six months if it determines there is good cause for granting an extension. If any communication to the Project Owner under this section is returned to the Department as unclaimed or undeliverable, the Project may be considered not in compliance without further notice to the Project Owner.

(h) Notice to the Internal Revenue Service.

(1) Regardless of whether the noncompliance is corrected, the Department is required to file IRS Form 8823, Low Income Housing Credit Agencies Report of Noncompliance, with the Internal Revenue Service. IRS Form 8823 will be filed not later than 45 days after the end of the correction period specified in the Notice to Owner, but will not be filed before the end of the correction period. The Department will explain on IRS Form 8823 the nature of the noncompliance and will indicate whether the Project Owner has corrected the noncompliance or has otherwise responded to the Department's findings.

(2) The Department will retain records of noncompliance or failure to certify for six years beyond the Department's filing of the respective IRS Form 8823. In all other cases, the Department will retain the certification and records described in this section for three years from the end of the calendar year the Department receives the certifications and records.

(i) Notices to the Department.

(1) A Project Owner must notify the Department in writing prior to any sale, transfer, exchange, or renaming of the Project or any portion of the Project, and this notification requirement shall be included in a LURA with respect to each Project.

(2) A Project Owner must notify the Department in writing of any change of address to which subsequent notices or communications shall be sent.

(j) Liability. Compliance with the requirements of the Code, §42 is the sole responsibility of the owner of the building for which the credit is allowable. By monitoring for compliance, the Department in no way assumes any liability whatsoever for any action or failure to act by the owner including the owner's noncompliance with the Code, §42.

(k) These provisions apply to all buildings for which a low income housing credit is, or has been, allowable at any time.

The Department is not required to monitor whether a building or Project was in compliance with the requirements of the Code, §42, prior to January 1, 1992. However, if the Department becomes aware of noncompliance that occurred prior to January 1, 1992, the Department is required to notify the Service in a manner consistent with subsection (g) of this section.

§49.8. Housing Credit Allocations.

(a) The Housing Credit Allocation Amount shall not exceed the dollar amount the Department determines is necessary for the financial feasibility and the long term viability of the Project throughout the Compliance Period. Such determination shall be made by the Department at the time of issuance of the Commitment Notice; at the time the Department makes a housing credit allocation; and/or the date the building is placed in service. Any housing credit allocation amount specified in a Commitment Notice, allocation and/or Carryover Allocation Document is subject to change by the Department dependent upon such determination. Such a determination shall be made by the Department based on its evaluation and procedures, considering the items specified in the Code, §42(m)(2)(B), AND THE DEPARTMENT IN NO WAY OR MANNER REPRESENTS OR WARRANTS TO ANY PROJECT OWNER, SPONSOR, INVESTOR, LENDER OR OTHER ENTITY THAT THE PROJECT IS, IN FACT, FEASIBLE OR VIABLE.

(b) When the Project Owner is in full compliance with the QAP and the Rules in this chapter, the Commitment Notice, the Carryover Allocation Procedures Manual and all fees as specified within §49.11 of this title (relating to Program Fees) have been received by the Department, the Department, if requested, shall execute a Carryover Allocation Document which has been properly completed, executed and notarized by the Project Owner. The Department shall return one executed copy to the Project Owner.

(c) All Carryover Allocations will be contingent upon the following:

(1) The Project Owner's closing of the construction loan shall occur within 150 days from the date of the execution of the Carryover Allocation Document with a one-time 30 day extension. All requests for extensions by Applicants shall be submitted to the Department for review. The Committee may grant extensions, in its sole discretion, on a case-by-case basis. The Committee may, in its sole discretion, waive related fees. Copies of the closing documents must be submitted to the Department within two weeks after the closing. The Carryover Allocation will automatically be revoked if the Project Owner fails to meet the aforementioned closing deadline, and all credits previously allocated to that Project will be returned to the general pool for reallocation.

(2) The Project Owner must commence and continue substantial construction activities within a year of the execution of the Carryover Allocation document and evidence such activity in a format prescribed by the Department, (as more fully defined in the Carryover Allocation Procedures Manual), outlining progress towards placing the Project in service in an expeditious manner. All requests for extensions by Applicants shall be submitted to the Department for review, and the Committee may grant extensions, in its sole discretion, on a case-by-case basis. The Department shall not allocate additional credits to a developer/Project Owner who is unable to provide evidence, satisfactory to the Department, of progress towards placements in service for a Project(s) that is in carryover. An allocation will be made in the name of the Applicant identified in

the related Commitment Notice. If an allocation is made in the name of the party expected to be the general partner in an eventual owner partnership, the Department may, upon request, approve a transfer of allocation to such owner partnership in which such party is the sole general partner. Any other transfer of an allocation will be subject to review and approval by the Department. The approval of any such transfer does not constitute a representation to the effect that such transfer is permissible under the Code or without adverse consequences thereunder, and the Department may condition its approval upon receipt and approval of complete documentation regarding the new owner including all the criteria for scoring, evaluation and underwriting, among others, which were applicable to the original Applicant.

(d) The Department shall make a housing credit allocation, either in the form of IRS Form 8609, with respect to current year allocations for buildings placed in service, or in the Carryover Allocation Document, for buildings not yet placed in service, to any Project Owner who holds a Commitment Notice which has not expired, and for which all fees as specified in §49.11 of this title (relating to Program Fees), have been received by the Department. In order for an IRS Form 8609 to be issued with respect to a building in a Project, satisfactory evidence must be received by the Department that such building is completed and has been placed in service in accordance with the provisions of the Department's Cost Certification Procedures Manual. The Department shall mail or deliver IRS Form 8609 (or any successor form adopted by the Internal Revenue Service) to the Project Owner, with Part I thereof completed in all respects and signed by an authorized official of the Department. The delivery of the IRS Form 8609 will only occur only after the Project Owner has complied with all procedures and requirements listed within the Cost Certification Procedures Manual. Regardless of the year of Application to the Department for low income housing tax credits, the current year's Cost Certification Procedures Manual must be utilized when filing all cost certification requests. A separate housing credit allocation shall be made with respect to each building within a Project which is eligible for a housing credit; provided, however, that where an allocation is made pursuant to a Carryover Allocation Document on a project basis in accordance with the Code, §42(h)(1)(F), a housing credit dollar amount shall not be assigned to particular buildings in the Project until the issuance of IRS Forms 8609 with respect to such buildings.

(e) In making a housing credit allocation, the Department shall specify a maximum Applicable Percentage, not to exceed the Applicable Percentage for the building permitted by the Code, §42(b), and a maximum Qualified Basis amount. In specifying the maximum applicable percentage and the maximum Qualified Basis amount, the Department shall disregard the first-year conventions described in the Code, §42(f)(2)(A) and §42(f)(3)(B). The housing credit allocation made by the Department shall not exceed the amount necessary to support the extended low-income housing commitment as required by the Code, §42(h)(6)(C)(i).

(f) Project inspections shall be required to show that the Project is built or rehabilitated according to required plans, and specifications. Subject to the following requirement contained in this subsection, a copy of all Project inspections required and accepted by the lender financing the Project shall be acceptable to the Department as a certification that the Project is built to plans and specifications if such inspections are required by the lender during the construction of the Project. At a minimum, all Project inspections must include

an inspection at the start-up phase and the interim phase, and a final inspection at the time the Project is placed in service. If no Project inspections are required by the lender financing the Project, the Department will require inspections to be made of the Project from time to time as determined at the sole discretion the Department. All such Project inspections shall be performed by an independent, third party inspector acceptable to the Department. The Project Owner shall pay all fees and costs of said inspections.

(g) At the time each building in the Project is placed in service, the Project Owner shall be responsible for furnishing the Department with documentation which satisfies the requirements as set forth in the Cost Certification Procedures Manual. The Department may require copies of invoices and receipts and statements for materials and labor utilized for the new construction or rehabilitation and, if applicable, a closing statement for the acquisition of the Project as well as for the closing of all interim and permanent financing for the Project.

§49.9. Department Records; Certain Required Filings.

(a) At all times during each calendar year the Department shall maintain a record of the following:

(1) the cumulative amount of the State Housing Credit Ceiling that has been reserved pursuant to reservation notices during such calendar year;

(2) the cumulative amount of the State Housing Credit Ceiling that has been committed pursuant to Commitment Notices during such calendar year;

(3) the cumulative amount of the State Housing Credit Ceiling that has been committed pursuant to Carryover Allocation Documents during such calendar year;

(4) the cumulative amount of housing credit allocations made during such calendar year; and

(5) the remaining unused portion of the State Housing Credit Ceiling for such calendar year.

(b) Not less frequently than quarterly during each calendar year, the Department shall publish in the Texas Register each of the items of information referred to in subsection (a) of this section.

(c) The Department shall mail to the Internal Revenue Service, not later than the 28th day of the second calendar month after the close of each calendar year during which the Department makes housing credit allocations, the original of each completed (as to Part I) IRS Form 8609, a copy of which was mailed or delivered by the Department to a Project Owner during such calendar year, along with a single completed IRS Form 8610, Annual Low-Income Housing Credit Agencies Report. When a Carryover Allocation is made by the Department, a copy of IRS Form 8609 will be mailed or delivered to the Project Owner by the Department in the year in which the building(s) is placed in service, and thereafter the original will be mailed to the Internal Revenue Service in the time sequence above mentioned. The original of the Carryover Allocation Document will be filed by the Department with IRS Form 8610 for the year in which the allocation is made. The original of all executed Agreement and Election Statements shall be filed by the Department with the Department's IRS Form 8610 for the year a housing credit allocation is made as provided in this section.

§49.10. Department Responsibilities.

In making a housing credit allocation under this chapter, the Department shall rely upon information contained in the Project Owner's Application to determine whether a building is eligible for the credit under the Code, §42. The Project Owner shall bear full responsibility for claiming the credit and assuring that the Project complies with the requirements of the Code, §42. The Department shall have no responsibility for ensuring that a Project Owner who receives a housing credit allocation from the Department will qualify for the housing credit. The Department will reject, and consider barring the Project Owner from future participation in the Department's tax credit program as a consequence thereof, any Application in which fraudulent information, knowingly false documentation or other misrepresentation has been provided. The aforementioned policy will apply at any stage of the evaluation or approval process.

§49.11. Program Fees.

(a) Each Project Owner that submits an Application shall submit to the Department, along with such Application, a non refundable Application fee, as set forth in the Application Submission Procedures Manual.

(b) For each Project that is to be evaluated by an independent third party underwriter in accordance with §49.6(b)(3) of this title (relating to Threshold Criteria; Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects), the Project Owner will be so informed in writing prior to the commencement of any reviews by said underwriter. The cost for the third party underwriting will be set forth in the Application Submission Procedures Manual, and must be received by the Department prior to the engagement of the underwriter. The fees paid by the Project Owner to the Department for the third party underwriting will be credited against the commitment fee established in subsection (c) of this section, in the event that a Commitment Notice is issued by the Department to the Project Owner.

(c) Each Project Owner that receives a Commitment Notice shall submit to the Department, not later than the expiration date on the commitment billing notice, a non refundable commitment fee, as set forth in the Application Submission Procedures Manual. The commitment fee shall be paid by cashier's check. Projects located within one of the targeted Texas counties, as indicated in the Reference Manual, will be exempt from the requirement to pay a commitment fee, in the event that Commitment Notice is issued.

(d) Each Project Owner that requests an extension of the expiration date of a Commitment Notice, shall submit to the Department, along with such request, a non refundable extension fee, as set forth in the Application Submission Procedures Manual and shall be paid by cashier's check. Such extension shall be granted at the discretion of the Department.

(e) Upon the Project being placed in service, the Project Owner will pay a compliance monitoring fee in the form of a cashier's check, as set forth in the Application Submission Procedures Manual. The compliance monitoring fee must be received by the Department prior to the release of the IRS Form 8609 on the Project.

(f) Public information requests are processed by the Department in accordance with the provisions of Texas Civil Statutes, Article 6252-17a, codified as Government Code, Chapter 552, and as amended by the Acts during the 73rd Legislature, and as may be amended from time to time. The General Services Commission and

the Department determine the cost of copying, and other costs of production.

(g) The amounts of the Application fee, commitment fee, compliance monitoring fee, administrative fees, extension fee, and other applicable fees as specified in the Application Submission Procedures Manual will be revised by the Department from time to time as necessary to ensure that such fees compensate the Department for its administrative costs and expenses.

§49.12. Manner and Place of Filing Applications.

(a) All Applications, letters, documents, or other papers filed with the Department will be received only between the hours of 8:00 a.m. and 5:00 p.m. on any day which is not a Saturday, Sunday or a holiday established by law for state employees.

(b) All Applications and related documents submitted to the Department shall be mailed or delivered to Low Income Housing Tax Credit Program, Texas Department of Housing and Community Affairs, 507 Sabine, Suite 400, Austin, Texas 78701.

§49.13. Withdrawals, Cancellations, Amendments.

(a) A Project Owner may withdraw an Application prior to receiving a commitment, Carryover Allocation Document or Housing Credit Allocation, or may cancel a Commitment Notice by submitting to the Department a notice, as applicable, of withdrawal or cancellation.

(b) The Department may consider an amendment to a Commitment Notice, Carryover Allocation or other requirement with respect to a Project if the revisions:

(1) are consistent with the Code and the tax credit program;

(2) do not occur while the Project is under consideration for tax credits;

(3) do not involve a change in the number of points scored (unless the Project's ranking is adjusted because of such change);

(4) do not involve a change in the Project's site; or

(5) do not involve a change in the set-aside election.

(c) The Department may cancel a Commitment Notice or Carryover Allocation prior to the issuance of IRS Form 8609 with respect to a Project if:

(1) the Project Owner or any member of the Development Team, or the Project, as applicable, fails to meet any of the conditions of such Commitment Notice or Carryover Allocation or any of the undertakings and commitments made by the Project Owner in the applications process for the Project;

(2) any statement or representation made by the Project Owner or made with respect to the Project Owner, the Development Team or the Project is untrue or misleading;

(3) an event occurs with respect to any member of the Development Team which would have made the Project's Application ineligible for funding pursuant to §49.4(f) of this title (relating to Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments) if such event had occurred prior to issuance of the Commitment Notice or Carryover Allocation; or

(4) the Project Owner, any member of the Development Team, or the Project, as applicable, fails to comply with these Rules or the procedures or requirements of the Department.

§49.14. Waiver and Amendment of Rules.

(a) The Board, in its discretion, may waive any one or more of these Rules in cases of natural disasters such as fires, hurricanes, tornadoes, earthquakes, or other acts of nature as declared by Federal or State authorities.

(b) The Department may amend this chapter and the Rules contained herein at any time in accordance with the provisions of Texas Civil Statutes, Article 6252-13a, codified as Government Code, Chapter 2001, and as amended by the Acts of the 73rd Legislature, and as may be amended from time to time.

§49.15. Forward Reservations; Binding Commitments.

(a) Anything in §49.4 of this title (relating to Applications; Environmental Assessments; Market Study; Commitments; Extensions; Carryover Allocations; Agreements and Elections; Extended Commitments) or elsewhere in this chapter to the contrary notwithstanding, the Department with approval of the Board may determine to issue commitments of tax credit authority with respect to Projects from the State Housing Credit Ceiling for the calendar year following the year of issuance (each a "forward commitment"). The Department may make such forward commitments:

- (1) with respect to Projects placed on a waiting list in any previous Application Round during the year; or
- (2) pursuant to an additional Application Round.

(b) If the Department determines to make forward commitments pursuant to a new Application Round, it shall provide information concerning such round in the *Texas Register*. In inviting and evaluating Applications pursuant to an additional Allocation Round, the Department may waive or modify any of the set-asides set forth in §49.5(a) and (b) of this title (relating to Set-Asides, Commitments and Preferences) and make such modifications as it determines appropriate in the Threshold Criteria, evaluation factors and Selection Criteria set forth in §49.6 of this title (relating to Threshold Criteria, Evaluation Factors; Selection Criteria; Final Ranking; Credit Amount; Tax Exempt Bond Financed Projects) and in the dates and times by which actions are required to be performed under this chapter. The Department may also, in an additional Application Round, include Projects previously evaluated within the calendar year and rank such Projects together with those for which Applications are newly received.

(c) Unless otherwise provided in the Commitment Notice with respect to a Project selected to receive a forward commitment or in the announcement of an Application Round for Projects seeking a forward commitment, actions which are required to be performed under this chapter by a particular date within a calendar year shall be performed by such date in the calendar year of the anticipated allocation rather than in the calendar year of the forward commitment.

(d) Any forward commitment made pursuant to this section shall be made subject to the availability of State Housing Credit Ceiling in the calendar year with respect to which the forward commitment is made. No more than 15% of the per capita component of State Housing Credit Ceiling anticipated to be available in the State of Texas in a particular year shall be allocated pursuant to forward commitments to Project Applications carried forward without being ranked in the new Application Round pursuant to subsection (f) of

this section. If a forward commitment shall be made with respect to a Project placed in service in the year of such commitment, the forward commitment shall be a "binding commitment" to allocate the applicable credit dollar amount within the meaning of the Code, §42(h)(1)(C).

(e) If tax credit authority shall become available to the Department later in a calendar year in which forward commitments have been awarded, the Department may allocate such tax credit authority to any eligible Project which received a forward commitment, in which event the forward commitment shall be canceled with respect to such Project.

(f) In addition to or in lieu of making forward commitments pursuant to subsection (a) of this section, the Department may determine to carry forward Project Applications on a waiting list or otherwise received and ranked in any Application Round within a calendar year to the subsequent calendar year, requiring such additional information, Applications and/or fees, if any, as it determines appropriate. Project Applications carried forward may, within the discretion of the Department, either be awarded credits in a separate allocation round on the basis of rankings previously assigned or may be ranked together with Project Applications invited and received in a new Application Round. The Department may determine in a particular calendar year to carry forward some Project Applications under the authority provided in this subsection, while issuing forward commitments pursuant to subsection (a) of this section with respect to others.

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

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

TRD-9609180

Larry Paul Manley
Executive Director

Texas Department of Housing and Community Affairs

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For further information, please call: (512) 475-3044

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TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

The Public Utility Commission of Texas adopts amendments to Substantive Rules §23.3 relating to definitions, and §23.21 relating to cost of service, with changes to the proposed text published in the March 19, 1996 issue of the *Texas Register*, (21 TexReg 2114).

A public hearing on the amendments was held on April 24, 1996, at commission offices. Gulf States Utilities ("GSU"); the Office of Public Utility Counsel ("OPC"); Houston Lighting and Power Company ("HLP"); and the Central and South West Corporation companies of Central Power and Light, Southwestern Electric Power Company and West Texas Utilities

("CSW Companies") attended the hearing. The parties' oral comments were largely reflective of their written comments and are summarized below.

The amendment to §23.3 provides a definition for the term "rate year". The amendment to §23.21 delineates the requirements for post test year adjustments related to capital investments. The amendments to both sections should result in a reduction of issues for resolution in rates proceedings, which in turn should result in reduced rate case expenses, and a subsequent reduction in rates.

Comments on the proposed rules were received from GSU; OPC; Texas Electric Utilities ("TU"); the Texas Telephone Association ("TTA"); Southwestern Public Service Company ("SPS"); HLP; and the CSW Companies.

OPC was in general agreement with the proposed amendments. The CSW Companies believed the current rule should remain in effect. The comments from all parties suggested various changes to the proposed rules.

GSU, SPS, HLP, TU and the CSW Companies commented that the proposed rule lacked symmetry because it limited rate base additions but did not have similar limitations on rate base reductions. The Commission finds that a limitation on rate base reductions would be inconsistent with the Public Utility Regulatory Act of 1995 (PURA) and the commission's Substantive Rules. The current "used and useful" language of PURA §2.206(a) prohibits the rate base inclusion of plant that is not used and useful in providing service regardless of size. A limitation on rate base reductions would conflict with this section of PURA; therefore, the commission makes no changes to the rule based on these comments.

GSU, SPS, HLP, TTA and the CSW Companies stated the proposed definition of "rate year" results in uncertainty regarding when the rate year will begin. Additionally, this uncertainty would hamper the utilities' processing of rate filing packages. The commission disagrees with the parties on this issue. The commission finds that the definition will actually allow for more certainty regarding rate year. Under current practices, the utilities are free to select whatever rate year they choose, which results in time consuming litigation as each utility has a different definition of "rate year". The commission definition standardizes the term "rate year" in order to limit the litigation period; consequently, the commission makes no changes to the rule based on these comments.

TU, HLP and TTA stated that the rule should not provide for a threshold dollar amount or rate base percentage before post test-year adjustments are available. The commission rejects this argument because without the percentage limitation, parties to rate proceedings spend inordinate amounts of time and money litigating immaterial post test year adjustments. Therefore, the commission makes no changes to the rule based on these comments.

TU and the CSW Companies stated that the definition of rate year should not refer to the exclusion of fuel matters. The parties claim that referring to fuel matters could cause confusion. The commission rejects this argument because the definition of rate year in the context of setting fuel factors does not require the same degree of certainty as in rate

proceedings. The same degree of certainty in fuel matters is not necessary because in these cases forecasting errors are subject to reconciliation in subsequent proceedings. In contrast, forecasting errors in rate proceedings are not subject to future reconciliation. Moreover, the adopted definition of rate year for rate proceedings is not generally applicable to fuel proceedings. For example, fuel factors are not subject to bond and generally are not implemented through temporary orders. The commission makes no changes based on these comments.

OPC commented that the rule should be amended to specifically require adjustments to recognize, as attendant impacts, customer growth on the utility's system and accumulated depreciation that will occur in the rate year. In the past the commission has routinely rejected accumulated depreciation post test year adjustments because such adjustments result in a rolling test year for rate base. The commission also rejects OPC's customer growth suggestion because it results in adjustments that are not known and measurable, and therefore, makes no changes to the rule based on these comments.

TU agrees with the proposed amendment to subsection (d)(2)(G)(iii) of this section, which states that the plant addition should be in-service before the rate year begins. However, TU claimed that a definition of "in-service" should be added to the rule. For purposes of objectivity, TU offered substitute language for subsection (d)(2)(G)(iii). The commission declines to adopt TU's proposed language because it is onerous and unnecessary.

TTA expressed concern that the proposed rule does not clearly indicate its application with respect to telephone utilities. The commission agrees and the rule has been amended to address these concerns.

HLP suggested that the rule be amended to include specific language addressing post test year adjustments for a functionalized rate base. The commission rejects this proposal because the intent of the proposed rule is to limit litigation by eliminating immaterial post test year adjustments. The 10% of total rate base threshold was established with the utilities' overall financial integrity in mind. Including a 10% post test year adjustment specification for functionalized rate base will subvert the commission's intent to focus on each utility's overall financial integrity, and eliminate litigation related to immaterial adjustments. The commission makes no changes to the rule based on these comments.

General Rules

16 TAC §23.3

The section is adopted under Texas Civil Statutes, Article 1446c-o, §1.101, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Index to Statutes: Texas Civil Statutes Article 1446c-o §1.101 – Public Utility Regulatory Act of 1995, 74th Legislative, Regular Session 1995.

§23.3. Definitions.

Rate Year-Except as utilized in §23.23(b) of this title, relating to fuel matters, a rate year shall be the 12 month period beginning with the first date that rates related to the current proceeding become effective. The first date that rates become effective includes, but is not limited

to, the effective date rates are bonded, the date interim or temporary rates are effective in proceedings initiated pursuant to PURA §2.211 or §2.212, the beginning date for which a PURA §2.211 refund is measured, or as otherwise ordered by the commission.

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

Issued in Austin, Texas, on June 28, 1996.

TRD-9609286

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

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



Rates

16 TAC §23.21

The section is adopted under Texas Civil Statutes, Article 1446-o, §1.101, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Index to Statutes: Texas Civil Statutes Article 1446-c-o §1.101 – Public Utility Regulatory Act of 1995, 74th Legislative, Regular Session 1995.

§§23.21. *Cost of Service.*

(a) (No change.)

(b) Components of cost of service and post test year adjustments. Except as provided for in the Public Utility Regulatory Act of 1995 (PURA 95), subtitles H and I of Title III, or subsection (d)(2) of this section, relating to Invested capital; rate base, and §23.23(b) of this title, relating to Recovery of Fuel and Purchased Power Cost, rates are to be based upon a utility's cost of rendering service to the public during a historical test year, adjusted for known and measurable changes. Post test year adjustments for known and measurable changes to historical test year data (including, but not limited to revenue, expenses, and invested capital) will be considered only where the attendant impacts on all aspects of a utility's operations can be with reasonable certainty identified, quantified, and matched. The two components of cost of service are allowable expenses and return on invested capital.

(c) (No change.)

(d) Return on invested capital. The return on invested capital is the rate of return times invested capital.

(1) (No change.)

(2) Invested capital; rate base. The rate of return is applied to the rate base. The rate base, sometimes referred to as invested capital, includes as a major component the original cost of plant, property, and equipment, less accumulated depreciation, used and useful in rendering service to the public. Components to be included in determining the overall rate base are as set out in subparagraphs (A)-(G) of this paragraph.

(A)-(F) (No change.)

(G) Requirements for post test year adjustments.

(i) Post test year adjustments for known and measurable rate base additions (increases) to historical test year data will be considered only as set out in subclauses (I)-(IV) of this clause.

(I) Where the addition represents plant which would appropriately be recorded:

(-a-) for investor-owned electric utilities in FERC account 101 or 102;

(-b-) for telecommunications utilities in USOA account 2001;

(-c-) for telecommunications cooperatives, the equivalent of USOA account 2001; or,

(-d-) for electric cooperatives, the equivalent of FERC accounts 101 or 102.

(II) Where each addition comprises at least 10% of the utility's requested rate base, exclusive of post test year adjustments and construction work in progress (CWIP).

(III) Where the plant addition is deemed by this commission to be in-service before the rate year begins.

(IV) Where the post test year adjustment criteria of subsection (b) of this section is satisfied.

(ii) Each post test year plant adjustment will be included in rate base at:

(I) the reasonable test year-end CWIP balance, if the addition is constructed by the utility; or,

(II) the reasonable price, if the addition represents a purchase, subject to original cost requirements, as specified in §2.206 and §3.206 of PURA 95.

(iii) Post test year adjustments for known and measurable rate base decreases to historical test year data will be allowed only when the post test year adjustment criteria of subsection (a) of this section, and the criteria described in subclauses (I) and (II) of this clause are satisfied.

(I) The decrease represents:

(-a-) plant which was appropriately recorded in the accounts set forth in subclause (I) of clause (i) of this subparagraph;

(-b-) plant held for future use;

(-c-) CWIP (mirror CWIP is not considered CWIP); or

(-d-) an attendant impact of another post test year adjustment.

(II) Plant that has been removed from service, mothballed, sold, or removed from the utility's books prior to the rate year.

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

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

Issued in Austin, Texas, on June 28, 1996.

TRD-9609287

Paula Mueller

Secretary of the Commission

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16 TAC §23.23

The Public Utility Commission of Texas adopts an amendment to Substantive Rule §23.23, relating to certification of long-term fuel contracts and the interest calculated on the cumulative under- or over-recovery fuel balance, with changes to the proposed text as published in the January 12, 1996 issue of the *Texas Register* (21 TexReg 293).

The amendment clarifies the language of subsection (a)(7) of the section, relating to certification of long-term fuel contracts; and elaborates on the commission requirements relating to the factoring of interest calculations on an under- or over-recovery balance in subsection (b)(3)(C)(i) of the section, relating to fuel refunds and surcharges. Specifically, the amendment clarifies how the interest should be calculated.

A public hearing was held on February 20, 1996 at the commission offices under Texas Government Code, §2001.029. Houston Lighting and Power Company ("HL & P"), Texas Utilities Electric Company ("TU"), Central and South West Corporation ("CSW"), and Entergy attended the hearing. The parties' oral comments were largely reflective of written comments received by the commission and are summarized below. A workshop regarding the amendment was held on May 7, 1996. El Paso Electric Company, CSW, HL & P, and TU participated in the workshop.

HL & P, TU, and CSW filed comments with the commission. No company opposed the changes to subsection (a)(7) of the section, concerning the effects of certification of a long-term fuel contract. However, there were two divergent opinions concerning the proposed changes to subsection (b)(3)(C)(i).

HL & P noted that the amendment to subsection (b)(3)(C)(i) reflected a change in the commission's methodology from the current method of fuel interest calculation. But HL & P did not object to the proposed changes because they paralleled the wording in §23.45(h) of this title, relating to overbilling and underbilling, that "All interest shall be compounded annually." HL & P noted that under the current method, interest is calculated using a monthly compounding effect to produce the rate the commission establishes annually in §23.45(h).

CSW and TU stated that the proposal did not codify current commission practice, but represented an unneeded change from the manner in which interest has been calculated since May 1993. They said that the proposed method was more complex and confusing. CSW argued that the proposal was intending to compound interest on an annual basis, and not monthly, which is the current practice. TU argued that Staff Accountant Sara Coleman testified in Docket Number 13313, Application of Texas Utilities Electric Company for Authority to Surcharge an Undercollection of Fuel Cost Revenues, that "Staff uses an effective monthly interest factor for interest calculations in both fuel cost over-and under-recovery cases and over-and under-billing cases." TU asserted that the proposed changes did not adopt this "effective monthly interest factor" approach, but in-

stead required interest to be calculated on a monthly basis to be added at the end of the 12-month period. TU argued that such an approach made accounting and record-keeping more complicated.

The commission agrees with the parties and has modified the rule to more closely reflect current practices.

The amendment is adopted under Public Utility Regulatory Act of 1995 §1.101, which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, §2.212, which provides the commission with the authority to set rates.

§23.23. Rate Design.

(a) Guidelines for certifying long-term fuel contracts. The commission will certify long-term fuel contracts in accordance with the guidelines in this subsection for determining the reasonableness of the terms and conditions of such contracts. This subsection does not require long-term fuel contracts to be submitted for certification, and no adverse inference will result from a utility's decision not to seek certification.

(1)-(6) (No change.)

(7) Effect of certification. Certification of a long-term fuel contract establishes that the original prices, terms, and conditions of the contract were reasonable at the time the contract was entered into and that it was reasonable to enter into the contract. But certification does not preclude the commission from reviewing whether the utility's actions with respect to the contract are reasonable. Denial of certification establishes that the contract is not eligible for certification, and precludes relitigation of the contract's reasonableness as a whole and precludes relitigation of the ultimate issues of fact that were litigated and upon which the commission relied when it decided not to certify the contract.

(b) Recovery of Fuel and Purchased-Power Costs.

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

(3) Reconciliation of fuel expenses. Utilities shall file petitions for reconciliation on a periodic basis so that any petition for reconciliation shall contain a maximum of three years and a minimum of one year of reconcilable data and will be filed no later than six months after the end of the period to be reconciled. However, notwithstanding the previous sentence, a reconciliation shall be requested in any general rate proceeding under the Act §2.212 and may be performed in any general rate proceeding under the Act §2.211. Upon motion and showing of good cause, a fuel reconciliation proceeding may be severed from or consolidated with other proceedings.

(A)-(B) (No change.)

(C) Refunds. All fuel refunds and surcharges shall be made using the following methods.

(i) Interest shall be calculated on the cumulative monthly ending under- or over-recovery balance at the rate established annually by the commission for overbilling and underbilling in §23.45(h) of this title. Interest shall be calculated based on principles set out in subclauses (I)-(VI) of this clause.

(I) Interest shall be compounded annually by using an effective monthly interest factor.

(II) The effective monthly interest factor shall be determined by using the following algebraic calculation: $x = (1 + i)^{1/12} - 1$ where i = commission-approved annual interest rate, and x = effective monthly interest factor.

(III) Interest shall accrue monthly. The monthly interest amount shall be calculated by applying the effective monthly interest factor to the previous month's ending cumulative under/over recovery fuel and interest balance.

(IV) The monthly interest amount shall be added to the cumulative principal and interest under/over recovery balance.

(V) Interest shall be calculated through the end of the month of the refund or surcharge.

(VI) This subsection shall apply to fuel reconciliations initiated after the effective date of this subsection.

(ii)-(v) (No change.)

(D) (No change.)

(4)-(8) (No change.)

(c)-(e) (No change.)

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

Issued in Austin, Texas, on June 28, 1996.

TRD-9609437

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Effective date: July 22, 1996

Proposal publication date: January 12, 1996

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



Quality of Service

16 TAC §23.61

The Public Utility Commission of Texas adopts an amendment to §23.61, concerning depreciation rate changes for telecommunication utilities, with changes to the text as published in the March 5, 1996 issue of the *Texas Register* (21 TexReg 1730). The amendment is made in consideration of §3.151(a) of the Public Utility Regulatory Act of 1995 ("PURA") which requires that the commission fix depreciation rates that promote deployment of new technology and infrastructure.

The amendment eliminates the constraint of using only the straight line methodology when fixing depreciation rates for telecommunication utilities which will enable the commission to fix depreciation rates based upon reasonable methods of depreciation. The amendment also enables the commission to consider the depreciation practices of nonregulated telecommunication providers when fixing depreciation rates.

The commission conducted a public hearing on the amendment on April 18, 1996, under Texas Government Code, §2001.029. The public hearing was attended by Claudio Sanchez, representing the Office of the Attorney General and Mike Bauer and Lynn Liles, representing Southwestern Bell Telephone ("SWB").

The oral comments made by the Office of the Attorney General and SWB were largely reflective of the written comments submitted by SWB and the Texas Telephone Association ("TTA") and are summarized below.

Comments submitted in response to the *Texas Register* publication were received from SWB, and TTA. Generally, the parties support the amendment, but suggested several modifications.

TTA suggested that language be added to subsection (h), paragraphs (3) and (4) of the rule to recognize the relationship between new technology and infrastructure deployment and the public interest. The commission believes that the rule clearly sets forth the relationship between the public interest and the directive in PURA §3.151(a) which requires the commission to fix depreciation rates that promote deployment of new technology and infrastructure. Accordingly, no change is made to the proposed rule based on this comment.

TTA expressed a concern that the rule does not sufficiently clarify whether the commission will continue to allow telecommunications companies to adopt the depreciation rates approved for other similar telecommunications utilities and suggested deleting the word "new," as it relates to classes of property, in subsection (h)(7) of the rule. The commission believes that deletion of the word "new", as it relates to class of property, in subsection (h)(7) may result in numerous indiscriminate depreciation rate adjustments. Accordingly, no change has been made to the proposed rule based on this comment.

SWB and TTA stated that the rule does not sufficiently conform to the mandates of PURA §3.151(a) because the rule does not explicitly recognize that Subtitle H companies may determine their own depreciation rates and amortization. SWB and TTA suggested adding a provision to the rule to address this concern. The commission agrees with the parties and adds a provision to the rule to clarify that Subtitle H companies may determine their own depreciation rates and amortization, but that they are required to notify the commission of the rates.

All comments, including those not specifically referenced herein, were fully considered by the commission.

The section is adopted under Texas Civil Statutes, Article 1446-o, §1.101, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; §3.051, which provides that the public interest requires that new rules, policies, and principles be formulated and applied to protect the public interest and to provide equal opportunity to all telecommunications utilities in a competitive marketplace; and specifically, §3.151, which establishes methods of depreciation for telecommunication utilities.

Cross Index to Statutes: Texas Civil Statutes, Article 1446-c-o and §3.151(a) – Public Utility Regulatory Act of 1995, 74th Legislative, Regular Session 1995.

§§23.61. *Telephone Utilities.*

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

(h) Depreciation rates. DCTUs shall use depreciation rates approved by the commission to determine depreciation expense and provide for accumulated depreciation (also referred to as depreciation reserve). For purposes of this section, depreciation rates used prior to

September 1, 1976, and those in effect on September 1, 1976, shall be deemed appropriate for use, unless subsequently modified by the commission.

(1) Depreciation rate changes for telecommunications utilities subject to regulation of interstate depreciation rates by the Federal Communications Commission. Telecommunications utilities subject to interstate regulation by the Federal Communications Commission are also required to file for commission approval of intrastate depreciation rates. Filings should be made in the same format and on the same schedule as those required by the federal regulatory body, with the addition of proposed intrastate accrual changes calculated through use of jurisdictional separations procedures. The utility shall have the burden of proof to establish that requested intrastate depreciation rate changes are reasonable and in the public interest in proceedings before the commission.

(2) Depreciation rate changes for other dominant carriers. Any DCTU, except as covered in paragraph (1) of this subsection, requesting a change in depreciation rates must request commission approval and include in its request the information set out in subparagraphs (A)-(C) of this paragraph.

(A) For each property account or subaccount for which a depreciation rate change is proposed:

(i) the plant in service and the accumulated depreciation as of the requested effective date for the proposed depreciation rates;

(ii) the total of accruals, additions, retirements, gross salvage, and cost of removal for each of the preceding 4 years; and,

(iii) detailed justification for the proposed changes.

(B) The requested effective date of the changes. A request for an effective date that is earlier than January 1st of the year in which the request is filed must be fully justified in order to receive consideration.

(C) The change in annual depreciation expense that would result from adoption of the proposed depreciation rates, expressed both as a dollar amount and as a percentage of current total depreciation expense.

(3) Methods for figuring depreciation rates. On application by a utility, the commission shall fix depreciation rates that promote deployment of new technology and infrastructure. In setting depreciation rates, the commission shall consider depreciation practices of nonregulated telecommunications providers. Depreciation rates must be based on reasonable methods of depreciation; however, the commission reserves the right to specifically consider any and all appropriate methods of depreciation in each case.

(4) Burden of proof. A DCTU shall have the burden of proof to show that depreciation or amortization expense is reasonable, necessary and in the public interest. The DCTU shall also be required to show that depreciation rate changes were timely requested in accordance with prudent management practices. The burden of proof shall not be satisfied solely by demonstrating that the depreciation rates or amortization periods used were approved. If the DCTU fails to meet this burden the commission may deny as a cost of service that depreciation or amortization expense.

(5) Interim booking. Unless otherwise ordered by the commission, a DCTU may book depreciation and amortization expense on an interim basis based on proposed depreciation rates from the month of filing until interim or final action by the commission. Interim booking shall be adjusted upon final approval of depreciation rates and records must be maintained showing the interim booking and the adjustments, if any, that were made upon final approval of the rates.

(6) Special amortization. Where all or a substantial portion of a property account or subaccount is retired earlier than anticipated and the reserve for that account is less than the amount to be retired less salvage, or in other instances when an amortization is appropriate, special amortization may be requested.

(A) If the amortization period is two years or less, and the annual amount to be amortized is less than 2.0% of annual revenues, the DCTU shall advise the commission. The commission may review the appropriateness of such amortization during rate cases.

(B) If the amortization period is more than two years, or the amount to be amortized is more than 2.0% of annual revenues, commission approval is required.

(7) New depreciation rates. When a DCTU determines a need to establish a new depreciation rate for a new class of property, it may adopt a depreciation rate that has been approved by the commission for a similar DCTU for the same property class if similar depreciation parameters and methods are used to determine the rates. The DCTU must notify the commission that it has adopted such rates within 45 days of its adoption. The commission may review and modify such rates upon appropriate motion or in subsequent rate or depreciation proceedings.

(8) Subtitle H companies. A company electing under Subtitle H of this title may determine its own depreciation rates and amortizations, but shall notify the commission of any subsequent changes to the rates or amortizations. Such company shall notify the commission using the same format required by the Federal Communications Commission for depreciation and amortization filings.

(i)-(j) (No change.)

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

Issued in Austin, Texas, on June 28, 1996.

TRD-9609288

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Effective date: July 19, 1996

Proposal publication date: May 5, 1996

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

TITLE 22. EXAMINING BOARDS

Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

Application for Registration

22 TAC §131.54, §131.56

The Texas State Board of Registration for Professional Engineers adopts amendments to §131.54 and §131.56, concerning application for registration, without changes to the proposed text as published in the May 10, 1996, issue of the *Texas Register* (21 TexReg 3995).

The amendment to §131.54 changes the minimum passing score on the Test of Spoken English to 45 because the Educational Testing Service established that the new maximum score is 60. The amendment to §131.56 simplifies comity registration by allowing applicants to submit a National Council of Examiners for Engineering and Surveying certification as verification of their educational qualifications, experience, references, and registration in other states.

The rules provide clear, concise and correct requirements and standards pertaining to the submission and acceptance of applications for registration.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on June 26, 1996.

TRD-9609167

John R. Speed, P.E.

Executive Director

Texas State Board of Registration for Professional Engineers

Effective date: July 17, 1996

Proposal publication date: May 10, 1996

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



Education

22 TAC §131.92

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.92, concerning foreign degrees, without changes to the proposed text as published in the May 10, 1996, issue of the *Texas Register* (20 TexReg 3996).

The amendment reinstates the acceptance of engineering degrees accredited by the Accreditation Board for Engineering and Technology (ABET) counterpart organizations in Australia, Canada, Ireland, New Zealand and the United Kingdom because the board is able to verify the equivalency of these degrees to a United States education from information now available from ABET.

The rule simplifies the registration process for applicants who possess degrees which have been approved by the ABET counterpart organizations in Australia, Canada, Ireland, New Zealand and the United Kingdom.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on June 26, 1996.

TRD-9609166

John R. Speed, P.E.

Executive Director

Texas State Board of Registration for Professional Engineers

Effective date: July 17, 1996

Proposal publication date: May 10, 1996

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



Examinations

22 TAC §131.101

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.101, concerning engineering examinations required for registration as a professional engineer, without changes to the proposed text as published in the May 10, 1996, issue of the *Texas Register* (21 TexReg 3996).

The rule specifies that graduate students may take the fundamentals of engineering examination at their school provided they meet the necessary educational requirements and the school administers the examination. The rule also eliminates language which infers that the fundamentals of engineering examination may be taken at any time.

The rule clarifies the eligibility and scheduling requirements for the fundamentals of engineering examination.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on June 26, 1996.

TRD-9609165

John R. Speed, P.E.

Executive Director

Texas State Board of Registration for Professional Engineers

Effective date: July 17, 1996
Proposal publication date: May 10, 1996
For further information, please call: (512) 440-7723



Registration

22 TAC §131.133

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.133, concerning certificates of registration, without changes to the proposed text as published in the May 10, 1996, issue of the *Texas Register* (21 TexReg 3997).

The amendment deletes sanitary engineering from the list of recognized branches of engineering because the National Council of Examiners for Engineering and Surveying (NCEES) combined that discipline with civil engineering and a separate principles and practice examination in sanitary engineering is no longer available.

The rule provides the correct list of the branches of engineering which applications for registration will be accepted under because there is a principles and practice examination available from NCEES .

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on June 26, 1996.

TRD-9609164
John R. Speed, P.E.
Executive Director
Texas State Board of Registration for Professional Engineers
Effective date: July 17, 1996
Proposal publication date: May 10, 1996
For further information, please call: (512) 440-7723



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 85. Admission and Placement

Placement Planning

37 TAC §85.21

The Texas Youth Commission (TYC) adopts the repeal of §85.21, concerning program assignment system, without changes to the proposed text as published in the May 28, 1996, issue of the *Texas Register* (21 TexReg 4671).

The justification for the repeal is the replacement by a new rule which encourages more efficient agency operation.

The repeal will allow for the replacement of the repealed rule by a new rule with changes in format.

No comments were received regarding adoption of the repeal.

The repeal is adopted 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.

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

Issued in Austin, Texas, on June 28, 1996.

TRD-9609245
Steve Robinson
Executive Director
Texas Youth Commission
Effective date: July 20, 1996
Proposal publication date: May 28, 1996
For further information, please call: (512) 483-5244



The Texas Youth Commission (TYC) adopts new §85.21, concerning program assignment system, with changes to the proposed text as published in the May 28, 1996, issue of the *Texas Register* (21 TexReg 4671).

Changes to the proposed text include minor edits and clarifications designating the director of the centralized placement unit as having responsibility for actual placement assignments rather than the superintendent of the assessment unit.

The justification for the new section is increased safety for TYC staff, youth, and the public.

The new rule will establish an objective, equitable system of program assignment for youth committed to TYC based on each youth's offense(s) and risk level.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the Human Resources Code, §61.075, which provides the Texas Youth Commission with the authority to determine placement and treatment.

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

§85.21. Program Assignment System.

(a) Purpose. The purpose of this rule is to establish an objective, equitable system of program assignment for each youth in TYC care. Based on each youth's offense(s), and risk level, TYC has predetermined the most appropriate level of restriction and minimum length of stay requirement for public protection and for promotion of rehabilitation. Youth in coeducational facilities have equal access to agency programs and activities.

(b) Applicability.

(1) For specifics regarding classification, see GOP.47.03, §85.23 of this title (relating to Classification).

(2) For specifics regarding minimum length of stay, see GOP.47.05, §85.25 of this title (relating to Minimum Length of Stay).

(3) For specifics regarding restriction levels, see GOP.47.07, §85.27 of this title (relating to Program Restriction Levels).

(4) For specifics regarding completion of program and movement to another program, and for specifics on movement of sentenced offender options, see GOP.47.09, §85.29 of this title (relating to Program Completion and Movement).

(c) Placement System Factors. The program placement system shall incorporate the following factors.

(1) Classification shall be determined by the classifying offense and a finding regarding extenuating circumstances.

(2) The minimum length of stay shall be designated by the classification.

(3) Risk shall be assessed and used as a guideline in designating restriction level.

(4) Placements shall be made according to restriction and needs.

(A) Initial placements will always be to residential programs, except for some youth classified as violators of CINS probation.

(B) A youth's assessed service needs will be considered in the selection of a placement within the required level of restriction.

(d) System Description. The determining factors result in the following placement and length of stay determinations for all TYC youth on initial commitment, for youth recommitted for the commission of a felony or high risk offense, and for youth found at an administrative level I hearing to have committed a felony or high risk offense.

(1) A sentenced offender shall be sentenced by the court and, regardless of risk level, assigned to a program of high restriction with a fenced perimeter.

(2) A type A violent offender shall be assigned a minimum length of stay of 24 months, and with any risk level, assigned to a program of high restriction with a fenced perimeter.

(3) A type B violent offender shall be assigned a minimum length of stay of 12 months, and with any risk level, assigned to a program of high restriction.

(4) A chronic serious offender, controlled substances dealer, or firearms offender classified on or after January 1, 1996 shall be assigned a minimum length of stay of twelve months and with any risk level, assigned to a program of high restriction. The minimum length of stay for these youth classified before January 1, 1996 is nine months.

(5) A general offender classified:

(A) before January 1, 1996 shall be assigned a minimum length of stay of six months, and with a:

(i) high risk level, assigned to a program of high restriction;

(ii) low or medium risk level, assigned to a program of medium restriction.

(B) on or after January 1, 1996 and before July 20, 1996 shall be assigned a minimum length of stay of nine months, and with a:

(i) high risk level, assigned to a program of high restriction;

(ii) low or medium risk level, assigned to a program of medium restriction.

(C) on or after July 20, 1996 shall be assigned a minimum length of stay of nine months, and with a:

(i) medium or high risk level, assigned to a program of high restriction;

(ii) low risk level, assigned to a program of medium restriction.

(e) Program Placement Responsibility. The centralized placement unit shall be responsible for all specific program placement selections/assignments.

(f) Waivers and Exceptions. Waivers and exceptions may be granted under special circumstances.

(1) A restriction level designation, except that of sentenced offender or type A violent offender, may be waived by the director of centralized placement unit or designee when a youth is qualified. A designated restriction may be waived in order to provide specialized treatment not available in the designated restriction when it is determined that a youth is physically/mentally handicapped, has a special medical condition, or is emotionally disturbed, if such condition would prevent the youth from functioning in the designated restriction level.

(2) Any placement designation except those of sentenced offenders and type A violent offenders may be waived by the director of the centralized placement unit or designee when population is at or above established capacity.

(3) For waiver of classification, see GOP.47.03, §85.23 of this title (relating to Classification).

(4) For movement for population control see GOP.47.09, §85.29 of this title (relating to Program Completion and Movement).

(g) Parent Notification. Parents/guardians shall be notified of all placements.

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

Issued in Austin, Texas, on June 28, 1996.

TRD-9609246

Steve Robinson

Executive Director

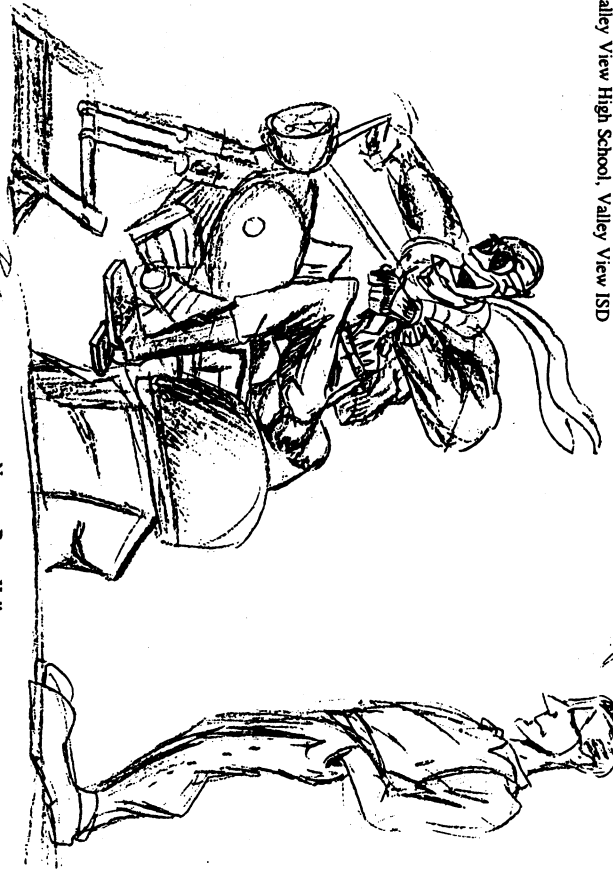
Texas Youth Commission

Effective date: July 20, 1996

Proposal publication date: May 28, 1996

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

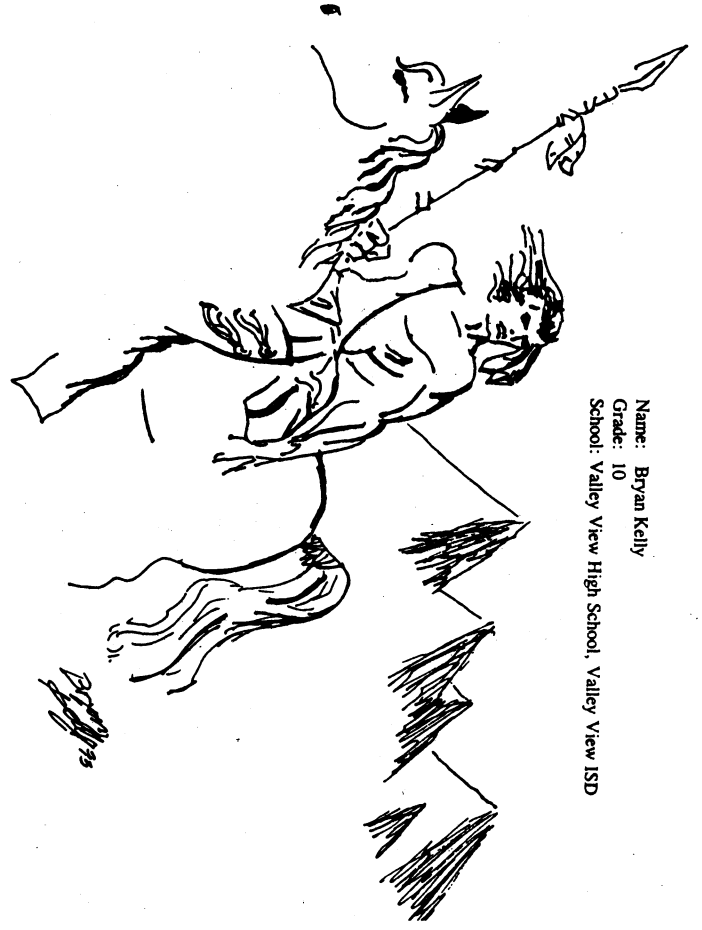
Name: Bryan Kelly
Grade: 10
School: Valley View High School, Valley View ISD



Name: Bryan Kelly
Grade: 10
School: Valley View High School, Valley View ISD



Name: Bryan Kelly
Grade: 10
School: Valley View High School, Valley View ISD



Name: Sarah Schneider
Grade: 8
School: Valley View Jr. High School, Valley View



TEXAS DEPARTMENT OF INSURANCE EXEMPT FILINGS

As required by the Insurance Code, Article 5.96 and 5.97, The *Texas Register* publishes notices of actions taken by the Department of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure Act.

These actions become effective 15 days after the date of publication or on a later specified date. The text of the material being adopted will not be published, but may be examined in the offices of the Department of Insurance, 333 Guadalupe, Austin.

The Commissioner of Insurance, at a public hearing under Docket Number 2223 held at 9:00 a.m., June 20, 1996 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, adopted amendments proposed by staff to the Texas Automobile Rules and Rating Manual (the Manual). The amendments are to Manual Rule 135 and Endorsements 4R. and TE 20 17, all pertaining to exclusion of the perils of windstorm, hurricane, hail, and flood from policies covering mobile homes. Staff's petition (Reference Number A-0496-15-I) was published in the May 10, 1996, issue of the *Texas Register* (21 TexReg 4060).

Endorsement 4R. (today redesignated 4R-1) for the Mobilowners Policy, and Endorsement TE 20 17 (today redesignated TE 20 17A) for the Business Auto, Garage, or Truckers Coverage Form were adopted for purposes explained in Commissioner's Order Number 95-1108, dated October 25, 1995. Each endorsement provides that it may be attached only to policies covering property located in 14 specified counties, which were then the only designated catastrophe areas listed in the Texas Catastrophe Property Insurance Association Manual. Additional territory is now being so designated, so the above endorsements are amended to allow their attachment "to policies covering property located in the designated catastrophe areas as provided for in the Texas Catastrophe Property Insurance Association Manual." Manual Rule 135, Sections I. 10 and II. J also are amended to conform to the language of the endorsements in this regard.

An additional amendment is made to Endorsement 4R. to preclude the possibility that this endorsement might be construed to expand theft coverage beyond that provided by the basic Mobilowners Policy. This proposed amendment consists of the addition of the following language after the words "attempted theft": "if such loss would otherwise be covered by the policy."

The amendments as adopted by the Commissioner of Insurance are shown in exhibits on file with the Chief Clerk under Reference

Number A-0496-15-I, which are incorporated by reference into Commissioner's Order Number 96-0741.

The Commissioner of Insurance has jurisdiction over this matter pursuant to the Insurance Code, Article 5.06, 5.10, 5.96, 5.98, and 5.101.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Government Code, Chapter 2001 (Administrative Procedure Act).

Consistent with the Insurance Code, Article 5.96(h), the Department will notify all insurers writing automobile insurance of this adoption by letter summarizing the Commissioner's action.

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

IT IS THEREFORE THE ORDER of the Commissioner of Insurance that the Manual is amended as described herein, and the amendments are adopted effective August 1, 1996.

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

Issued in Austin, Texas, on July 3, 1996.

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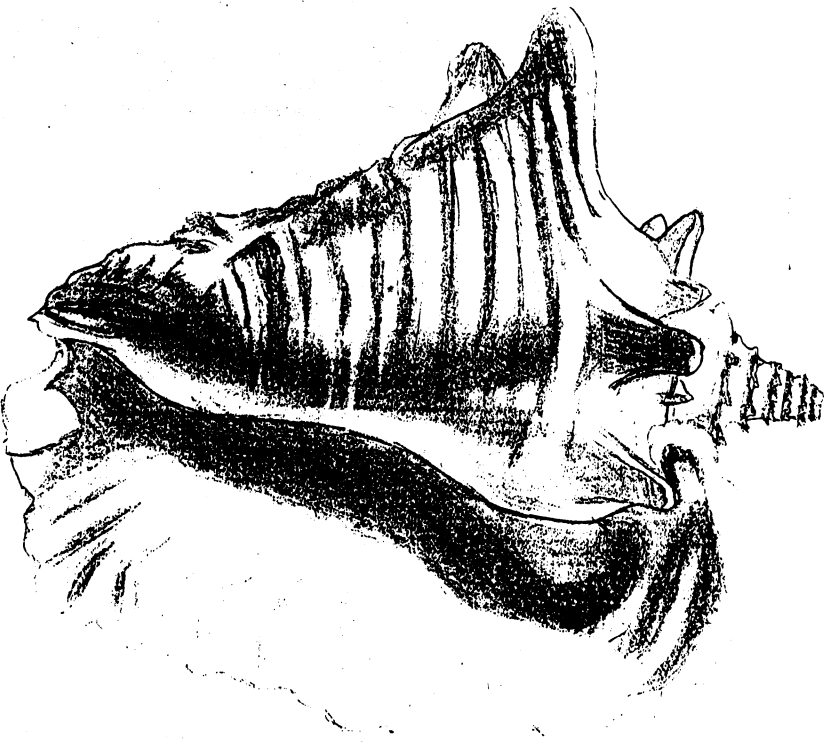
Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Effective date: August 1, 1996

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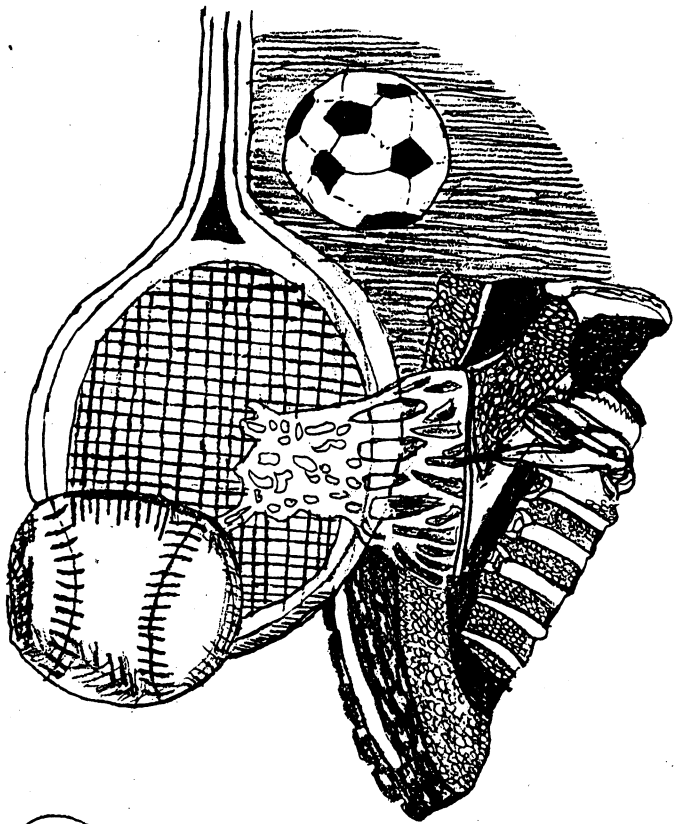


Conch

9/19/95

9/19/95

Name: O'Felia Rico
Grade: 8
School: Valley View Jr. High School, Valley View ISD

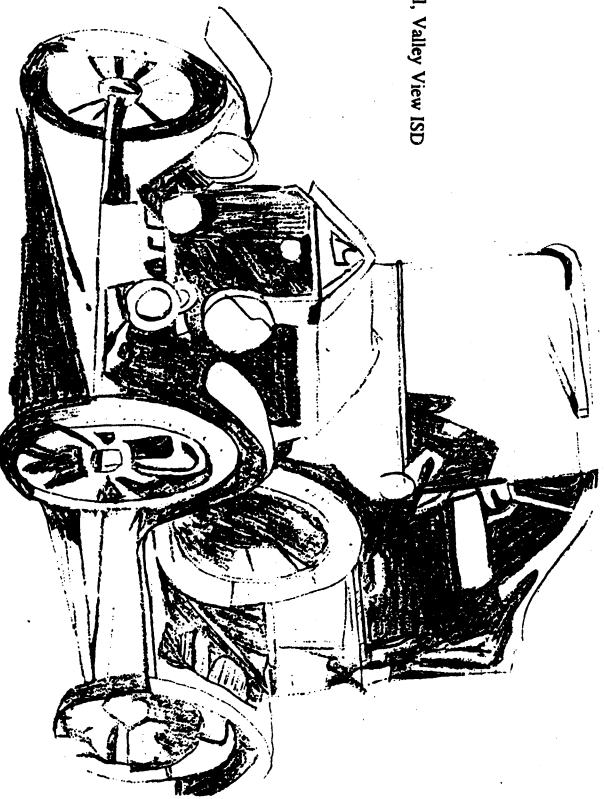


9-24-95

Name: Greg Johnson
Grade: 8
School: Valley View Jr. High School, Valley View ISD

Greg

Name: Mindy Boykin
Grade: 8
School: Valley View Jr. High School, Valley View ISD



TABLES & GRAPHICS

Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

Figure 1: 1 TAC §23.4(c) (5)

Grades	H.T. Climbers, Grandiflora and Floribunda	Polyantha, Shrub, Landscape, and Low Growing Floribunda Roses
Jumbo No. 1 Grade	4 canes 5/16 in. cal. or larger	6 canes 2/16 in. cal. or larger
No. 1 Grade	3 canes 5/16 in. cal. or larger	5 canes 2/16 in. cal. or larger
No. 1 1/2 Grade	2 canes 5/16 in. cal. or larger	4 canes 1/16 in. cal. or larger
No. 2 Grade	2 canes 1/4 in. cal. or larger	3 canes 2/16 in. cal. or larger
No. 3 Grade	1 cane 1/4 in. cal. or larger with one viable cane 6" in length and a well developed root system	3 canes 2/16 in. cal. or larger

Figure 2: 1 TAC §23.4(c) (6)

ROSE GRADE	CONTAINER	VERTICAL MINIMUM	TOP INSIDE	BOTTOM MINIMUM
No. 1	No. 2	7.50"	7.50"	6.50"
No. 1 1/2	No. 1	6.00"	6.00"	5.00"
No. 2	No. 1	6.00"	6.00"	5.00"

Figure 1:4 TAC §7.25(c)



FIGURE 1: 4 TAC <*>9.9.(a)

Common Name	Scientific Name	Limitation per Pound
balloonvine	<i>Cardiospermum</i>	
	<i>halicacabum (L.)</i>	prohibited
castor	<i>Ricinus communis</i>	prohibited
cocklebur	<i>Xanthium spp.</i>	prohibited
field bindweed	<i>Convolvulus arvensis</i>	prohibited
hedge bindweed	<i>Calystegia sepium</i>	prohibited
itchgrass	<i>Rottboellia</i>	
	<i>cochinchinensis</i>	prohibited
nutsedge	<i>Cyperus rotundus and</i>	
	<i>Cyperus esculentus</i>	prohibited
nutsedge tubers	<i>Cyperus spp.</i>	prohibited
serrated tussock	<i>Nassella</i>	
	<i>trichotoma</i>	prohibited
tropical soda apple	<i>Solanum viarum</i> (Dunal)	prohibited

FIGURE 2: 4 TAC <*>9.9.(b)

Common Name	Scientific Name	Limitation per Pound
annual bluegrass	<i>Poa annua</i>	1/name & number
bermudagrass	<i>Cynodon dactylon</i>	name & number
blessed milk thistle	<i>Silybum marianum (L.)</i>	20
blessed thistle	<i>Cnicus benedictus</i>	100
blueweed	<i>Helianthus ciliaris</i>	100
bracted plantain and buckhorn plantain	<i>Plantago aristata</i> <i>Plantago lanceolata</i>	300
Canada thistle	<i>Cirsium arvense</i>	100
cheat or chess	<i>Bromus secalinus</i> and <i>Bromus commutatus</i>	300
common giant mustard	<i>Rapistrum rugosum</i>	300
corncockle	<i>Agrostemma githago</i>	300
darnel and/or Persian ryegrass	<i>Lolium temulentum</i> <i>Lolium persicum</i>	300
dock and sorrel	<i>Rumex spp.</i>	300
dodder	<i>Cuscuta spp.</i>	100
giant foxtail	<i>Setaria faberi</i>	100
goatgrass	<i>Aegilops spp.</i>	20
horsenettle and purple nightshade	<i>Solanum carolinense</i> <i>Solanum elaeagnifolium</i>	300
Johnsongrass	<i>Sorghum halepense</i>	name and number
morningglory	<i>Ipomoea spp.</i>	name and number
passion flower or maypop	<i>Passiflora incarnata</i>	name and number
puncturevine	<i>Tribulus terrestris</i>	300
quackgrass	<i>Elytrigia repens</i>	100
red rice	<i>Oryza sativa var</i>	1
Russian knapweed	<i>Centaurea repens</i>	100

wild carrot	<i>Daucus carota</i>	300
wild mustards and wild turnips	<i>Brassica and Sinapis spp.</i>	300
wild oat and/or feral oat	<i>Avena fatua (L.) Avena spp. (feral oat)</i>	300
wild onion and/or wild garlic	<i>Allium spp.</i>	100
wild radish	<i>Raphanus raphanistrum</i>	100

1/Seeds are considered noxious weed seed only when present in lawn and turf seed such as perennial ryegrass, turf type tall fescue, chewings fescue, rough bluegrass, turf type annual ryegrass and/or a mixture containing these grasses.

FIGURE 1: 4 TAC §10.12.

Number and Time of Field Inspections

Crop Kind	Application Deadline	Time of Field Inspections
Agrotricum	April 1	At least one inspection after the crop is fully headed.
Alfalfa	45 days prior to bloom. Growers must notify Seed Quality Program prior to seeding new acreages.	At least one inspection at full bloom and one inspection after crop is fully matured.
Barley	April 1	At least one inspection after the crop is fully headed.
Buckwheat	April 1	At least one inspection after the crop is fully headed.
Cantaloupe	30 days after planting.	At least one inspection prior to harvest.
Clover (all kinds)	Prior to Nov. 1, preceding the year of the seed harvest.	At least one inspection during bloom, but if maturity date is a determining factor in varietal identification, two inspections, one prior to bloom and one during bloom.
Corn	30 days after planting.	At least three inspection before and during pollination.
Cotton	60 days after planting.	At least one inspection when in full bloom.

Crop Kind	Application Deadline	Time of Field Inspection
Cowpea,	30 days after planting.	At least one inspection after pods are well developed.
Field Bean, Flat Pea and Illinois Bundleflower		
Englemann daisy	30 days after planting.	At least one inspection while in full bloom.
Flax	Prior to Feb. 1 for winter flax and prior to May 1, for spring flax or at least 30 days prior to blooming.	At least one inspection at full bloom and one inspection after the crop is fully headed.
Grasses (seeded)	45 days prior to the first harvest each year. Grower must notify the area Regional Office at least 10 days prior to each harvest.	At least one inspection prior to each seed harvest after fully headed.
Guar	50 days after planting.	At least one inspection after pods are well developed but before leaves have dropped.
Millet (all kind)	30 days after planting.	At least one inspection during bloom and one inspection after seed begins to assume a mature color.
Oat	April 1	At least one inspection after the crop is fully headed.
Okra & Pepper	30 days after planting.	At least one inspection when first blossoms are open and

Crop Kind	Application Deadline	Time of Field Inspection
		one inspection when first pods are ready for harvest.
Peanut	45 days after planting.	At least one inspection prior to harvest.
Rice	75 days after planting and 60 days after harvest of a first crop for inspection of a second crop.	At least one inspection prior to harvest at the best stage of growth to determine varietal mixtures.
Rye	April 1	At least one inspection, after the crop is fully headed.
Sorghum (open-pollinated)	45 days after planting.	At least one inspection during bloom and one inspection after the seed begins to assume a mature color.
Sorghum (male sterile seed)	45 days after planting. Grower must notify area Regional Office during early boot stage.	At least two inspections during bloom and one inspection after seed begins to assume a mature color.
Sorghum Hybrid (commercial)	45 days after planting. Grower must notify area Regional Office during early boot stage.	At least two inspections during bloom and one inspection after seed begins to assume a mature color.
Soybean & Mungbean	45 days after planting.	At least one inspection, preferably after the leaves have dropped.
Sunflower (all)	45 days after planting.	At least three inspections, one in early bloom stage, one during bloom and a final

Crop Kind	Application Deadline	inspection just prior to Time of Field Inspection
Watermelon	30 days after planting.	<p>harvest.</p> <p>At least one inspection when melons have set on most of the vines and have attained a diameter of 3 to 4 inches. One inspection when melons are in a good marketable condition and before they have declined seriously in general appearance and quality.</p>
Wheat	April 1	<p>At least one inspection after the crop is fully headed.</p>

FIGURE 1: 4 TAC §10.13.

Acreage Inspection Fees for Certification

Table 1	All Classes
Agrotricum	\$.52
Alfalfa	1.04
Buckwheat52
Corn	3.25
Cotton24
Cowpea, field bean, flat pea, and partridge pea	1.04
Flax and rape.....	1.30
Forest tree seed	5.20
Forest tree seedlings.....	42.00
Grass (seeded).....	4.16
Grass (vegetatively propagated)	10.00
(preplant is same)	
Guar25
Illinois bundleflower, and englemann daisy	3.25
Millet (foxtail and pearl).....	1.04
Millet (gahi and hybrids)	2.73
Okra and pepper	3.25

Peanut78
Small grain52
Rice	3.25
Sorghum (open-pollinated)91
Sorghum (commercial hybrids)	2.73
Sorghum (A, B, & R Lines)	7.80
Soybean and mungbean60
Sugarcane	5.20
Sunflower (commercial hybrids)	2.60
Sunflower (A & R Lines)	7.80
Sunflower (open-pollinated), bushsunflower, maximilian	2.60
Watermelon	5.72

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

Late fee: \$20 per field

Reinspection fee: Not less than \$20 per field

Interagency certification: \$75 per lot

FIGURE 1: 4 TAC §10.14.

LABORATORY ANALYSIS CHART

CROP KIND	AMOUNT OF SEED
Agrotricum	2 pounds
Alfalfa.....	4 ounces
Barley.....	2 pounds
Buckwheat	1 pound
Bushsunflower.....	4 ounces
Cantaloupe.....	2 pounds
Clover (all kinds)	6 ounces
Corn	2 pounds
Cotton	2 pounds
Cowpea, Field Bean & Flat Pea.....	2 pounds
Flax, Partridge Pea & Pepper.....	12 ounces
Grasses:	
Annual Ryegrass, Bahiagrass, Guineagrass, Hardinggrass, & Switchgrass.....	4 ounces
Blue Grama, Side-Oats Grama, Buffelgrass, & Indiangrass.....	6 ounces
Rhodesgrass, Alkali Sacaton, Lovegrass, & Kleingrass	2 ounces

Guar	2 pounds
Illinois Bundleflower	8 ounces
Maximilian Sunflower	8 ounces
Millet (all kinds)	12 ounces
Oat	2 pounds
Okra	2 pounds
Peanut	2 pounds
Pinus taeda.....	2 pounds
Rape	4 ounces
1/Rice	2 pounds
Rye.....	2 pounds
Sorghum (all kinds)	2 pounds
Soybean & Mungbean.....	2 pounds
Sunflower	2 pounds
Watermelon.....	2 pounds
Wheat.....	2 pounds

1/In addition, the grower must submit to the Texas Department of Agriculture, Seed Laboratory at Giddings, Texas, at least a 10 pound sample that is representative of the lot for the purpose of hulling for red rice identification.

FIGURE 1: 4 TAC §10.21.(b)

(1) GRAIN TYPE HYBRID

Grass types:

Rhizomatous outcross plants,

broomcorn origin plants,

and/or vigorous and/or

tillering plants 0.05% (1:2,000)

Non-rhizomatous, single stemmed

(non-tillering) plants of the

same genetic height as the

hybrid including mutation heights 0.10% (1:1,000)

Hegari types 0.08% (1:1,250)

Other forage types 0.10% (1:1,000)

Any combination of the above four 0.10% (1:1,000)

Off-type head of same genetic height plants:

Off-type and/or slightly off colored heads 5.00% (50:1,000)

Opposite colored heads 2.00% (20:1,000)

Combination of above two 5.00% (50:1,000)

(2) FORAGE TYPE HYBRID

Johnsongrass and/or Johnsongrass outcrosses 0.05% (1:2,000)

Grass types 0.10% (1:1,000)

Combine types (including "selfs") 5.0% (50:1,000)

Combination of above two 5.0% (50:1,000)

(3) GRASS TYPE SORGHUM-SUDANGRASS HYBRIDS

Johnsongrass and/or Johnsongrass outcrosses.....0.05% (1:2,000)

Forage types..... 0.5% (5:1,000)

Combine types (including "selfs")..... 5.0% (50:1,000)

Any combination of above three 5.0% (50:1,000)

(4) GRASS TYPE SORGO-SUDANGRASS HYBRIDS

Johnsongrass and/or Johnsongrass outcrosses.....0.05% (1:2,000)

Forage types (including "selfs") 5.0% (50:1,000)

Combine types (including "selfs")..... 5.0% (50:1,000)

Any combination of above three 5.0% (50:1,000)

(5) GRASS TYPE SUDANGRASS-SUDANGRASS HYBRIDS

Johnsongrass and/or Johnsongrass outcrosses.....0.05% (1:2,000)

Forage types..... 0.5% (5:1,000)

Combine types (including "selfs")..... 5.0% (50:1,000)

Any combination of above three 5.0% (50:1,000)

(6) MALE STERILE SEED STOCK

Off-type plants other than the male sterile

 counterpart shedders and mutations 0.066% (1:1,500)

Plants shedding pollen but otherwise

 indistinguishable from the male-sterile counterpart 0.10% (1:1,000)

(7) POLLINATOR LINES (B & R)

Off-type plants, other than mutations,

 allowable in the pollinator lines are limited to..... 0.066% (1:1,500)

FIGURE 1: 4 TAC §10.22.(e)

Female Seed Parent

Off-type plants other than female

counterpart shedders and mutations 0.20%(1:500)

Plants shedding pollen 0.40%(1:250)

Pollinating Seed Parent

Off-type plants 0.20%(1:500)

Commercial Hybrids

Off-type plants (single branch) 0.40%(1:250)

Off-type plants (multibranch) 0.20%(1:500)

FIGURE 1: 4 TAC §10.27.(c)

Factor	Foundation	Registered	Maximum Permitted Certified
Pasture grass Other Varieties <u>1/</u>	None	0.1%	0.5% <u>2/</u>
Turfgrass (Except St. Augustinegrass) other perennial grasses and objectionable weeds <u>3/</u>	None	None	1 plant, not more than 6 inches in diameter per 450 square feet.
St. Augustinegrass objectionable perennial grasses and weeds <u>4/</u>	None	1 plant or clone not more than 6 inches in diameter per 100 sq. yards <u>4/</u>	Not more than 5% by area of bermudagrass, not more than 3 per sq. yard of nutsedge. Not more than 1 per 50 sq. yards of others listed <u>4/</u>

1/Other varieties shall consist of all other strains of the specie that can be differentiated from the variety that is being inspected.

2/Percentage is based upon area occupied.

3/Objectionable weeds shall include, but not be limited to, nutsedge (Cyperus spp.), ponyfoot (Dichondra spp), and sandbur (Cenchrus spp.).

4/Objectionable grasses and weeds shall include, but not be limited to: barnyardgrass (Echinochloa crusgalli), goosegrass (Eleusine indica), smutgrass (Sporobolus poiretii), dallisgrass (Paspalum dilatatum), crabgrass (Digitaria spp.), broad leaf weeds, bermudagrass (Cynodon spp.), nutsedge (Cyperus rotundus and Cyperus esculentus).

FIGURE 1: 4 TAC §10.28.

Factor	Pasture grass	Turfgrass (except St. Augustinegrass)	St. Augustinegrass
<u>1/</u> Pure live sprigs (minimum by count)	95.00%	80.00%	80.00%
Other living plants (maximum by count)	2.00%	2.00%	-----
Noxious weeds	None	-----	-----
<u>2/</u> Objectionable weeds	-----	None	-----

1/A sprig shall be considered a stolon or rhizome with two or more nodes.

2/Objectionable weeds shall include, but not be limited to, nutsedge (*Cyperus* spp.), ponyfoot (*Dichondra* spp), and sandbur (*Cenchrus* spp.).

FIGURE 1: 4 TAC §10.29.(e)(6)(A)

<i>Factor</i>	<i>Standard</i>
Pure seed (Minimum) <u>1/</u>	98.00%
Inert (Maximum)	2.00%
Other species	None
Germination (Minimum apparent)	85.00%

1/Exceptions may be made contingent on inherent characteristics of species involved.

FIGURE 1: 4 TAC §10.30.(d)(2)(A)

Grades	Stem diameter at Root Collar (Inches)	Top Length (Inches)	Top Conditions
Minimum Acceptable:			
Slash Pine	3/32	5-8	25% of live crown in fascicled needles; terminal bud may be absent.
Loblolly Pine	3/32	3-8	25% of live crown in fascicled needles; terminal bud usually present.
Shortleaf Pine	3/32	3-8	25% of live crown in fascicled needles; terminal bud usually present.
Maximum Acceptable:			
Slash Pine	4/32-10/32	9-12	50% of live crown in fascicled needles; terminal bud present.
Slash Pine	5/32-12/32	13-15	50% of live crown in fascicled needles; terminal bud present.
Loblolly Pine	4/32-10/32	9-12	50% of live crown in fascicled needles; terminal bud usually present.
Loblolly Pine	5/32-12/32	13-15	50% of live crown in fascicled needles; terminal bud usually present.

Shortleaf Pine

4/32-10/32

9-12

present.

50% of live crown in
fascicled needles;
terminal bud usually
present.

Minimum Acceptable:

Shortleaf Pine

5/32-12/32

13-15

50% of live crown in
fascicled needles;
terminal bud usually
present.

Figure 4 TAC 17.51

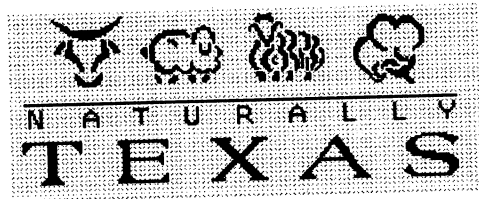


Figure 1: 4 TAC<*>19.143(b)

Farm	Field	Acres	Latitude	Longitude
Ivey Brothers	1	5.5	N 314101.20	W 1061745.20
"	2	8.8	N 314102.90	W 1061747.50
"	3	5.5	N 314102.00	W 1061754.90
"	4	8.4	N 314058.80	W 1061758.00
"	4A	6.45	N 314110.60	W 1061753.10
"	5	4.6	N 314134.20	W 1061735.60
"	6	6.8	N 314137.70	W 1061726.40
"	7	57.3	N 314133.90	W 1061722.00
"	8	6.9	N 314111.20	W 1061709.50
"	9	39.9	N 312403.10	W 1000120.00
"	10	28.5	N 312349.80	W 1060139.30
"	11	31.1	N 312439.40	W 1060808.90
"	12	51.1	N 312621.90	W 1060452.60
"	13	43.0	N 312608.40	W 1060505.70
"	14	16.1	N 314055.30	W 1061711.80
"	15	20.7	N 314055.30	W 1061704.30
Tyn Davis	16	8.2	N 311751.10	W 1055304.50
"	17	14.9	N 311803.80	W 1055255.60
"	18	31.1	N 312221.20	W 1055739.90
"	19	31.8	N 312224.70	W 1055748.50
"	20	13.6	N 312420.60	W 1060203.50
"	21	8.0	N 312417.50	W 1060234.50
"	22	24.6	N 312414.20	W 1060233.80
"	23	20.7	N 312414.20	W 1060235.30

Figure 1: 4 TAC §21.21(a)(2)

GRAPEFRUIT SIZES AND JUICE REQUIREMENTS IN CUBIC CENTIMETERS

Seedless:						
Size	Diam.	1 Frt.	2 Frt.	3 Frt.	4 Frt.	5 Frt.
126	3 1/2	150	300	450	600	750
96	3 3/4	180	360	540	720	900
80	4	195	390	585	780	975
70	4 1/8	200	400	600	800	1000
64	4 1/4	205	410	615	820	1025
54	4 1/2	220	440	660	880	1100
46	4 3/4	235	470	705	940	1175
36	5	250	500	750	1000	1250
28	5 1/4	265	530	795	1060	1325
Seeded:						
126	3 1/2	140	280	420	560	700
96	3 3/4	165	330	495	660	825
80	4	175	350	525	700	875
70	4 1/8	180	360	540	720	900
64	4 1/4	200	400	600	800	1000
54	4 1/2	220	440	660	880	1100
46	4 3/4	235	470	705	940	1175
36	5	250	500	750	1000	1250
28	5 1/4	265	530	795	1060	1325

Figure 2: 4 TAC §21.21(b) (2)

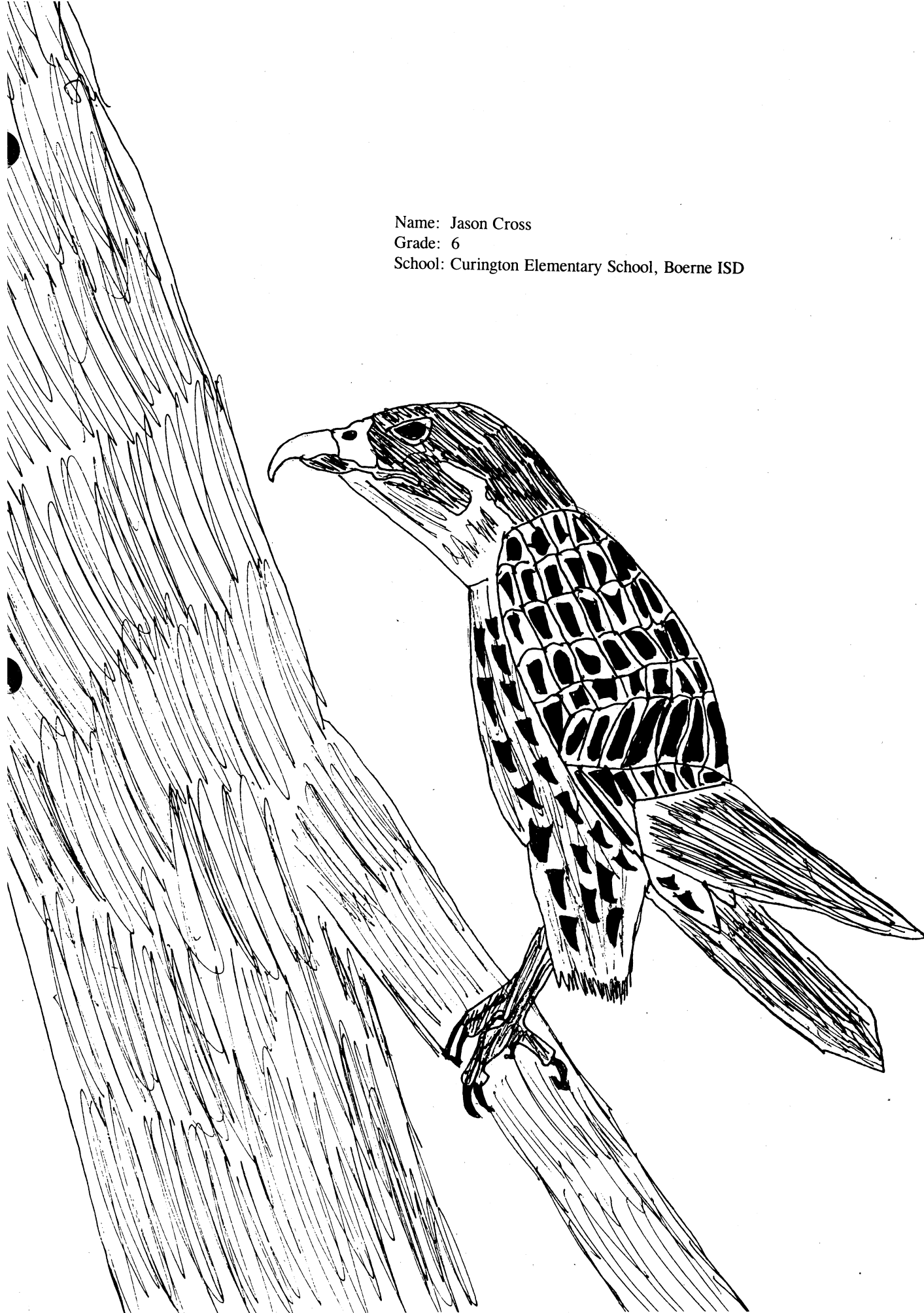
ORANGE SIZES AND JUICE REQUIREMENTS IN CUBIC CENTIMETERS

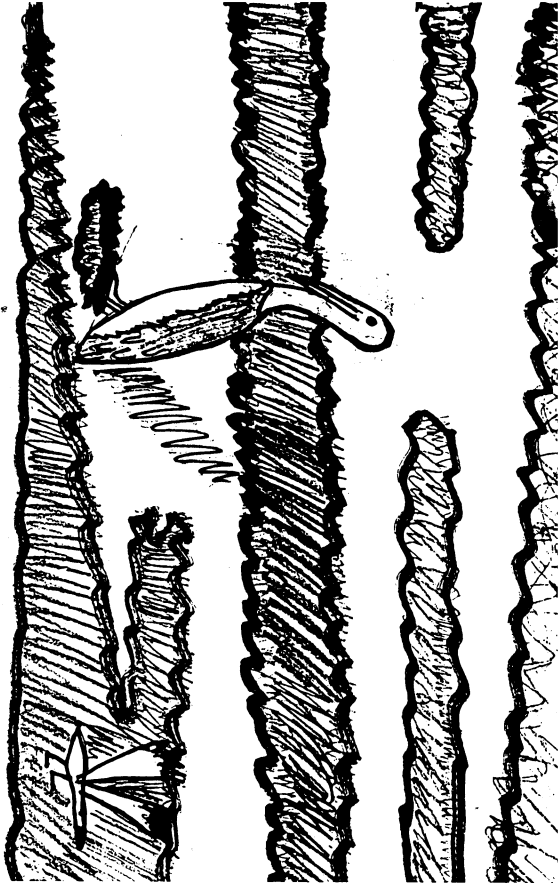
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324	2 4/16	2 8/16	52.6	105.2	157.8	210.4	263.0
288	2 6/16	2 10/16	59.1	118.2	177.3	236.4	295.5
250	2 8/16	2 12/16	68.1	136.2	204.3	272.4	340.5
216	2 10/16	2 14/16	78.9	157.8	236.7	315.6	394.5
200	2 12/16	3	85.2	170.4	255.6	340.8	426.0
176	2 14/16	3 2/16	96.8	193.6	290.4	387.2	484.0
150	3	3 4/16	113.6	227.2	340.8	454.4	568.0
126	3 3/16	3 8/16	135.2	270.4	405.6	540.8	676.0
96	3 6/16	3 11/16	177.4	354.8	532.2	709.6	887.0

Name: Jason Cross

Grade: 6

School: Curington Elementary School, Boerne ISD

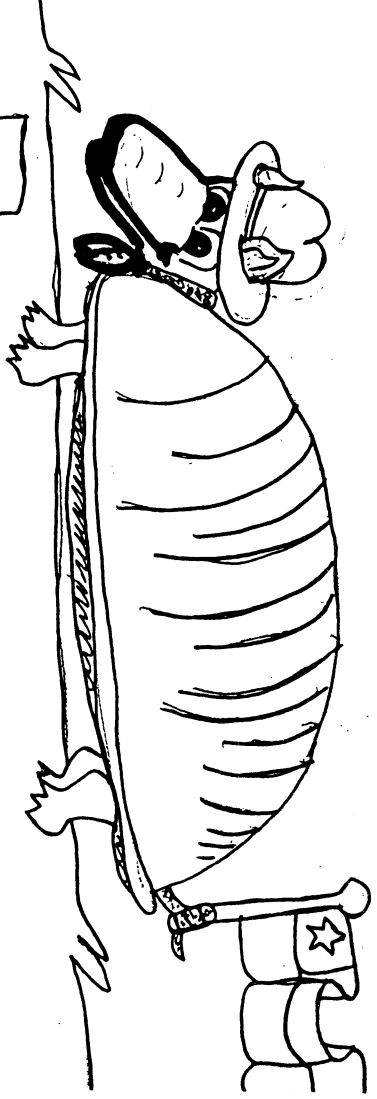




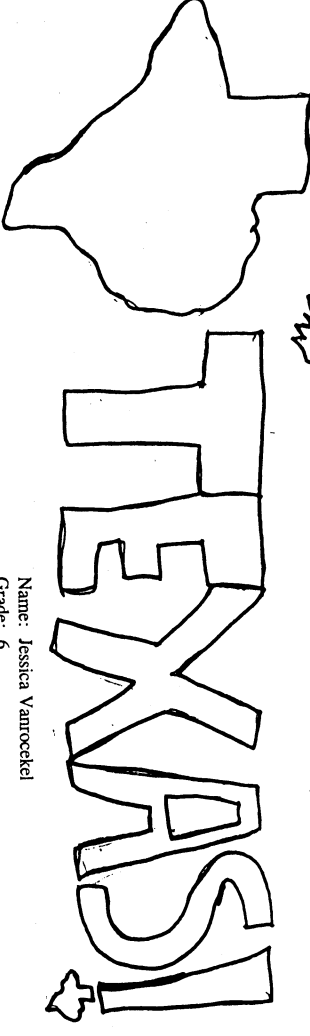
Name: Kate Keith
 Grade: 6
 School: Giddens 6th Grade School, Leander ISD



Name: Purf Martinez
 Grade: 6
 School: Giddens 6th Grade School, Leander ISD

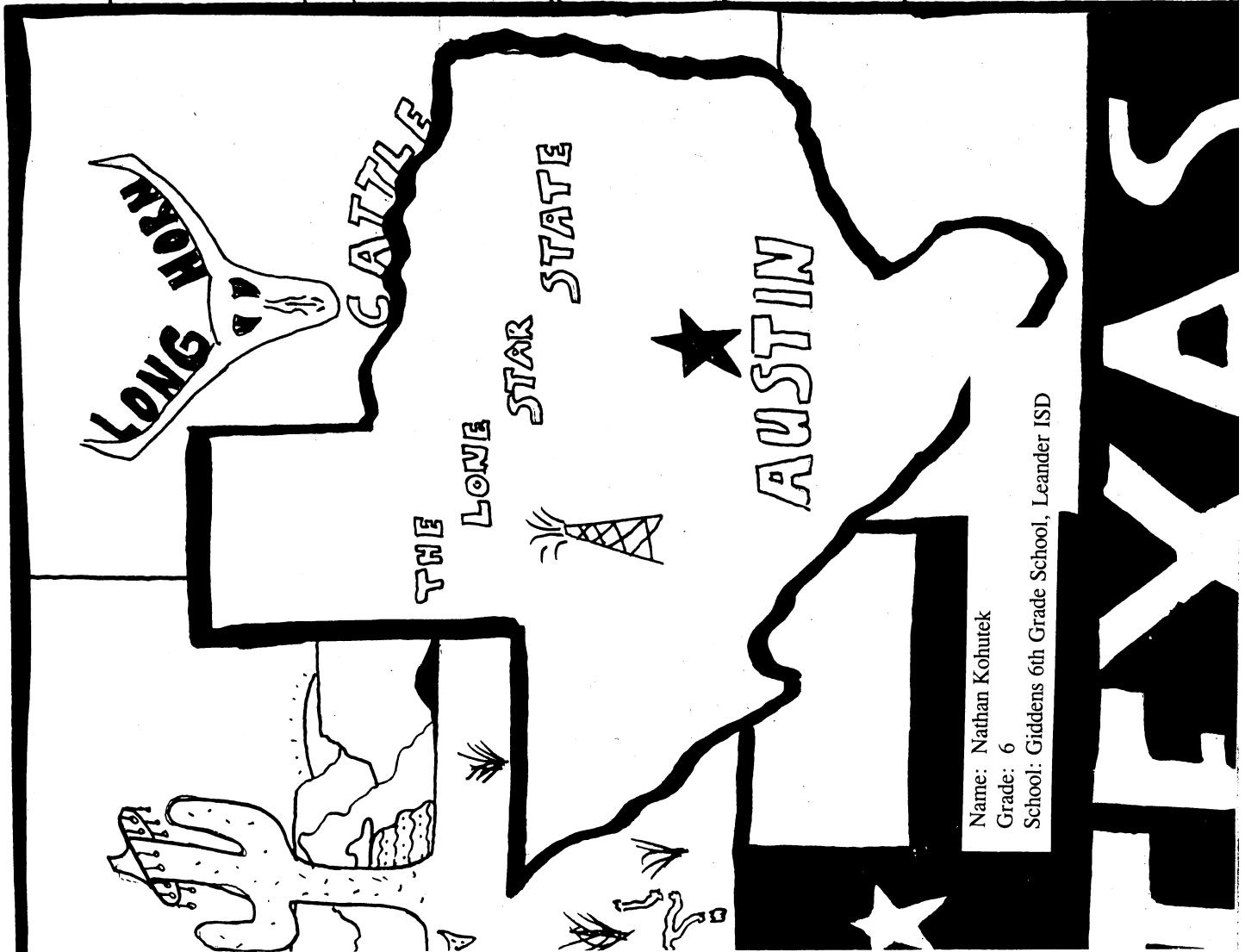
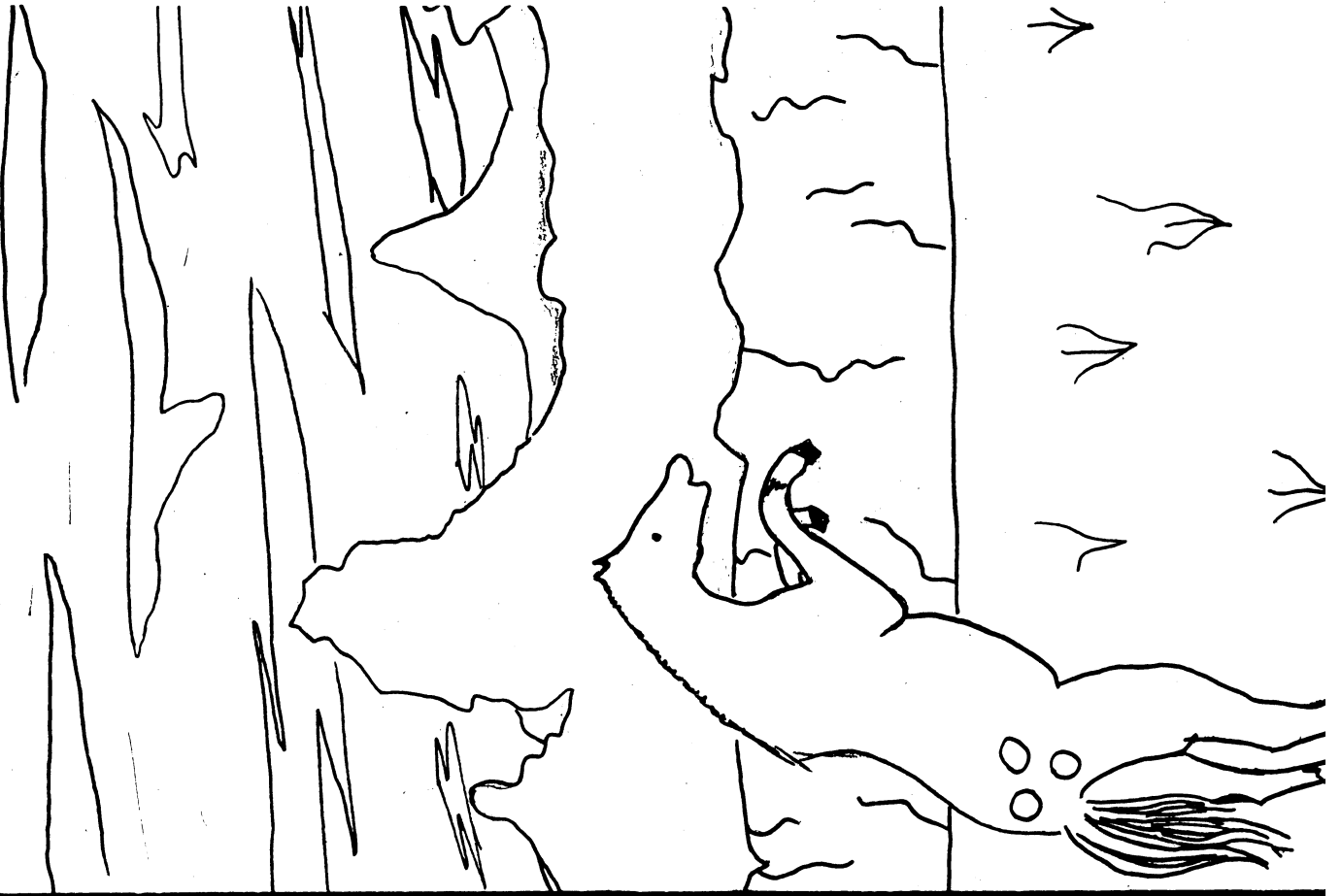


Name: Jessica Varrocek
 Grade: 6
 School: Giddens 6th Grade School, Leander ISD



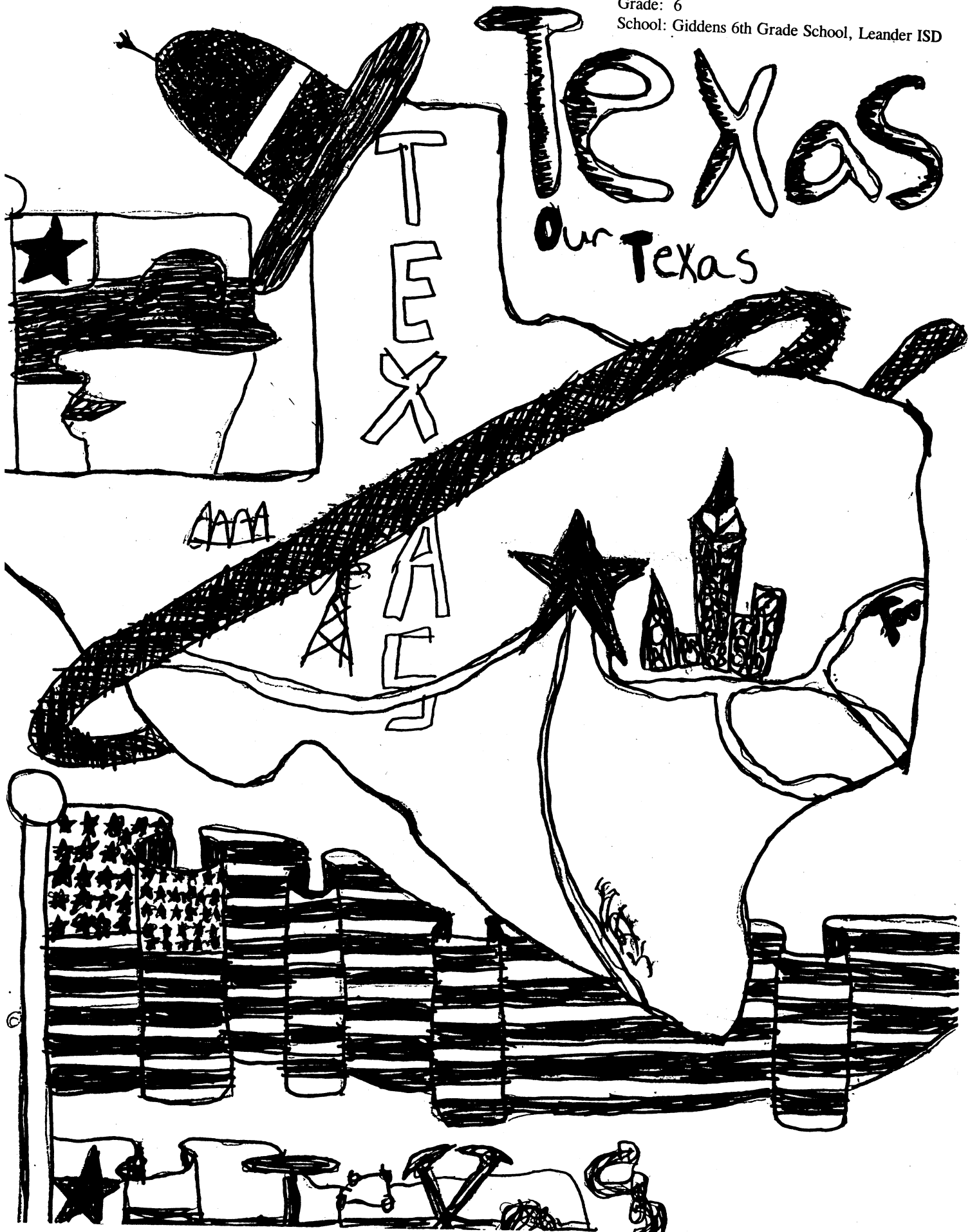
Name: Jackie Merrick
 Grade: 6
 School: Giddens 6th Grade School, Leander ISD

Name: Amy McKinsey
Grade: 6
School: Giddens 6th Grade School, Leander ISD



Name: Nathan Kohutek
Grade: 6
School: Giddens 6th Grade School, Leander ISD

Name: Preston Mitchell
Grade: 6
School: Giddens 6th Grade School, Leander ISD



State Office of Administrative Hearings

Monday, August 26, 1996, 9:00 a.m.

7800 Shoal Creek Blvd.

Austin, Texas, 78757

Utility Division

AGENDA

A Hearing on the Merits is scheduled for the above date and time in the following Docket: SOAH Docket 473-96-1074; PUC Docket No. 15395-Application of HOUSTON LIGHTING AND POWER COMPANY for approval of experimental real time pricing tariffs for commercial and industrial customers.

Contact: J. Kay Trostle, 300 West 15th Street, Suite 402, Austin, Texas 78701-1649 (P.O. Box 13025, Austin, Texas 78711-3025, (512) 926-0728.

Filed: July 8, 1996, 8:54 p.m.

TRD-9609722



Monday, September 23, 1996, 10:00 a.m.

7800 Shoal Creek Blvd.

Austin, Texas, 78757

Utility Division

AGENDA

A Hearing on the Merits will be held at the above date and time in SOAH DOCKET NO. 473-96-0333-APPLICATION OF TEXAS UTILITIES ELECTRIC COMPANY, INC. FOR REAL-TIME PRICING PROPOSAL (PUC DOCKET NO. 15015)

Contact: J. Kay Trostle, 300 West 15th Street, Suite 402, Austin, Texas 78701-1649 (P.O. Box 13025, Austin, Texas 78711-3025, (512) 926-0728.

Filed: July 1, 1996, 12:08 p.m.

TRD-9609410



Texas Aerospace Commission

Monday, July 8, 1996, 9:00 a.m.

Cloud Room, William P. Hobby Airport, Cloud Room, 2nd Floor
Houston, Texas

Board of Directors

EMERGENCY MEETING AGENDA

Welcome and Call to Order

Interagency Contract with University of Texas

Staffing of Full-Time and Part-Time TAC Positions

Contract Hiring for TAC Administrative Support (voucher preparation, consulting)

Discussion and Approval of Strategic Plan

REASON FOR EMERGENCY: Immediate staffing needs and approval of agency strategic plan.

Contact: Amy Kennedy-Reynold, 2101 Nasa Road One-MCAP4, Houston, Texas 77058, (713) 483-6827.

Filed: July 2, 1996, 4:09 p.m.

TRD-9609513

Texas Department on Aging

Friday, July 12, 1996, 9:30 a.m.

1949 South IH35, Third floor Conference Room
Austin, Texas

Options for Independent Living Advisory Committee

AGENDA

Consider and Possibly Act on:

A. Call to order

B. Minutes of March 9, 1996 meeting

C. Subcommittee Reports

D. Preliminary recommendations regarding potential revision of Options, Access and Assistance Rules, and process, timeframe for recommendations to be considered at September and December meetings, for approval by Board on Aging in February, 1997.

E. Next steps in cooperative efforts with managed care organization(s)

F. TDOA Letter of Inquiry to FHP Foundation

G. Reorganization of subcommittees and their assignments

H. Other Business

I. Adjourn

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

Filed: July 3, 1996, 11:05 a.m.

TRD-9609603



Texas Department of Agriculture

Thursday, July 11, 1996, 12 noon

First National Bank, 100 Commerce Street

Eagle Lake, Texas

Texas Rice Producers Board

AGENDA

Discussion & Possible Action: Administrative Proposals for Texas Rice Industry Organizations. Adjourn.

Contact: Curtis Leonhardt, Texas Rice Producers Board, P.O. Box 740250, Houston, Texas 77274, (800) 888-7423.

Filed: July 3, 1996, 4:25 p.m.

TRD-9609669



Wednesday, July 17, 1996, 2:00 p.m.

1700 North Congress Avenue, Room 911

Austin, Texas

Texas-Israel Exchange Fund Board

AGENDA

Discussion and Action on the Texas-Israel Exchange Program research and developmental grant proposals.

Contact: Sheri Land, Coordinator for Funding, P.O. Box 12847, Austin, Texas 78711, (512) 463-8536.

Filed: July 2, 1996, 2:19 p.m.

TRD-9609498



Texas Commission on Alcohol and Drug Abuse (TCADA)

Friday, July 12, 1996, 11:00 a.m.

230 Railroad Street, (Green & White Building) next to Garcia's funeral home & across railroad tracks & street from 1st Community Bank.

Benevides, Texas

AGENDA

Call to Order, roll call: Introduction of visitors; reading & approval of minutes; funding allocation percentages; funding allocation formulas; nominations for FY96-97; end 1st year terms; fill empty slot for SR21; scheduling of next meeting; future topics and adjournment.

Contact: Miguel Lopez, Field Representative, Texas Commission on Alcohol and Drug Abuse, 3804 Casa Blanca Road, Laredo, Texas 78041, (806) 472-2317.

Filed: July 1, 1996, 12:09 p.m.

TRD-9609415



Friday, July 12, 1996, 11:00 a.m.

710 Brazos, Perry Brooks Building, 8th Floor Conference Room.

Austin, Texas

AGENDA

Call to Order; approval of June 18, 1996; chairman's report; executive director's report; public comment; information item: presentation on a currently funded program; information or action item: update report on resolution of task force issues; information item: sunset update; action items: agreed final order in the matter of the license of Allen R. Moore and agreed final order in the matter of the license of John P. Martinez; action items: administrative hearing proposal for decision in the matter of the license of Wayne C. Vann, Jr. and administrative hearing proposal for decision in the matter of the license of Garry M. Clark; action item: delegation of authority to executive director on budget review and funding decisions; action item: final approval of the legislative appropriations request; action items: approval to adopt new sections 143.17 (emergency purchase), 149.1 (definitions for civil court commitments), and 150.39 (inactive status), approval to adopt amendments to sections 148.61 (definitions for facility licensure), 148.323 (discharge summary), 150.3 (definitions for counselor licensure), and 150.38 (license expiration and renewal.) approval to withdraw amendment to section 150.36 (examination), approval to propose for comment amendments to sections 150.3 (definitions for counselor licensure), 150.31 (licensure application), 150.32 (requirements for licensure), 150.33 (background investigation), and 150.36 (examination; information or action items; funding increase for methadone services in El Paso for FY 96 and funding for methadone services in El Paso for FY 97, HIV outreach projects for FY 97, competitive core council services (SIC 97); action items: correction of HIV early intervention June supplemental funds for FY 97, allocation for awarding June supplemental funds for unit cost contract/civil court commitment (UCC/CCS) for FY 97, criteria for group homes for recovering substance abusers for FY 97, and criteria for addiction training center; and adjourn.

Contact: Terry Bleier, Executive Director, Texas Commission on Alcohol and Drug Abuse, 710 Brazos, Austin, Texas 78701, (512) 867-8869.

Filed: July 5, 1996, 9:20 a.m.

TRD-9609681

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Automobile Theft Prevention Authority

Tuesday, July 15, 1996, 8:30 a.m., Wednesday, July 16, 1996, 8:30 a.m.

Wyndham Hotel, 4140 Governor's Row

Austin, Texas, 78744

BOARD MEETING

AGENDA

I. Call to Order

II. Report on Statewide HEAT Program, Patty Gonzales, HEAT Coordinator, Department of Public Safety

III. Committee Reports: a) Deliberation/Formal Action on Changes in Border Solutions Committee Meetings; b) Deliberation/Formal Action on Invitation to Meet with Mexico's Attorney General, Other Officials in Mexico City.

IV. Director/Staff Report: a) Overview and Summary of Activities by Linda Young, Expenditures on board and Staff Travel, Grant Monitoring, Grant Adjustments Made, Grantee Fund Balances, Public Awareness Activities; b) Deanna Citerne, Susan Sampson and Gus De La Rosa Available for Specific Questions on Areas of Responsibility.

V. Deliberation/Formal Action on Funding Year 1997, with Director Recommendations on Grant Awards and Applicant Responses.

VI. Meeting Recessed unit 8:30 a.m. on July 16, 1996

VII. Call to Resume Meeting for Continuation of Applicant Review on July 16, 1996, with Continued Deliberation/Formal Action on Funding.

VIII. Adjourn

Contact: Linda Young, Executive Director, Automobile Theft Prevention Authority, 800 Brazos Street, Suite 620, Austin, Texas 78701, (512) 494-1976

Filed: July 3, 1996, 4:26 p.m.

TRD-9609671

The State Bar of Texas

Tuesday, July 9, 1996 8:30 a.m.

1414 Colorado, Room 104, Texas Law Center

Austin, Texas, 78701

Commission for Lawyer Discipline

AGENDA

Public Session: Call to Order/Introductions/ Review Minutes of Prior Meetings

CLOSED SESSION: Discuss authorization of the General Counsel/Chief Disciplinary Counsel to make, accept or reject offers or take appropriate action with respect to attorney discipline matters; discuss assignment of special counsel to pending disciplinary matters; discuss personnel issues;

PUBLIC SESSION: Discuss and authorize General Counsel/Chief Disciplinary Counsel to take appropriate action with respect to those matters discussed in closed session. /Review and discuss

outcome of recent disciplinary trials/Discuss Attorneys fees assess in disciplinary matters/ Review matters unresolved in prior meetings/ Review statistical reports/ Discuss compliance monitoring/Discuss Commission's compliance with the State Bar Act, The Texas Rules of Disciplinary Procedure and orders of the Supreme Court/ Discuss budget and operations of the General Counsel's office and the Commission/ Discuss grievance committee issues/ Discuss Special Counsel Program/ Discuss mediation of disciplinary matters/ Presentations by trial staff/ discuss future meetings/ Discuss other matters as appropriate/ Public comment/ Adjourn.

Contact: Anne Mc Kenna, P.O. Box 12487, Austin, Texas 78701, (800) 204-2222.

Filed: July 3, 1996, 2:29 p.m.

TRD-9609639

Texas Bond Review Board

Tuesday, July 9, 1996, 10:00 a.m.

300 West 15th Street, Committee Room #5, Clements Building, Room #5

Austin, Texas

AGENDA

I. Call to Order

II. Approval of Minutes

III. Consideration of Proposed Issues — A. Texas Public Finance Authority — commercial paper revenue notes for projects for Texas Youth Commission; B. Texas Department of Criminal Justice — lease purchase of natural gas pipeline; C. Texas Department of Criminal Justice — Refinancing of Lease Purchase for Prison Facilities in Liberty and Johnson Counties; D. Texas Department of Criminal Justice — Refinancing of Lease Purchase for Prison Facilities in Hays and Wise Counties; E. Midwestern State University — Building Revenue Bonds, Series 1996; F. Texas Water Development Board — Texas Water Development Bonds, Series 1996C and 1996D Taxable Series 1996E.

IV. Adjourn.

Contact: Albert L. Bacarisse, Executive Director, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed July 1, 1996, 3:11 p.m.

TRD-9609436

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Texas Catastrophe Property Insurance Association

Friday, July 19, 1996, 8:30 a.m.

TCPIA Office, 2028 E. Ben White Blvd., Suite 200, Austin, Texas 78741

Austin, Texas

Board of Directors, by Teleconference Call

AGENDA

I. Discuss Commercial Rate Filing

II. Any other Business that may Come Before the Board.

Contact: Charles F. McCullough, 2028 E. Ben White, Suite 200,
Austin, Texas 78741, (512) 444-7183.
Filed: July 5, 1996, 12:20 p.m.

TRD-9609692

Texas Board of Chiropractic Examiners

Friday, July 12, 1996, 9:00 a.m.

333 Guadalupe, Tower III, Suite 825

Austin, Texas

Licensure and Educational Standards Committee

AGENDA

Consideration, discussion, any appropriate action, and/or approval of:
A). Additional State board Examination in December and/or dates for re-examination; B). Examinees who passed June examination for ratification; C). Attorney General Opinion on Test Preparation; D). Reconsideration of Licensure Reinstatement for non-renewal; Dr. Fred Bradley, Dr. Gerald Smalling and Dr. Douglas Roth; E). Lockbox System; F). Board policy on preceptorship (Tabled March 7, 1996, and May 10, 1996); G). Audio/video continuing education programs (Tabled March 7, 1996 and May 10, 1996); H). Approval of medical school coursework to substitute for 14 hours continuing education requirements; I). Use of National Board of Chiropractic Examiners SPEC examination for Provisional Licensure; J). Criteria for Provisional Licensure; K). Waiver of continuing Education requirement for Licensees in practice over 50 years or are over 75 years of age.

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.

Filed: July 2, 1996, 12:58 p.m.

TRD-9609485



Friday, July 12, 1996, 9:00 a.m.

333 Guadalupe, Tower III, Suite 825

Austin, Texas

Executive Committee

AGENDA

Consideration, discussion, any appropriate action, and/or approval of:
A). Strategic Plan; B). Legislative appropriateions Request (LAR); C). Peer Assistanct Program; D). Resubmittal of 1995 Annual Performance Measures.

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.

Filed: July 3, 1996, 3:23 p.m.

TRD-9609648



Friday, July 12, 1996, 9:00 a.m.

333 Guadalupe, Tower III, Suite 825

Austin, Texas

Technical Standards Committee

AGENDA

Consideration, discussion, any appropriate action, and/or approval of:
A). Chiro-Choice; B). Manipulation Under Anesthesia; C). Referrals to massage therapists; D). IMPT Scope of Practice (Tabled May 10, 1996); E). Request for Attorney General Opinion on Injectables (update only); F). VTC Testing Center; G.). Request for list of Modalities.

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.

Filed: July 2, 1996, 12:57 p.m.

TRD-9609481



Friday, July 12, 1996, 10:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin, Texas

Enforcement Committee

AGENDA

Consideration, discussion, any appropriate action, and/or approval of: A). Enforcement Actions- Fiscal Year 1996, B.) Changes in Enforcement Procedures

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.

Filed: July 2, 1996, 12:58 p.m.

TRD-9609483



Friday, July 12, 1996, 10:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin, Texas

Executive Committee

AGENDA

Consideration, discussion, any appropriate action, and/or approval of:
A). Strategic Plan, B.) Legislative Appropriations Request (LAR); C.) Peer Assistance Program

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.

Filed: July 2, 1996, 12:58 p.m.

TRD-9609482



Friday, July 12, 1996, 1:30 p.m.

333 Guadalupe, Tower I, Suite 102

Austin, Texas

AGENDA

The Texas Board of Chiropractic Examiners will meet on Friday, July 12, 1996 at 1:30 to consider, discuss, take appropriate action and/or approve:

I. Minutes of the May 10, 1996 Board Meeting

II. The report of the President on Board Activities and the Chiropractic profession

III. The report of the Executive Director on administration, budget, internal policy and procedure, personnel, and general information of licensees

IV. Committee reports: A.) Enforcement Committee — 1. Enforcement Actions- Fiscal Year 1996, 2. Changes in Enforcement Procedure; B.) Licensure and Educational Standards Committee — 1. Additional State Board Examination in December and/or dates for re-examination; 2. Examinees who passed June examination for ratification; 3. Attorney General Opinion on Test Preparation; 4. Reconsideration of Licensure Reinstatement for non-renewal: Dr. Fred Bradley, Dr. Gerald Smalling, Dr. Douglas Roth, 5. Lockbox System, 6. Board policy on preceptorship (Tabled March 7, 1996 and May 10, 1996), 7. Audio/video continuing education program (Tabled March 7, 1996, and May 10, 1996), 8. Approval of medical school coursework to substitute for 14 hours continuing education requirement, 9. Use of National board of Chiropractic Examiners SPEC examination for Provisional Licensure; 10. Criteria for Provisional Licensure, 11. Waiver of continuing Education requirements for Licensees in practice over 50 years or are over 75 year years, C.) Technical Standards Committee-1.Chiro-Choice, 2. Manipulation Under Anesthesia, 3. Referrals to Massage Therapists, 4. JMPT Scope of Practice (Tabled May 10, 1996), 5. Request for Attorney General Opinion on Injectables (update only), 6. VTC Testing Centers, 7. Request for list of Modalities, D. Executive Committee — 1. Strategic Plan, 2. Legislative Appropriations Request (LAR), 3. Peer Assistance Program; E. Advisory Commission — 1. Report of Organizational Meeting;

V. Consumer Card

VI. Response to Attorney General regarding Public Service announcement

VII. Changes to Policies and Procedures Manual;

VIII. Final publication of Rules 22 TAC §73.2 Renewal of License, and §76.3 Request for Information and Records from Practitioners;

IX. Items to be considered for future agenda.

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.
Filed: July 2, 1996, 12:58 p.m.

TRD-9609484



Friday, July 12, 1996, 1:30 p.m.

333 Guadalupe, Tower I, Suite 102

Austin, Texas

AGENDA

The Texas Board of Chiropractic Examiners will meet on Friday, July 12, 1996 at 1:30 to consider, discuss, take appropriate action and/or approve:

I. Minutes of the May 10, 1996 Board Meeting

II. The report of the President on Board Activities and the Chiropractic profession

III. The report of the Executive Director on administration, budget, internal policy and procedure, personnel, and general information of licensees

IV. Committee reports: A.) Enforcement Committee — 1. Enforcement Actions- Fiscal Year 1996, 2. Changes in Enforcement Procedure; B.) Licensure and Educational Standards Committee — 1. Additional State Board Examination in December and/or dates for re-examination; 2. Examinees who passed June examination for ratification; 3. Attorney General Opinion on Test Preparation; 4. Reconsideration of Licensure Reinstatement for non-renewal: Dr. Fred Bradley, Dr. Gerald Smalling, Dr. Douglas Roth, 5. Lockbox System, 6. Board policy on preceptorship (Tabled March 7, 1996 and May 10, 1996), 7. Audio/video continuing education program (Tabled March 7, 1996, and May 10, 1996), 8. Approval of medical school coursework to substitute for 14 hours continuing education requirement, 9. Use of National board of Chiropractic Examiners SPEC examination for Provisional Licensure; 10. Criteria for Provisional Licensure, 11. Waiver of continuing Education requirements for Licensees in practice over 50 years or are over 75 year years, C.) Technical Standards Committee-1.Chiro-Choice, 2. Manipulation Under Anesthesia, 3. Referrals to Massage Therapists, 4. JMPT Scope of Practice (Tabled May 10, 1996), 5. Request for Attorney General Opinion on Injectables (update only), 6. VTC Testing Centers, 7. Request for list of Modalities, D. Executive Committee — 1. Strategic Plan, 2. Legislative Appropriations Request (LAR), 3. Peer Assistance Program; E. Advisory Commission — 1. Report of Organizational Meeting;

V. Consumer Card

VI. Response to Attorney General regarding Public Service announcement

VII. Changes to Policies and Procedures Manual;

VIII. Final publication of Rules 22 TAC §73.2 Renewal of License, and §76.3 Request for Information and Records from Practitioners;

IX. Items to be considered for future agenda.

Contact: Patte B. Kent, Executive Director, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701 (512) 305, 6700.

Filed: July 3, 1996, 3:23 p.m.

TRD-9609649



Coastal Coordination Council

Friday, July 12, 1996, 8:30 a.m.

105 W. 15th Street, Room 101, John H. Reagan Building

Austin, Texas

CCC Executive Committee

AGENDA

I. Call to Order

II. Rule certification and threshold approval (Action Item: EC recommendation to Council on agencies requests for rule certification and threshold approval.)

III. Status report on Federal approval.

IV. CMP implementation date (Action Item: EC recommendation to Council on implementation date)

V. Status report on state nonpoint source program.

VI. Proposal to streamline consistency determination of Corps of Engineers §404 permits and state §401 certifications (Action Item: EC recommendation to Council on streamlining process and memorandum of agreement).

VII. Discussion of Advisory Committee.

VIII. Small Business Permitting Assistance Program/Preliminary Review (Action Item: EC recommendation to Council on draft memoranda of agreement and rules)

IX. CMP Grants program (Action Item: EC recommendation to Council on subgrant selections)

X. General public comment. Opportunity for public comment will be offered after discussion of each agenda item.

XI. Adjourn

Contact: Janet Fatheree, Texas General Land Office, 1700 N. Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.
Filed: July 2, 1996, 5:36 p.m.

TRD-9609539

Texas Cosmetology Commission

Monday, July 15, 1996, 10:00 a.m.

5717 Balcones Drive, 2nd Floor

Austin, Texas

AGENDA

Call to Order: Approval of Old Hours; Discussion of Legislative Appropriations Request and Possible Vote; Executive Session; Reconvene in Open Session and Possibly Vote on any Matters Necessary; Adjourn.

Contact: Catherine D. Nahay, 5717 Balcones Drive, P.O. Box 26700, Austin, Texas 78755-0700, (512) 454-4674.
Filed: July 5, 1996, 7:57 a.m.

TRD-9609676



Credit Union Department

Friday, July 11, 1996, 2:00 p.m.

Credit Union Department Building, 914 East Anderson Lane

Austin, Texas, 78752-1699

Legislative Advisory Committee for the Credit Union Commission

AGENDA

To Invite: Public Input for future Consideration; To Consider: Discussion of the Ongoing Review of the Department by the Sunset Advisory Commission; Establish tentative date for next committee meeting.

Contact: James Ratzman, Director, Finance/Operations, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.
Filed: July 3, 1996, 12:31 p.m.

TRD-9609476



Friday, July 11, 1996, 2:00 p.m.

Credit Union Department Building, 914 East Anderson Lane
Austin, Texas, 78752-1699

Credit Union Commission

AGENDA

To Invite: Public Input for future Consideration; To Receive: Minutes of April 12, 1996, commission meeting; communications; and committee reports from the Texas Share Guaranty Credit Union (TS-GCU) Oversight Committee, and Legislative Advisory Committee; update on the accreditation by NASCUS. To Consider: Taking formal action to Publish for Comment Proposed Amendments to Rule 91.507; Taking formal action to Publish for Comment Proposed Amendments to Rule 83.17; Taking formal action on Proposed Rule Establishing a Protest Period for Applications; Requirements for Notice; and Clarifying Information to be forwarded to an ALJ under Section 93.14(a) of the Commission's Rules; Taking formal action on the Annual Operating Fee; Taking formal action on the request/motion for Rehearing and the Request/Motion for Reconsideration Received from Independent Bankers Association, et al; Approval of the Draft Budget Request for next Biennium, Possible Vote on the Commission's Policies Manual; Approval of the Draft Decision Matrix; Approval of the Revised Department Ethics Policy; Discussion of and Possible Vote to authorize a Non-Standard Bylaw Amendment on Suspension of Membership; Possible vote on matters discussed in executive session, if necessary; and set date for next commission meeting. To Conduct: An executive session to review credit unions and problem cases; to consult with legal counsel regarding contemplated legal action, and existing litigation and administrative actions; and to discuss personnel matters.

Contact: James Ratzman, Director, Finance/Operations, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.
Filed: July 3, 1996, 12:31 p.m.

TRD-9609475



Texas Department of Criminal Justice

Thursday, July 11, 1996, 8:00 a.m.

LeBlanc Unit, Hwy 69, south From Beaumont, on FM3514 Road

Beaumont, Texas

Programs Committee

AGENDA

8:00 — 9:30 a.m. Staff Briefing/LeBlanc Pre-Release Substance Abuse Program Tour

9:30 — 10:00 a.m. Report on Policy for Hiring Ex-Offenders

10:00-10:30 a.m. Report on Parole Day Resource Centers

10:30-11:30 a.m. Community Justice Assistance Division Presentation — a) Report on Restitution Center/Boot Camp Programs; b) Report on Victim Services; c) Report on Adult Education Program

11:30-11:45 a.m. Windham School District Administrative Update

11:45-11:55 a.m. Community Service Project Update

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required

to contact Amanda Ogden, (512) 463-9472 at least two (2) work days prior to the meeting so that appropriate arrangements may be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: July 2, 1996, 10:38 a.m.

TRD-9609474



Thursday, July 11, 1996, 2:00 p.m.

Beaumont Hilton, 2355 IH10 South, Ballroom B

Beaumont, Texas

AGENDA

I. Approval of June 21, 1996 Facilities Committee Meeting Minutes

II. Recommendation for Construction/Remodeling for Board Approval.

a. Miscellaneous renovation Projects which may need Board approval based upon staff estimates — \$2,000,000 (Approximate)

b. TDCJ/Hensel-Phelps DRB Settlement, Dallas Co, Hutchins, Texas — \$1,055,586.

III. Items Furnished to Committee for Information

a. Recommendation for High-Security Delivery Strategy (and approval if necessary).

b. Request for Financing to the Texas Public Finance Authority for the Issuance of General Obligation Commercial Paper to Finance the Remaining Construction Appropriation.

c. Facilities Division operations & Maintenance Reorganization

d. TDCJ/BFW Claim Settlement, Havins Unit, Brownwood, Texas \$75,000

IV. Discussion of Architect/Engineer (A/E) Agreements for High-Security Site Adopt Projects (and Approval if Appropriate)

V. TJPC Interagency Agreement

VI. Miscellaneous Discussion Items

VII. Public Testimony

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: July 3, 1996, 10:07 a.m.

TRD-9609589



Thursday, July 11, 1996, 4:00 p.m.

Beaumont Hilton, 2355 IH10 South, Diplomat I

Beaumont, Texas

AGENDA

Executive Session

A. Discussion with attorneys concerning: Beverly Dennis v. TDCJ; GLB v. Polunsky; Harbert Construction v. TDCJ; Isenburg v. TDCJ; Johnson v BPP and TDCJ; Lamar v. TDCJ; Rodriguez et al., v. Neely et al; Ruiz v. Johnson; Ruiz v. Scott; Terrell v. TDCJ; and

TDCJ v. VitaPro cases (Closed in accordance with Section 551.071, Government Code.)

B. Discussion of matters made confidential under State Bar Disciplinary Rules of Professional Conduct. (Closed in accordance with Section 551.071, Government Code.)

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: July 3, 1996, 10:06 a.m.

TRD-9609586



Thursday, July 11, 1996, 3:00 p.m.

Beaumont Hilton, 2355 IH 10-South, Ballroom B

Beaumont, Texas

Human Resources Committee

AGENDA

I. Call to Order

II. Employee Drug Testing Program

III. Affirmative Action Plan-Comprehensive Agency Report

IV. AAP Program Monitor Meeting Highlights

V. Agency Statistics- Historical Overview

VI. Public Testimony

VII. Adjourn

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden, (512) 463-9472 at least two (2) work days prior to the meeting so that appropriate arrangements may be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250

Filed: July 3, 1996, 10:07 a.m.

TRD-9609587



Thursday, July 11, 1996, 8:30 a.m.

Beaumont Hilton, 2355 IH10 South, Ballroom B

Beaumont, Texas

Texas Board of Criminal Justice

AGENDA

II. Regular Session

A. Recognitions

B. Consent Items

C. Approval of the 55th Board of Criminal Justice Meeting Minutes

D. Board Liaison and Committee Reports/Division Summaries

E. Approval of Purchases Over One Million Dollars

F. Approval of the 1997 Education and Recreation Budget

- G. Approval of the 1997 General Operating Budget
- H. Approval of Request for Financing (Additional Capacity and Repair/Rehabilitation of Facilities)
- I. Briefing by Judicial Advisory Council
- J. Land Transactions
- K. Revision of Board Policy 01.01 — Texas Board Of Criminal Justice Responsibilities-Regarding Board Approval of Prison Industry Operations
- L. Repeal of Board Policy 02.01- Naming of TDCJ Units and Facilities
- M. Revision of Board Policy 2.43- Equal Employment Opportunity and Affirmative Action
- N. Presentation on FUGINET
- O. Briefing on Video Conferencing for Court Purposes
- P. Video Presentation- Girl Scouts Behind Bars

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden, (512) 463-9472 at least two (2) work days prior to the meeting so that appropriate arrangements may be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250
 Filed: July 3, 1996, 10:08 a.m.
 TRD-9609591



Thursday, July 11, 1996, 3:30 p.m.
 Beaumont Hilton Hotel, 2355 IH10 South, Ballroom B
 Beaumont, Texas
 Windham School Board of Trustees

AGENDA

- I. Regular Session
 - A. Consent Items
 - B. Discussion and Action Items
 - C. Public Comment
- II. Executive Session

A. Discussion of personnel matters. (Closed in accordance with Section 551.074, Texas Government Code.)

Persons with disabilities who plan to attend the meeting and who need auxiliary aids for services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden, (512) 463-9472 at least two (2) work days prior to the meeting so that appropriate arrangements may be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250
 Filed: July 30 1996, 10:38 a.m.
 TRD-9609590



Thursday, July 11, 1996, 8:00 a.m.
 LeBlanc Unit, Hwy 69, south From Beaumont, on FM3514 Road
 Beaumont, Texas
 Programs Committee

AGENDA

- 8:00 — 9:30 a.m. Staff Briefing/LeBlanc Pre-Release Substance Abuse Program Tour
- 9:30 — 10:00 a.m. Report on Policy for Hiring Ex-Offenders
- 10:00-10:30 a.m. Report on Parole Day Resource Centers
- 10:30-11:30 a.m. Community Justice Assistance Division Presentation — a) Report on Restitution Center/Boot Camp Programs; b) Report on Victim Services; c) Report on Adult Education Program
- 11:30-11:45 a.m. Windham School District Administrative Update
- 11:45-11:55 a.m. Community Service Project Update

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are required to contact Amanda Ogden, (512) 463-9472 at least two (2) work days prior to the meeting so that appropriate arrangements may be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250
 Filed: July 2, 1996, 10:38 a.m.
 TRD-9609474



Texas Commission for the Deaf and Hard of Hearing

Friday, July 19, 1996, 9:00 a.m.
 6220 Westpark at 59
 Houston, Texas

Board

AGENDA

Call to Order

Approval of Minutes of June 21, 1996 Meeting; Executive Director's Report including Approval of Affirmative Action Plan, Approval of Advisory Committees Extension Deadlines, Approval of Legislative Appropriation Request, and Approval of 1997 budget; Direct Services Report including Approval of Awards for Information and Referral, Early Intervention and Prevention, and Direct Services Contracts; BEI Report; Executive Session pursuant to Chapter 551 of the Texas Government Code, Section 551.074, for deliberation on officers or employees; Information Items; Adjournment.

Contact: Margaret Susman, 4800 N. Lamar, #310, Austin, Texas 78756, (512) 451-8494.
 Filed: July 1, 1996, 12:09 p.m.
 TRD-9609413



Friday, July 19, 1996, 9:00 a.m.

6220 Westpark at 59

Houston, Texas

Board

REVISED AGENDA

Call to Order — Public Comment; Approval of Expenditure for Computer, Request to reopen Bidding Process for Direct Services in Region III after Approval of 1997 Budget.

Approval of Minutes of June 21, 1996 Meeting; Executive Director's Report including Approval of Affirmative Action Plan, Approval of Advisory Committees Extension Deadlines, Approval of Legislative Appropriation Request, and Approval of 1997 budget; Direct Services Report including Approval of Awards for Information and Referral, Early Intervention and Prevention, and Direct Services Contracts; BEI Report; Executive Session pursuant to Chapter 551 of the Texas Government Code, Section 551.074, for deliberation on officers or employees; Information Items; Adjournment.

Contact: Margaret Susman, 4800 N. Lamar, #310, Austin, Texas 78756, (512) 451-8494.

Filed: July 1, 1996, 12:09 p.m.

TRD-9609413



State Board of Dental Examiners

July 12, 13, 1996, 8:00 a.m. until conclusion each day

333 Guadalupe, Tower 2, 2nd Floor

Austin, Texas 78701

Board Meeting

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION PURSUANT TO TEX. GOV'T CODE 551.071(1)(A), VERNON SUPP, 1995, DORSEY vs. TSBDE #93-036406, 152 DISTRICT COURT, HARRIS COUNTY, TEXAS Discussion and a vote in open meeting may be called for on items under this heading:

Discussion and a vote may be called for on all items under the following headings: IV. REVIEW AND APPROVAL OF PAST MINUTES.

V. APPEARANCE BEFORE THE BOARD — Morrison, Robinson, Erickson, Wilbur, Barron, Rio Grande Valley District Dental Society, Lowe, Sanders.

VI. RULES: 109.91, 107.102, 109.144, 109.211, 117.1, 107.1

VII. LICENSING AND EXAMINATION- Discuss sedation-anesthesia application permits; dental and dental hygiene licensure by credential applications; Examination, Continuing Education, Credential Review and Dental Hygiene Advisory Committee reports

VIII. ENFORCEMENT — Discuss Settlement Conference Orders: Enforcement Committee report

IX. ADMINISTRATION — Administration Committee report; budget review; Executive Director financial report; transfer of Peer Assistance fees; Legislative Committee report

X. DISCUSS THE NATURE OF STATUTORY EXEMPTIONS INVOLVING DENTAL SCHOOLS, FACULTY, STUDENTS AND RESIDENTS

XI. PRESIDENT'S REPORT; XII. EXECUTIVE DIRECTOR'S REPORT; XIII. GENERAL COUNSEL'S REPORT; XIV. ANNOUNCEMENTS; XVI. ADJOURN

Contact: Mei Ling Clendenning, SBDE, 333 Guadalupe, Tower 3, 8th Floor, Austin, TX 78701, (512) 463-6400.

Filed: July 1, 1996, 3:54 p.m.

TRD-9609441



Texas Education Agency (TEA)

Thursday, July 11, 1996, 9:00 a.m.

1701 N. Congress Avenue, Room 1-104, William B. Travis Building
Austin, Texas

State Board of Education Committee of the Whole (SBOE)

AGENDA

Public Testimony; Commissioner's comments; Adoption of legislative recommendations for the 75th Texas Legislature; Discussion of SBOE procedures for review and adoption of Texas Essential Knowledge and Skills; Discussion of pending litigation. The discussion of pending litigation will be held in Room 1-103 in executive session in accordance with the Texas Government Code, §551.071(1)(A), and will include a discussion of the following: (1) Angel G. v. Meno, et.al, relating to students with disabilities residing in care and treatment facilities; (2) Maxwell, et al. v. Pasadena ISD relating to Texas Assessment of Academic Skills testing; (3) Casias, et al. v. Moses, et al., relating to accountability intervention; and (4) Dallas Services for the Visually Impaired, et al. v. Moses relating to braille textbooks; (5) Stamford ISD, et al. v. Commissioner of Education relating to student discipline law; and (6) State of Texas v. United States of America relating to the Voting Rights Act and its applicability to the placement of masters in independent school districts.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:12 p.m.

TRD-9609520



Thursday, July 11, 1996, 10:00 a.m.

1701 N. Congress Avenue, Room 1-104, William B. Travis Building
Austin, Texas

State Board of Education Committee on Long Range Planning

AGENDA

Public Testimony; Presentation — overview of the Texas Workforce Commission; Discussion of federal Governmental realtions activities..

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:15 p.m.

TRD-9609525



Thursday, July 11, 1996, 10:00 a.m.

1701 N. Congress Avenue, Room 1-100, William B. Travis Building
Austin, Texas

SBOE Committee on the Permanent School Fund

AGENDA

Public Testimony; ratification of the purchases and sales to the investment portfolio of the PSF for the months of May and June; Review of PSF securities transactions and the investment portfolio; Report of the PSF executive administrator.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:16 p.m.

TRD-9609526



Thursday, July 11, 1996, 1:00 p.m.

1701 N. Congress Avenue, Room 1-100, William B. Travis Building
Austin, Texas

SBOE Committee on School Finance

AGENDA

Public Testimony; Proposed new 19 TAC Chapter 66, State Adoption and Distribution of instructional Materials; Proposed new 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics; Proposed amendments to Proclamation 1995 of the SBOE; Proposed adoption cycles for foundation and enrichment curriculum, Large type textbooks for the visually impaired; Braille materials for the visually impaired; Allocation of funds for the purchase and distribution of instructional materials; School finance update; Review of annual audit plan of the School Financial Audits Division for 1996-1997.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:15 p.m.

TRD-9609524



Thursday, July 11, 1996, 1:00 p.m.

1701 N. Congress Avenue, Room 1-104, William B. Travis Building
Austin, Texas

SBOE Committee on Students

AGENDA

Public Testimony; Proposed new 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials; Proposed new 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics; Proposed amendments to Proclamation 1995 of the SBOE; Proposed adoption cycles for foundation and enrichment curriculum,

Proposed new 19 TAC 74.24, Credit by Examination: Update on the clarification of essential knowledge and skills process.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:14 p.m.

TRD-9609522



Thursday, July 11, 1996, 1:00 p.m.

1701 N. Congress Avenue, Room 1-104, William B. Travis Building
Austin, Texas

SBOE Committee on Students

AGENDA

Public Testimony; Proposed new 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials; Proposed new 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics; Proposed amendments to Proclamation 1995 of the SBOE; Proposed adoption cycles for foundation and enrichment curriculum, Proposed new 19 TAC §74. 24, Credit by Examination: Update on the clarification of essential knowledge and skills process.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:14p.m.

TRD-9609522



Thursday, July 11, 1996, 1:00 p.m.

1701 N. Congress Avenue, Room 1-104, William B. Travis Building
Austin, Texas

SBOE Committee on School Finance

AGENDA

Public Testimony; Proposed new 19 TAC Chapter 66, State Adoption and Distribution of instructional Materials; Proposed new 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics; Proposed amendments to Proclamation 1995 of the SBOE; Proposed adoption cycles for foundation and enrichment curriculum.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:13 p.m.

TRD-9609521



Thursday, July 11, 1996, 1:00 p.m.

1701 N. Congress Avenue, Room 1-111, William B. Travis Building
Austin, Texas

SBOE Committee on School Finance

AGENDA

Public Testimony; Proposed repeal of 19 TAC §143.1, Minimum Teaching Duties, §145.1, Policy (concerning professional environment), §145.22, Developmental Leave, and §149.1, Purpose of Program (concerning education personnel development and Chapter 181,

Procedure (concerning Teachers' Professional Practices Commission); Proposed repeal of 19 TAC §149.21, General Requirements for Staff Development; Proposed repeal of 19 TAC Chapter 149, Subchapter C. Appraisal of Certified Personnel: Update on approved open-enrollment charter schools; Approval of external evaluation for charter schools; Recommendation for appointments to the Lackland Independent School District; Request for approval of a center for professional development and technology at Lamar University, The University of Texas at El Paso, and the University of Texas at Arlington; Discussion of ongoing communications activities; Status report on the accreditation, interventions, and sanctions of school districts.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:14 p.m.

TRD-9609523



Friday, July 12, 1996, 9:00 a.m.

1701 N. Congress Avenue, Room 1-104, William B. Travis Building
Austin, Texas

State Board of Education

AGENDA

Invocation; Roll call; Approval of May 17, 1996 SBOE minutes; Public testimony; Resolutions of the SBOE; Approval of consent agenda; Adoption of legislative recommendations for the 75th Texas Legislature; 19 TAC §143.1, Minimum Teaching Duties, §145.1, Policy (concerning professional environment), §145.22, Developmental Leave, and §149.1, Purpose of Program (concerning education personnel development), and Chapter 181, Procedure (concerning Teachers' Professional Practices Commission); 19 TAC §149.21, General Requirements for Staff Development; 19 TAC Chapter 149, Subchapter C, Appraisal of Certified Personnel; Update on approved open-enrollment charter schools; Approval of external evaluation for charter schools; to the Lackland Independent School District; 19 TAC Chapter 66, State Adoption and Distribution of Instructional Materials; 19 TAC Chapter 111, Texas Essential Knowledge and Skills for Mathematics; Proposed amendments to Proclamation 1995 of the SBOE; Proposed adoption cycles for foundation and enrichment curriculum; 19 TAC §74.24, Credit by Examination; Large type textbooks for the visually impaired; Braille materials for the visually impaired; Allocation of funds for purchase and distribution of instructional materials; Ratification of purchases and sales to the investment portfolio of the Permanent School Fund (PSF) for the months of May and June; Discussion of the report on the status of the PSF; and information on agency administration.

Contact: Criss Cloudt, 1701 N. Congress Avenue, Austin, Texas (512) 463-9701.

Filed: July 2, 1996, 4:10 p.m.

TRD-9609518



Monday, July 15, 1996, 8:30 a.m.

1701 N. Congress Avenue, room 1-104, William B. Travis Building
Austin, Texas

Texas Ed-Flex Committee

AGENDA

Call to Order- Dr. Joseph Johnson; Approval of Minutes; Status Report- Dr. Madeleine Manigold; Recommendations on Specific District and Campus Waiver Requests; Discussion of Proposed Statewide Waivers; Discussion of Committee Operations- Dr. Manigold; Adjournment.

Contact: Madeleine Draeger Manigold, Coordinator, Program Support, TEA, 1701 N. Congress Avenue, Austin, Texas (512) 463-9077.

Filed: July 2, 1996, 9:04 a.m.

TRD-9609468



Advisory Commission on State Emergency Communications

Tuesday, July 9, 1996, 9:00 a.m.

333 Guadalupe Street, Room 100

Austin, Texas

Poison Control Committee

AGENDA

The Committee Will Call the Meeting to Order and Recognize Guests; Hear Public Comment; Hear Reports, Discuss and take Committee Action, as necessary: Poison Control Financial Report; Review of FY 1997 Poison Center Grants; Poison Control Coordinating Committee; Phase II, Telecommunications System; Approval of May 16, 1996, Committee Meeting Minutes; Adjourn.

Persons requesting Interpreter services for the hearing-and speech-impaired, should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, ACSEC, 333 Guadalupe Street, Austin, Texas 78701 (512) 305-6933.

Filed: July 1, 1996, 2:47 p.m.

TRD-9609429



Tuesday, July 9, 1996, 10:00 a.m.

333 Guadalupe Street, Room 100

Austin, Texas

Planning and Implementation Committee

AGENDA

The Committee Will Call the Meeting to Order and Recognize Guests; Hear Public Comment; Hear Reports, Discuss and take Committee Action, as necessary: Consider any Comments Received and Final Ad option of Rule 251.8, Guidelines for Strategic Plans, Amendments, and Equalization Surcharge Allocation; Review ACSEC Rules for Potential Amendments and/or Proposed Rulemaking; Consider Regional Council Strategic Plans and District Surcharge Requests: Alamo Area Council of Governments; Ark-Tex Council of Governments; Brazos Valley Development Council; Capital Area Planning Council; Central Texas Council of Governments; Coastal Bend Council of Governments; Concho Valley Council of Governments; Deep East Texas Council of Governments; East Texas Council of Governments; Golden Crescent Regional Planning Commission; Heart of

Texas Council of Governments; Houston-Galveston Area Council; Lower Rio Grande Valley Development Council; Middle Rio Grande Development Council; Nortex Regional Planning Commission; North Central Texas Council of Governments; Panhandle Regional Planning Commission; Permian Basin Regional Planning Commission; Rio Grande Council of Governments; South East Texas Regional Planning Commission; South Plains Association of Governments; South Texas Development Council; Texoma Council of Governments; West Central Texas Council of Governments; Austin county; Greater Harris County/Tarrant County District; Kerr County; Medina County; Montgomery County; Tarrant County. Approval of April 2, May 15, and June 4, 1996 Committee Meeting Minutes. The Committee may meet in Executive Session on any of the above items as authorized by the Texas Open Meetings Act, and pursuant to Government Code 551, Subchapter D. Adjourn.

Persons requesting Interpreter services for the hearing-and speech-impaired, should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, ACSEC, 333 Guadalupe Street, Austin, Texas 78701 (512) 305-6933.
Filed: July 1, 1996, 2:47 p.m.

TRD-9609428



Tuesday, July 9, 1996, 1:00 p.m.

333 Guadalupe Street, Room 100

Austin, Texas

Operations and Performance Committee

AGENDA

The Committee Will Call the Meeting to Order and Recognize Guests; Hear Public Comment; Hear Reports, Discuss and take Committee Action, as necessary: ACSEC Financial Report; ACSEC FY 1997 Budget; Legislative Appropriations Request for Biennium FY 1998 and 1999; Approval of April 2 and May 15, 1996 Committee Meeting Minutes. The Committee may meet in Executive Session on any of the above items as authorized by the Texas Open Meetings Act, and pursuant to Government code 551, Subchapter D. Adjourn.

Persons requesting Interpreter services for the hearing-and speech-impaired, should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, ACSEC, 333 Guadalupe Street, Austin, Texas 78701 (512) 305-6933.
Filed: July 1, 1996, 2:47 p.m.

TRD-9609427



Wednesday, July 10, 1996, 8:00 a.m.

333 Guadalupe Street, Room 100

Austin, Texas

Commission Meeting

AGENDA

The Committee Will Call the Meeting to Order and Recognize Guests; Hear Public Comment; Recess: The Commission will convene in

Executive Session to discuss Personnel Matters with the Executive Director in government code 551, Subchapter D. Reconvene: The Commission will Reconvene; Report and may take Action, as necessary, Resulting from the Executive Session; Hear Reports, Discuss and take Commission Action, as Necessary: Requests from AT&T, Southwestern Bell Mobile systems, and United States Cellular Corporation; Update on Regulatory and Legislative Issues; Poison Committee Report; Planning & Implementation Committee Report; Operations and Performance Committee Report; Minutes; The Commission may meet in Executive Session on any of the items as authorized per Texas Open Meetings Act, and pursuant to Government Code 551, Subchapter D, 551.071, consultation with Assistant Attorneys General on pending or contemplated litigation or to seek legal advice. Adjourn.

Persons requesting Interpreter services for the hearing-and speech-impaired, should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, ACSEC, 333 Guadalupe Street, Austin, Texas 78701 (512) 305-6933.
Filed: July 1, 1996, 4:33 p.m.

TRD-9609454



Wednesday, July 10, 1996, 8:00 a.m.

333 Guadalupe Street, Room 100

Austin, Texas

Commission Meeting

REVISED AGENDA

The Committee Will Call the Meeting to Order and Recognize Guests; Hear Public Comment; Recess: The Commission will convene in Executive Session to discuss Personnel Matters with the Executive Director in government code 551, Subchapter D. Reconvene: The Commission will Reconvene; Report and may take Action, as necessary, Resulting from the Executive Session; Hear Reports, Discuss and take Commission Action, as Necessary: Requests from AT&T, Southwestern Bell Mobile systems, and United States Cellular Corporation; Update on Regulatory and Legislative Issues; Poison Committee Report; Planning & Implementation Committee Report; Operations and Performance Committee Report; Minutes; The Commission may meet in Executive Session on any of the items as authorized per Texas Open Meetings Act, and pursuant to Government Code 551, Subchapter D, 551.071, consultation with Assistant Attorneys General on pending or contemplated litigation or to seek legal advice. Adjourn.

Persons requesting Interpreter services for the hearing-and speech-impaired, should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Velia Williams, ACSEC, 333 Guadalupe Street, Austin, Texas 78701 (512) 305-6933.
Filed: July 1, 1996, 4:33 p.m.

TRD-9609501



State Employee Charitable Campaign

July 15, 1996, 3:00 p.m.

625 Dallas Drive, Suite 525

Denton, Texas, 76205

AGENDA

Campaign Progress Reports * LCM-Materials; * Agencies — Progress

Contact: Pat Gobble, 625 Dallas, Drive, Suite 525, Denton, Texas 76205, (817) 566-5851.

Filed: July 2, 1996, 4:17 p.m.

TRD-9609527



July 16, 1996, 3:00 p.m.

901 Ross Avenue

Dallas, Texas, 76202

AGENDA

1996 CAMPAIGN PLANNING

Contact: Mary Ellen Burns, 901 Ross Avenue, Dallas, Texas 76202, (512) 450-0840

Filed: July 2, 1996, 4:17 p.m.

TRD-9609528



Wednesday, July 24, 1996, 4:30 p.m.

624 Indiana, Second floor Meeting Room

Wichita Falls, Texas, 76301

AGENDA

1. Call to order.
2. Discuss Campaign Coordinator Training
3. Review Campaign Materials
4. Key Account Calls — Update
5. Campaign Plans
6. Set Next Meeting Date
7. Adjourn

Contact: Mary Ellen Burns, 901 Ross Avenue, Dallas, Texas 76202, (512) 450-0840

Filed: July 2, 1996, 4:17 p.m.

TRD-9609529



Texas Ethics Commission

Thursday, July 11, 1996 5:00 p.m.

1101 Camino La Costa, Room 200

Austin, Texas, 78752

AGENDA

The commission will take roll call; hear comments by the commissioners and the executive director, and communications from the public an briefing, discussion concerning the Ethics Commission's fine

structure; demonstration of the Ethics Commission's Internet Web Page; and briefing concerning the Ethics Commission's move to the Sam Houston Building; Adjourn.

Contact: Tom Harrison, Executive Director, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5777.

Filed: July 3, 1996, 4:20 p.m.

TRD-9609664



Friday, July 12, 1996 9:30 p.m.

1101 Camino La Costa, Room 235

Austin, Texas, 78752

AGENDA

The commission will take roll call; hear comments by the commissioners and the executive director, and communications from the public, approve the minutes of the June 14, 1996 meeting; briefing, discussion, and possible action to waive certain fines assessed for late filing of campaign finance or lobby reports; briefing, discussion, and possible action to waive Advisory Opinion Requests Nos. 366, 374, 369, 370, 372, and 375; Adjourn.

Contact: Tom Harrison, Executive Director, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5777.

Filed: July 3, 1996, 4:25 p.m.

TRD-9609670



Texas Commission on Fire Protection

Wednesday, July 17, 1:00 p.m., Thursday, July 18, & 19, 1996, 9:00 a.m.

12675 North Research

Austin, Texas

AGENDA

I. Budget and Strategic Plan subcommittees may meet; II. Executive Session under §551.074, TX Govt. Code. III. Open session for further Discussion; IV. Report from Subcommittees; V. Report from Subcommittees; V. Discussion and possible action on recommendations from subcommittees; VI. Discussion and possible action relating to Key Rate inspections; VII. Matters from the Executive Director; VIII. Matters from the Funds Allocation Advisory Committee; IX. Proposal for Decision of the Administrative Law Judge in Docket # 411-95-1702; X. Matters from the Fire Protection Personnel Advisory Committee; XI. Matters from the Volunteer Fire Fighter Advisory Committee; XII. Matters from the Fire Extinguisher Advisory Council; XIII. Matters from the Fire Alarm Advisory Council; XIV. Reports by Firemen's Training School Advisory Board Representative and representatives of the Texas A & M University System; XVII. New matters from the public not included in preceding items which may be discussed in future commission meetings; XVIII. Discussion and possible action on future meeting dates.

Contact: Carol Mancha, 126675 North Research Blvd., Austin, Texas 78758, (512) 918-7100.

Filed: July 2, 1996, 9:28 a.m.

TRD-9609470

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Office of the Governor

Thursday, July 11, 1996, 3:00 p.m.

Texas A & M University — Corpus ChristiCenter for the Arts Bldg.,
Warren Theatre

6300 Ocean Drive

Corpus Christi, Texas 78412

Citizen's Committee on Property Tax Relief

AGENDA

Public Briefing and public hearing.

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 Camille Welborn at (512) 475-3337 or (512) 463-1776, four working days prior to the meeting so that appropriate arrangements can be made.

Contact: Albert Hawkins, Director, Governor's Office of Budget and Planning, 4th Floor, State Insurance Building, 1100 San Jacinto, Austin, Texas 78412

Filed: July 1, 1996, 3:53 p.m.

TRD-9609440

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Texas Department of Health

Wednesday, July 10, 1996 10:30 a.m.

Moreton Building, Room M-739, Texas Department of Health, 1100 W. 49th Street

Austin, Texas

Prostate Cancer Advisory Committee

AGENDA

The Committee will meet to discuss and possibly act on: charge to Committee: Prostate Cancer Committee rules; Open Meeting and Records Act; role of non-voting committee members; review of Robert's Rules of Order; terms of office for committee members; process and ground rules; committee member's roles and expectations; historical background of prostate cancer initiatives in Texas; education and outreach activities to date; prostate cancer medical overview; group discussion (audience question and answer session); set agenda for next meeting; set dates for upcoming meetings; and evaluation of meeting.

Contact: Betty Flores, 1100 49th Street, Austin, Texas 78756, (512) 458-7534. To request ADA accommodation, please contact Charles Pankey, 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: July 2, 1996, 4:08 p.m.

TRD-9609512

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Texas Health and Human Services Commission

Friday, July 12, 1996, 9:30 a.m.

Capitol Extension, Room E 2.014

Austin, Texas

AGENDA

Texas Health and Human Services Commissioner Dr. Michael D. McKinney will brief the public on several health and human services issues. This monthly public briefing will include the following agenda items; Integrated Enrollment Project, Medicaid Managed Care and Medicaid Fraud and Abuse.

Contact: Charles Stuart, Texas Health and Human Services Commission, 4900 North Lamar, 4th Floor, Austin, Texas 78751, (512) 424-6514.

Filed: July 2, 1996, 5:36 p.m.

TRD-9609540

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Texas HMO Solvency Surveillance Committee

Friday, July 19, 1996, 9:00 a.m.

333 Guadalupe Street, Room 1264, Tower 1

Austin, Texas

AGENDA

1. Call to Order
2. Approval of May 17, 1996 Minutes
3. Staff Report
4. Review of overall HMO Industry
5. Executive Session Consultation with Attorney Regarding Contemplated Litigation, Texas Governmental Code Section 551.071
6. Reconvene in Open Session (To Discuss any further business)
7. Adjourn

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

Filed: July 8, 1996, 8:54 a.m.

TRD-9609721

Texas Department of Human Services

Thursday, July 11, 1996, 10:00 a.m.

701 West 51st Street, John H. Winters Building, 3rd Floor, Conference Room 305-E

Austin, Texas

Client Self Support Services Advisory Council

AGENDA

- I. Call to Order
- II. Approval of minutes of March 7, 1996, and May 2, 1996 Meetings.
- III. Chairman's Comments
- IV. Deputy Commissioner Comments
- V. New Business: A) ACTION ITEMS: Proposed improvements in the Child and Adult Care Food Program: Performance bonds as a condition of eligibility for non-governmental Day Care Home sponsors. Request for approval to implement an automated third party

menu validation system pilot. AFDC Program: Budgeting payments received from crime victims compensation programs; Establishing good cause for noncompliance with school attendance requirement. B) INFORMATION ITEMS: Child and Adult Care Food Program (Adult): Program improvement initiatives.

VI. Next meeting, Adjournment.

Contact: Toni Lemm, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-4147.

Filed: July 3, 1996, 2:23 p.m.

TRD-9609629



Friday, July 12, 1996, 10:00 a.m.

701 West 51st Street, John H. Winters Building, 5th Floor, Conference Room 560-W

Austin, Texas

Aged and Disable Advisory Committee

AGENDA

1. Opening Comments
2. Deputy Commissioner's Comments
3. Approval of the minutes

ACTION ITEMS:

4. Changes to Community Based Alternatives (CBA) program client eligibility rules
5. Community Care generic rules.
6. Proposed Amendments to the rules for Nurse's Aide Training and Certification.
7. Revision of the Certification for Long Term Care Facilities Section 96.6 Informal Administrative Review (IAR) for Intermediate Care Facilities for the Mentally Retarded (ICF/MR).

INFORMATION/TECHNICAL ITEMS: 8. Revision of the Intermediate Care Facility for the Mentally Retarded (ICF/MR) Section 90.14 Increase in Capacity and Section 90.15 Renewal Procedures and Qualifications. 9. Amendment to the Standards for Medication Aides. 10. Change in Copayment Schedule for IH/FSP Services. 11. Support and Maintenance—SSI Lawsuit. 12. Indian related exemptions. 13. CCAD Income Exclusion.

REPORTS: Residential Care (RC) Program: Final rule changes Proceedings of the Subcommittee on Services to Persons with Disabilities. Proceedings of the Nursing Facility Subcommittee. 14. Open discussion by members. 15. Next meeting/adjournment.

Contact: Anthony Venza, P.O. Box 149030, Austin, Texas 78714-9030, (512) 438-4943.

Filed: July 2, 1996, 2:25 p.m.

TRD-9609503



Department of Information Resource

Thursday, July 18, 1996, 9:30 a.m.

1950 Stemmons Freeway, Room #2001

Dallas, Texas, 75207-3199

AGENDA

The board will meet in a work session for discussion between board and staff. No public testimony or comment will be accepted except by invitation of the board. The board will receive a report form staff on Strategic planning options, the preparation of the LAR, WTDROC update, cooperative contracts accounts receivables update. and the status on the customer satisfaction survey. No formal action will be taken at this meeting.

Contact: Yvonne Montgomery, 300 W. 15th, Suite 1300, Austin, Texas 78701, (512) 475-1715

Filed: July 8, 1996, 9:30 a.m.

TRD-9609739

Texas Department of Insurance

Thursday, July 18, 1996, 2:00 p.m.

333 Guadalupe Street, Room 100

Austin, Texas

AGENDA

The Commissioner of Insurance will conduct a public hearing to consider Docket No. 2235, 28 TAC §§ 3.3303-3.3309, 3.3316, 3.3317, 3.3319, 3.3321-3.3325, concerning minimum standards for Medicare supplement policies.

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

Filed: July 3, 1996, 4:20 p.m.

TRD-9609662



Thursday, July 18, 1996, 2:00 p.m.

333 Guadalupe Street, Room 100

Austin, Texas

AGENDA

The Commissioner of Insurance will conduct a public hearing to consider Docket No. 2236, 28 TAC §§3.3614, relating to the required disclosure statement for policies that are not Medicare supplement policies.

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

Filed: July 3, 1996, 4:20 p.m.

TRD-9609662



Monday, July 22, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

Request for Appeal hearing by PSI TEMPORARIES from a Decision of the Texas Worker's Compensation Insurance Facility.

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

Filed: July 3, 1996, 9:29 a.m.

TRD-9609568

◆ ◆ ◆
Monday, July 22, 1996, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

To consider the application of CLAUDE HERSHEL CANNON, Houston, Texas, for a Solicitor's License to be issued by the Texas Department of Insurance.

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

Filed: July 3, 1996, 9:50 a.m.

TRD-9609569

◆ ◆ ◆
Tuesday, July 23, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

In the Matter of MEDICAL PROTECTIVE COMPANY — Insurance Rate Filing (continued from 6-5-96)

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

Filed: July 3, 1996, 9:50 a.m.

TRD-9609570

◆ ◆ ◆
Tuesday, July 23, 1996, 9:00 a.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

To consider whether disciplinary action should be taken against WILLIAM ALLEN KARA KING, San Antonio, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's License and 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: July 3, 1996, 9:51 a.m.

TRD-9609571

◆ ◆ ◆
Friday, July 26, 1996, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

To consider whether disciplinary action should be taken against JOHN M. HORTON, Philadelphia, Pennsylvania, 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: July 3, 1996, 9:58 a.m.

TRD-9609578

◆ ◆ ◆
Friday, July 26, 1996, 2:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

To consider whether disciplinary action should be taken against EDUARDO GOMEZ, Mission, 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: July 3, 1996, 9:51 a.m.

TRD-9609572

◆ ◆ ◆
Texas Department of Licensing & Regulation

Friday, July 12, 1996, 9:00 a.m.

920 Colorado, E.T. Thompson Bldg, 4th Floor, Room 420.

Austin, Texas, 78701

Enforcement Division, Air Conditioning

AGENDA

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administrative penalties against the Respondent, Artie Jessie Trevino, who failed to maintain insurance requirements and provide the Department proof of insurance in violation of the 16 TEX ADMIN CODE (TAC) §§ 75.40(b), 75.40(c), pursuant to the TEX.REV.CIV.STAT.ANN.art 8861 (the Act) and article 9100, the TEX.GOV.CODE ch.2001 (APA), and 16 TAC ch. 75.

Contact: Paula Hamje, Hearing Examiner, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701 (512) 463-3192.

Filed July 1, 1996, 2:46 p.m.

TRD-9609425

◆ ◆ ◆
Friday, July 12, 1996, 10:00 a.m.

920 Colorado, E.O. Thompson Bldg, 4th Floor, Room 420.

Austin, Texas, 78701

Enforcement Division, Air Conditioning

AGENDA

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administrative penalties against the Respondent, John Henry Newton, for violations of the TEX. REV. CIV. STAT.ANN.art 8861 (the Act) §5(a) and 16 TEX ADMIN CODE (TAC) §§ 75.40(e), 75.70(j), 60.25(i) and 75.70(h) pursuant to the Act and article 9100, the TEX.GOV.T.CODE ch.2001 (APA), and 16 TAC ch. 75.

Contact: Paula Hamje, Hearing Examiner, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701 (512) 463-3192.
Filed July 1, 1996, 2:46 p.m.

TRD-9609425



Friday, July 12, 1996, 10:00 a.m.

920 Colorado, E.O. Thompson Bldg.

Austin, Texas, 78701

Enforcement Division, Air Conditioning

AGENDA

According to the complete agenda, the Department will hold an Administrative Hearing to consider possible assessment of administrative penalties against and revocation of the air conditioning license of the Respondent, John Henry Newton, for violations of the TEX.REV. CIV.STAT. ANN. art. 8861 (the Act) §5(a) and 16 TEX ADMIN CODE (TAC) §§ 75.40(e), 75.70(j), 60.25 (i) and 75.70(h), pursuant to the Act and article 9100, the TEX. GOVT. CODE ch.2001 (APA), and 16 TAC ch. 75.

Contact: Paula Hamje, Hearing Examiner, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701 (512) 463-3192.
Filed July 1, 1996, 2:47 p.m.

TRD-9609426



Texas Lottery Commission

Wednesday, July 10, 1996, 9:30 a.m.

6937 North IH35, American Founders Building, 1st Floor Auditorium

Austin, Texas, 78752

AGENDA

According to the agenda summary, the Texas Lottery Commission will call the meeting to order; approve minutes of the May 28, 1996 meeting; report by the Bingo Advisory Committee Chair and possible action on its activities; consideration and possible action, including initiating rulemaking on payment deadlines of delinquent bingo taxes; consideration and possible action on the Senate Interim Committee on Charitable Bingo's preliminary recommendations and Commission legislative recommendations regarding charitable bingo; consideration and possible action on the proposed Amendment to Lease, creating a lease with option to purchase (Lottery headquarters), such action may include initiating procurement for alternate location; consideration and possible action, including proposal of amendments, on 16 TAC §401.352; consideration and possible action, including proposal of repeal and proposal of new rule, on 16 TAC §401.362; consideration and possible action, including proposal of amendments, 16 TAC §401.368; consideration and possible action on appropriate judicial orders in the event of a deceased prize winner. Commission

may meet in Executive Session; return to open session for further deliberation and possible action on any matter discussed in Executive Session; consideration of the status and possible entry of an order in any contested case if a Proposal for Decision has been received from the assigned Administrative Law Judge and the time period has lapsed for the filing of exceptions and replies; consideration of possible action on Motions for Rehearing in Docket Nos. 362-95-1294.B Noon Exchange Club of Garland, 362-95-1584B. Richard Junior Chamber of Commerce, and 362-96-0061B; San Antonio Living Senior Agency; Report by Executive Director and possible discussion on the financial status of the agency, HUB performance, on-line revocation program, correspondence tracking for Commissioners, NASPL meetings, NAGRA meetings, Legislative Appropriate Request, and cash option rule; adjournment.

Contact: Michelle Guerrero, 6937 N. IH35, Austin, Texas 78752, (512) 323-3791.

Filed: July 2, 4:12 p.m.

TRD-9609519



Texas State Board of Medical Examiners

Tuesday July 2, 1996 3:00 p.m.

333 Guadalupe, Tower 3, Suite 610,

Austin, Texas, 78701

Hearings Division

EMERGENCY AGENDA

Probation Appearance, 3:00 p.m. — James F. Garner, MD, Houston, TX.

Probation Appearance, 3:00 p.m. —Richard J. Kondejewski, MD, League City, TX.

Probation Appearance, 3:00 p.m. — Charles Ballard, MD, Tyler, TX.

REASON FOR EMERGENCY: Information has come to the attention of the agency and requires prompt consideration.

Executive session under authority of the Open Meetings Act, Section 551.071 of the Government Code, and Article 4495b, Sections 2.07(b) and 2.09(o), Texas Revised Civil Statutes, regarding pending or contemplated litigation.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016

Filed: July 1, 1996, 2:09 p.m.

TRD-9609421



Texas Natural Resource Conservation Commission

Wednesday, July 10, 1996, at 9:30 a.m.

Building E, Room 201S, 12118 N. Interstate 35

Austin, Texas

AGENDA

The Commission will consider approving the following matters on the attached agenda: Class 2 Modifications to Waste Disposal Well Permit; Class 2 Modification to Hazardous Waste Permit; Class 3 Modification to Hazardous Waste Permit; Hearing Request; Utility Matter; Authorization to Construct; Air Quality Enforcements; Petroleum Storage Tank Enforcements; Resolutions; Rules; Administrative Law Judge's Proposal for Decision; Motions for Rehearing; 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 of time. (Registration for 9:30 — Agenda Starts 8:45 until 9:25).

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: July 2, 1996, 4:08 p.m.

TRD-9609509



Thursday, July 11, 1996, at 1:30 p.m.

Building E, Room 201S, 12118 N. Interstate 35

Austin, Texas

AGENDA

This meeting is 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: July 1, 1996, 1:30 p.m.

TRD-9609467



Friday, July 19, 1996, 10:00 a.m.

Building C, Room 131E, 12124 Park 35 Circle

Austin, Texas

AGENDA

The TNRCC Commissioners have refereed the application for the appropriation of public waters by CHARLES J. VITERA to the State Office of Administrative Hearings (SOAH) for a hearing. Permit No. 4101 was issued April 19, 1984, to Charles J. Vitera and authorized the diversion and use of 200 acre-feet of water per annum from Porters Creek, tributary of West Mustang Creek, tributary of Mustang Creek, tributary of the Navidad River, tributary of the Lavaca River, Lavaca River Basin to irrigate 100 acres of land out of 432.6 acres in William White Survey, Abstract No. 644, located approximately 22.5 miles southwest of the City of Wharton in Wharton County. The time priority of the owner's right is March 14, 1983. The permit included a term whereby the authorization shall expire on December 31, 1994. The permit also included flow restrictions whereby the permittee could only divert water when the remaining flow of Porters Creek, at a reference device immediately below the diversion point authorized by water use Permit No. 3836, equals or exceeds 5.5 crfs (2475 gpm) during the months of April through August and equals or exceeds 3.0 cfs (1350 gpm) during other months. Applicant seeks to delete or extend the expiration date of the water right for an additional

term of years, and seeks to retain the priority date of March 14, 1983. No commission action has been taken to cancel this permit. SOAH DOCKET NO. 582-96-1137.

Contact: Susan Prior, SOAH Docket Clerk, State Office of Administrative Hearings, P.O. Box 13087, Austin, Texas 78711-3087, (512) 475-3445.

Filed: July 2, 1996, 8:00 a.m.

TRD-9609461



Friday, July 19, 1996, 10:00 a.m.

Building C, Room 131E, 12124 Park 35 Circle

Austin, Texas

AGENDA

The TNRCC Commissioners have referred the application for the appropriation of public waters by EDMUND A. WEINHEIMER, JR. to the State Office of Administrative Hearings (SOAH) for a hearing. Water Right Permit No. 4241 was issued on August 1, 1985 to E.A. Weinheimer, Jr. and authorized the diversion and use of not to exceed 272.63 acre-feet of water per annum from West Mustang Creek, tributary of Mustang Creek, tributary of Navidad River, tributary of Lavaca River. The water is used to irrigate 184.5 acres of land out of an 199.67-acre tract of land approximately 15.5 miles east-southeast of Wharton in Wharton County, Texas. The permit included flow restrictions whereby the permittee may only divert water when the flow of West Mustang Creek equals or exceeds 3.3 cfs at a reference device to be installed by the permittee prior to diversion immediately below his diversion point. The permit also included a term whereby the permit will expire on December 31, 1995. The permit was amended on June 24, 1986 to add diversions of 25.2 acre-feet of water per annum to maintain an off-channel reservoir. Applicant seeks to amend this water right permit by deleting the expiration date of the water right or by extending the expiration date for an additional term of years. SOAH DOCKET NO. 582-96-1135.

Contact: Susan Prior, SOAH Docket Clerk, State Office of Administrative Hearings, P.O. Box 13087, Austin, Texas 78711, 3087, (512) 475-3445.

Filed: July 2 1996, 8:03 a.m.

TRD-9609462



Friday, July 19, 1996, 10:00 a.m.

Building C, Room 131E, 12124 Park 35 Circle

Austin, Texas

AGENDA

The TNRCC Commissioners have referred the application for the appropriation of public waters by TRAVIS NORRIS RAUN, ET AL, to the State Office of Administrative Hearings (SOAH) for a hearing. Water Right Permit No. 4252 (Application No. 4559) was issued on October 3, 1985 to Travis Norris Raun and authorized the diversion and use of not to exceed 9000 acre-feet of water per annum from: (1) Wolf Run Branch, tributary of Mott Branch; (2) Mott Branch, tributary of West Mustang Creek, Tributary of Mustang Creek, Tributary of the Navidad River, tributary of the Lavaca River; and (3) Sandy Creek, tributary of the Navidad River, Lavaca River

Basin. Diverted water is authorized to be used to irrigate 2250 acres of land out of several tracts comprising 3305 acres in Jackson and Wharton Counties, approximately 26.5 miles southwest of Wharton, Texas. The permit included a term whereby the authorizations shall expire on December 31, 1995. The permit also included flow restrictions whereby the permittee may only divert water from the flow of Sandy Creek equals or exceeds 3.2 cfs immediately below his diversion point, at a reference device to be installed by permittee prior to diversion. Applicant seeks to amend this water right permit by deleting the expiration date of the water right or by extending the expiration date for an additional term of years. SOAH DOCKET NO. 582-96-1136.

Contact: Susan Prior, SOAH Docket Clerk, State Office of Administrative Hearings, P.O. Box 13087, Austin, Texas 78711, 3087, (512) 475-3445.

Filed: July 2 1996, 8:44 a.m.

TRD-9609463



Friday, July 19, 1996, 10:00 a.m.

Building C, Room 131E, 12124 Park 35 Circle

Austin, Texas

AGENDA

The TNRCC Commissioners have referred the application for the appropriation of public waters by T-BAR-D, L.L.C. to the State Office of Administrative Hearings (SOAH) for a hearing. Permit No. 4327 was issued April 19, 1984 to Thomas G. Vandivier and authorized the diversion and use of 57 acre-feet of water per annum from the Navidad River, tributary of the Lavaca River, Lavaca River Basin to irrigate 18 acres of land out of two tracts totaling 245.72 acres located approximately 20 miles southeast of Hallettsville in Lavaca County. The time priority of the owner's right is February 22, 1983. The permit included a term whereby the authorizations shall expire on December 31, 1994. The permit also included flow restrictions whereby the permittee may only divert water when the flow of the Navidad River equals or exceeds 10 cfs (4500 gpm) at a reference device to be installed by permittee prior to diversion immediately below his diversion point. A Warranty Deed evidencing the change of ownership from Thomas G. Vandivier to T-BAR-D, L/L/C. has been submitted to the Commission as well as a Change of Ownership Request. Said deed is recorded in Volume 68, Page 637, of the Lavaca County Deed Records. Applicant seeks to extend the expiration date of the water right for an additional term of years and seeks to retain the priority date of February 22, 1983. No Commission action has been taken to cancel this permit. SOAH DOCKET NO. 582-96-1138.

Contact: Susan Prior, SOAH Docket Clerk, State Office of Administrative Hearings, P.O. Box 13087, Austin, Texas 78711, 3087, (512) 475-3445.

Filed: July 2 1996, 8:44 a.m.

TRD-9609464



Tuesday, July 23, 1996, 10:00 a.m.

Hidalgo County Courthouse, 332nd District Courthouse, (second floor), 100 North Clossner

Edinburg, Texas

AGENDA

For a hearing before an administrative law judge of the State Office of Administrative Hearing on an application filed with the Texas Natural Resource Conservation Commission by the CITY OF DONNA for a water and a sewer. Certificate of Convenience and Necessity (CCN) in order to provide water and sewer utility service in Hidalgo County, Texas. The applicant also proposed decertification of portions of water CCN No. 10553 issued to North Alamo Water Supply Corporation and portions of water CCN No. 12917 issued to Colonia Nueva Water Distribution System, Inc. The proposed water utility service area is located in and around the City of Donna, Texas. The proposed water utility service area is located in around the City of Donna, Texas. It consists of several bounded areas generally limited on the east by Midway Road, on the west by Whalen Road, on the north by U.S. 83, and on the south by a line 3.5 miles from Business 83 along FM 493, including most of the area within the city limits, including Cedar Park and the following subdivisions outside of the city; South Donna, River road, Terra Prieta, Shroeder, Tierra Del Sol Estates, Balli Estates, Victoria Belen, Panfilio Martinez, I.B. Avila, Palm Shadow RV Park, South Point, and Casa Del Sol RV Park. The total area being requested includes approximately 4,500 acres and 3,361 current customers. The proposed sewer utility service area is located in and around the City of Donna, Texas and is generally bounded on the east by Victoria Road, on the west by Whalen road, on the north by U.S. 83, and on the south by a line 3.5 miles from Business 83 along FM 493. The total area being requested includes approximately 6,400 acres and 3,070 current customers. The above matters have been designated as SOAH Docket No. 582-96-1129.

Contact: Susan Prior, SOAH Docket Clerk, State Office of Administrative Hearings, P.O. Box 13087, Austin, Texas 78711, 3087, (512) 475-3445.

Filed: July 3 1996, 4:19 p.m.

TRD-9609658



Wednesday, July 30, 1996, 7:00 p.m.

St. Mary's Community Center, North Side Hwy 21. 1.4 miles east of Caldwell County Line

Bastrop County, Texas

AGENDA

For an informal public meeting regarding the application of Hill County Autoclave, Inc. Proposed Permit No. MSW2260, to authorize operation of a Type V medical waste pretreatment facility. The proposed site covers about 16.08 acres of land and is to be located on the south side of Highway 21, 1.2 miles east of the Caldwell County line, in Bastrop County Texas.

Contact: Charles Stavley or Ann Scudday, TNRCC, P.O. Box 13087, Austin, Texas 78711, 3087, (512) 239-6688 or (512) 239-4756.

Filed: July 3 1996, 10:38 a.m.

TRD-9609598



Monday, August 5, 1996, 10:00 a.m.

Environmental Pollution Control-Auditorium, 7411 Park Place

Houston, Texas

AGENDA

For a hearing before an administrative law judge of the State Office of Administrative Hearing on an application filed with the Texas Natural Resource Conservation Commission by the WEST HOUSTON AIRPORT CORPORATION for an increase in water and sewer rates effective May 31, 1996, for its service area located in Harris County, Texas. SOAH Docket No. 582-96-1133.

Contact: Susan Prior, SOAH Docket Clerk, State Office of Administrative Hearings, P.O. Box 13087, Austin, Texas 78711, 3087, (512) 475-3445.

Filed: July 2 1996, 8:44 a.m.

TRD-9609659



Texas Parks and Wildlife Department

Wednesday, July 10, 1996, 2:00 p.m.

Texas Parks & Wildlife Headquarters, 4200 Smith School Road
Austin, Texas

Parks and Wildlife Commission

REVISED AGENDA

Members of the Texas Parks and Wildlife commission plan to attend a staff budget briefing at 2:00 P.M. July 10, 1996. Although this function is primarily a staff briefing and no formal action is planned, the Commission may discuss budgetary items which will be on the Public Hearing scheduled for 9:00 a.m., Thursday, August 29, 1996.

Contact: Andrew Sansom, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas. (512) 389-4642

Filed: July 2, 1996, 1:48 p.m.

TRD-9609491



Wednesday, July 10, 1996, 6:31 p.m.

Texas Parks & Wildlife Headquarters, 4200 Smith School Road
Austin, Texas

Parks and Wildlife Commission

REVISED AGENDA

Members of the Texas Parks and Wildlife commission plan to have dinner at 6:30 p.m. July 10, 1996. Although this event is primarily a social event and no formal action is planned, the Commission may discuss items which will be on the Public Hearing scheduled for 9:00 a.m., Thursday, June 11, 1996. (Agenda attached)

Contact: Andrew Sansom, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas. (512) 389-4642

Filed: July 2, 1996, 1:48 p.m.

TRD-9609492



Thursday, July 11, 1996, 9:00 a.m.

Texas Parks & Wildlife Headquarters, 4200 Smith School Road
Austin, Texas

Parks and Wildlife Commission

AGENDA

Approval of the Minutes of the previous meeting; ACTION-Land Exchange — Anderson County

Contact: Andrew Sansom, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas. (512) 389-4642

Filed: July 2, 1996, 1:47 p.m.

TRD-9609490



Thursday, July 11, 1996, 9:00 a.m.

Texas Parks & Wildlife Headquarters, 4200 Smith School Road
Austin, Texas

Parks and Wildlife Commission

AGENDA

Approval of the Commission Minutes from the previous meeting; Presentation of Retirement Certificates and Service Awards; Recognition-Coastal Fisheries Staff; Presentation-Admiral Nimitz Museum; ACTION-Adoption of 1996-1997 Early Season Migratory Game Bird Regulations; ACTION-State Park Rules; ACTION- Texas Freshwater Fisheries Center Admission Fee; ACTION-Adoption of Bobcat Proclamation; ACTION-Adoption of Fur-bearing Animal Proclamation; ACTION-Adoption of Raptor Proclamation; BRIEFING-Drought; ACTION-Land Exchange-Anderson County; BRIEFING- Boating Safety.

Contact: Andrew Sansom, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas. (512) 389-4642

Filed: July 2, 1996, 1:48 p.m.

TRD-9609493



Texas Board of Physical Therapy Examiners

Saturday July 13, 1996 9:00 a.m.

333 Guadalupe Street, Suite 2-510

Austin, Texas 78701

Application Review Committee

AGENDA

- I. Call to Order
- II. Consideration and possible recommendation regarding application of Joyti Saboo
- III. Consideration and possible recommendation regarding application of Tracy Pope
- IV. Consideration and possible recommendation regarding application of Milde Jordaan
- V. Consideration and possible recommendation regarding application of Craig Randall Perilloux
- VI. Consideration and possible recommendation regarding credentialing review agencies
- VII. Adjourn

Contact: Gerard Swain, Physical Therapy Coordinator, 3001 S. Lamar, Suite 101, Austin, Texas 78704, (512) 443-8202.
Filed: July 3, 1996, 3:22 p.m.

TRD-9609646



Texas State Board of Plumbing Examiners

Saturday, July 13, 1996 9:00 a.m.

929 E. 41st Street

Austin, Texas, 78751

Code Committee

AGENDA

1. Roll Call — 9:00 a.m.
2. Recognize staff members and visitors.
3. Introduction of Board members.
4. Examination Department review of International Conference of Building Officials (ICBO) Plumbing Inspector certification examination.
5. Discuss the possibility of accepting successful completion of the ICBO Plumbing Inspector certification examination as meeting the qualification set out in board rule §363.1(c)(2) (C).
6. Discuss the possibility of recommendation of #5 to the full Board.
7. Discuss checking the accountability of the International Association of Plumbing and Mechanical Officials (IAPMO) Plumbing Inspector certification examination and the Southern Building Code Congress International (SBCCI) Plumbing Inspector certification examination for annual review.
8. Discuss further tasks and goals of the Board Code Committee.
9. Adjournment.

Contact: Mary Lou Lane
Filed: (512) 458-2145

TRD-9609672



Texas State Board of Public Accountancy

Wednesday, July 17, 1996, 9:00 a.m.

333 Guadalupe Street, Tower III, Room 100

Austin, Texas, 78701-3900

AGENDA

A public hearing to receive and consider comments on a proposal to adopt rules establishing a regulatory program on the use of credentials by Texas Certified Public Accountants.

Contact: J. Randel (Jerry) Hill, 333 Guadalupe, Tower III, Room 900, Austin, Texas 78701-3900 (512) 505-5542.
Filed: July 3, 1996, 9:27 a.m.

TRD-9609548



Thursday, July 18, 1996, 9:00 a.m.

333 Guadalupe Street, Tower III, Room 910

Austin, Texas, 78701-3900

AGENDA

Consideration of: Committee Reports from Technical Standards Review, Behavior Reinforcement, Qualification, Continuing Professional Education, Regulatory Compliance, Rules, Major Case, Rules Subcommittee on Subcommittee on Specialization Committees; Adoption of Board Rules, Agreed Consent Orders, Board Orders, Proposals for Decision; Executive Session consultation to seek the advice of the Board's attorney concerning pending or contemplated litigation or a settlement offer on the American Express and Leonard Mednick Lawsuits.

Contact: J. Randel (Jerry) Hill, 333 Guadalupe, Tower III, Room 900, Austin, Texas 78701-3900 (512) 505-5542.

Filed: July 5, 1996, 9:00 a.m.

TRD-9609713



Texas Department of Public Safety

Friday, July 12, 1996, 9:00 a.m.

DPS Headquarters, 5805 North Lamar Avenue

Austin, Texas 78773

PUBLIC SAFETY COMMISSION

AGENDA

Approval of Minutes; Budget Matters; Internal Audit Report; Personnel Matters; Pending & Contemplated Litigation; Real Estate Matters; Public Comment; Miscellaneous and Other Unfinished Business.

Contact: James Wilson, Director, DPS, 5805 N. Lamar, Austin, Texas 78752, (512) 424-2000, Ext. 3700.

Filed: July 1, 1996, 4:12 p.m.

TRD-9609452



Public Utility Commission of Texas

Monday, July 22, 1996, 9:00 a.m.

7800 Shoal Creek Blvd.

Austin, Texas 78757

AGENDA

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16140—Application of Fast Connections, Inc. for a Service Provider Certificate of Operating Authority. This application was filed on July 2, 1996. Applicant intends to provide on a resell basis monthly recurring, flat-rate local exchange service including extended area service, toll restriction, call control options, tone dialing, custom calling services, Caller ID and any other services which are available on a resell basis from the underlying incumbent local exchange carrier or other certificated carrier with the service area of Applicant. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filing or comments to the Commission by July 17, 1996.

Contact: Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Blvd., Austin, Texas 78757, (512) 458-0100.
Filed July 3, 1996, 2:26 p.m.

TRD-9609627



Monday, July 22, 1996, 9:00 a.m.

7800 Shoal Creek Blvd.

Austin, Texas 78757

AGENDA

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16135- NTS Communications, Inc. for a Service Provider Certificate of Operating Authority. This application was filed on July 1, 1996. Applicant intends to resell all available flat rated telecommunications services within all of the operating territories of Southwestern Bell Telephone Company and GTE of the Southwest. Applicant seeks authority to resell services on a statewide basis as soon as practicable after they from time to time become available. Applicant intends to expend its resale operation into other telephone company' operating areas if resale opportunities are provided by the incumbent telephone company in question and if market demand will support such expansion. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by July 17, 1996.

Contact: Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Blvd., Austin, Texas 78757, (512) 458-0100.
Filed July 2, 1996, 4:10 p.m.

TRD-9609514



Thursday, July 25, 1996, 9:00 a.m.

7800 Shoal Creek Blvd.

Austin, Texas 78757

AGENDA

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16122- Application of ICG Telecom Group, Inc. for a Service Provider Certificate of Operating Authority. This application was filed on June 28, 1996. Applicant intends to offer basic exchange services, including, but not limited to basic residential and business lines, PBX trunks, Central Office based PBX-type services, associated features functions, services, and options, Integrated services Digital Network and local calling services, through the resale of any and all services available for resale in the State of Texas. Applicant also intends to offer local exchange service which will provide users of its local exchange lines direct dial calling, operator assisted calling, directory assistance service, access to Telecommunications Relay Service and emergency 911 service. Applicant seeks to serve the areas covered by all the exchanges of Southwestern Bell Telephone Company, GTE Southwest, Inc., and Central Telephone Company/United Telephone Company, other than those in the San Antonio metropolitan exchange area. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by July 12, 1996.

Contact: Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Blvd., Austin, Texas 78757, (512) 458-0100.
Filed July 1, 1996, 1:30 p.m.

TRD-9609419

Wednesday, July 10, 1996, 1:00 p.m.

7800 Shoal Creek Blvd.

Austin, Texas 78757

AGENDA

There will be an open meeting for discussion, consideration, and possible action on: Secretary's report' Dockets Nos. 14940 (SOAH No. 473-95-1564), 14943 (SOAH No. 473-95-1565), 15594 (SOAH No. 473-96-0654); 15596 (SOAH No. 473-96-0656), 15810 (SOAH No. 473-96-0828, 15042 (SOAH No. 473-96-0115); Project Nos. 1633 and 15557; Dockets Nos. 15626, 15760, and 15896; Filings submitted to the Commission under Title I of the Federal Telecommunications Act of 1996, including but not limited to SWB's interconnection agreement with Kingsgate Telephone, Inc.; Docket 12596, (No. 473-95-1174), 14261, 14787, 1701, 15520; Project Nos. 13919, 14045, 15000, 15001, and 15002; FERC Order Nos. 888, 889 and notice of proposed rulemaking on Capacity Reservation Tariffs; competition in wholesale electric power markets, including wholesale power contracts, power marketers, and exempt wholesale generators; ERCOT-SPP Interconnection Committee; Reliability and Service Quality; Commission response to the Federal Telecommunications Act of 1996; Rulemaking Agenda and Project Agenda; Enforcement of PURA provisions, commission rules and orders; project assignments, correspondence, staff reports, agency administrative procedures and personnel policy; Travis Building Project; Budget, fiscal matters and strategic planning; Adjournment for closed session to consider litigation and personnel matters; Reconvene for discussion and decisions on matters considered in closed session.

Contact: Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Blvd., Austin, Texas 78757, (512) 458-0100.
Filed July 21, 1996, 2:23 p.m.

TRD-9609538



Thursday, July 25, 1996, 9:00 a.m.

7800 Shoal Creek Blvd.

Austin, Texas 78757

AGENDA

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16121- Application of ICG Telecom Group, Inc. for a Service Provider Certificate of Operating Authority within San Antonio Metropolitan Exchange area. This application was filed on June 28, 1996. Applicant intends to offer basic exchange services, including, but not limited to basic residential and business lines, PBX trunks, Central Office based PBX-type services, associated features functions, services, and options, Integrated Services Digital Network and local calling services, through the resale of any and all services available for resale in the State of Texas. Applicant also intends to offer local exchange service which will provide users of its local exchange lines direct dial calling, operator assisted calling, directory assistance service, access to Telecommunications Relay Service and emergency 911 service.

Applicant seeks to serve the areas covered by all the exchanges of Southwestern Bell Telephone Company, GTE Southwest, Inc., within the San Antonio metropolitan exchange area. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by July 12, 1996.

Contact: Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Blvd., Austin, Texas 78757, (512) 458-0100.

Filed July 1, 1996, 1:30 p.m.

TRD-9609418



Railroad Commission of Texas

Tuesday, July 9, 1996, 9:30 a.m.

1701 N. Congress Avenue, 1st Floor Conference Room, 1-111

Austin, Texas, 78701

REVISED AGENDA

The Commission will consider the following additional Surface Mining matters: 1) Texas Utilities Mining Company; Petition for Rule change; Coal Mining Regulation 816.384.(a)(3). 2) Interstate Mining Compact Commission and Railroad Commission of Texas; 1996 Reclamation Award Program.

Contact: Lindil c. Fowler, Jr., Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: July 1, 1996, 4:13 p.m.

TRD-9609453



Tuesday, July 16, 1996, 9:30 a.m.

1701 N. Congress Avenue, 1st Floor Conference Room, 1-111

Austin, Texas, 78701

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 attached 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.

Contact: Lindil c. Fowler, Jr., Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: July 5, 1996, 10:45 a.m.

TRD-9609684



Thursday, July 25, 1996, 9:30 a.m.

1701 N. Congress Avenue, 12th Floor Conference Room, 12-126

Austin, Texas, 78701

AGENDA

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to

consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

Contact: Lindil c. Fowler, Jr., Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: July 5, 1996, 10:45 a.m.

TRD-9609683



Texas Residential Property Insurance Market Assistance Program

Thursday, July 18, 1996, 9:30 a.m.

333 Guadalupe, Tower 1, Room 1250A

Austin, Texas

Executive Committee

AGENDA

General Meeting: Discussion of August 6 hearing on adoption of proposed MAP Plan of Operation and proposed rule for adoption by reference of the MAP application form and letter of non-eligibility.

Proposed designation of underserved areas.

Proposed designation of underserved areas.

General Administrative Matters.

Contact: Lyndon Anderson, 333 Guadalupe Street, Texas Department of Insurance, Austin, Texas 78701, (512) 463-6328.

Filed July 1, 1996, 4:10 p.m.:

TRD-9609516



Texas Savings and Loan Department

Friday, July 19, 1996, 11:00 a.m.

Finance Commission Building, 2601 N. Lamar, 3rd Floor

Austin, Texas, 78705

AGENDA

The purpose of this meeting (hearing) is to accumulate a record of evidence in regard to the application of Beal Financial Corporation, Dallas, Texas to charter a de novo state savings bank, Dallas County, Texas, which facilitated the application subject to this notice.

Contact: Teresa Scarborough, Applications Analyst, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: July 8, 1996, 8:59 a.m.

TRD-9609723



Thursday, July 25, 1996, 9:00 a.m.

Finance Commission Building, 2601 N. Lamar, 3rd Floor

Austin, Texas, 78705

AGENDA

The purpose of this meeting (hearing) is to accumulate a record of evidence in regard to the application of FirstBanc Savings Association of Texas, Missouri City, Texas, to merge with an interim thrift to be formed by Fort Bend Holding Corporation and then to merge with and into Fort Bend Federal Savings and Loan Association of Rosenberg, Rosenberg,, Fort Bend County, Texas, which facilitated the application subject to this notice.

Contact: Teresa Scarborough, Applications Analyst, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 475-1350.
Filed: July 8, 1996, 8:59 a.m.

TRD-9609724



Thursday, July 25, 1996, 9:00 a.m.

Finance Commission Building, 2601 N. Lamar, 3rd Floor
Austin, Texas, 78705

AGENDA

The purpose of this meeting (hearing) is to accumulate a record of evidence in regard to the application of FirstBanc Savings Association of Texas, Missouri City, Texas, to merge with an interim thrift to be formed by Fort Bend Holding Corporation and then to merge with and into Fort Bend Federal Savings and Loan Association of Rosenberg, Rosenberg,, Fort Bend County, Texas, which facilitated the application subject to this notice.

Contact: Teresa Scarborough, Applications Analyst, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 475-1350.
Filed: July 8, 1996, 8:59 a.m.

TRD-9609724



Wednesday, July 31, 1996, 9:00 a.m.

Finance Commission Building, 2601 N. Lamar, 3rd Floor
Austin, Texas, 78705

AGENDA

The purpose of this meeting (hearing) is to accumulate a record of evidence in regard to the application of First American Bank, SSB, Bryan, Brazos County, Texas, to change name to First American Bank Texas, SSB which facilitated the application subject of this notice.

Contact: Teresa Scarborough, Applications Analyst, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 475-1350.
Filed: July 8, 1996, 8:59 a.m.

TRD-9609725



Thursday, August 1, 1996, 9:00 a.m.

Finance Commission Building, 2601 N. Lamar, 3rd Floor
Austin, Texas, 78705

AGENDA

The purpose of this meeting (hearing) is to accumulate a record of evidence in regard to the application of Coastal Bank, Houston's Bay City, Texas Branch, Matagorda County, in exchange for three

(3) San Antonio branch offices of Coastal Bank sb which facilitated the application subject to this notice.

Contact: Teresa Scarborough, Applications Analyst, 2601 North Lamar, Suite 201, Austin, Texas 78705, (512) 475-1350.
Filed: July 8, 1996, 8:59 a.m.

TRD-9609726



Council on Sex Offenders Treatment

Wednesday, July 17, 1996, 3:30 p.m.

Holiday Inn, 3401 South IH35, Pioneer Ten Room
Austin, Texas

Joint Meeting of the Council on Sex Offender Treatment and the Interagency Advisory Commission

AGENDA

- I. Convene, Collier M. Cole, Ph.D., Chairperson
- II. Adoption of the Minutes
- III. Executive Director's Report
- IV. Discussion & Possible Action on Legislative Appropriation Request
- V. Discussion & Possible Action on Report from Clinical Issues Committee.
- VI. Report on Polygraph Guidelines
- VII. Discussion & Possible Action on the Appointment, Employment, and duties of the Executive Director, Pursuant to Tex. Rev. Civ.Stat.Ann. Art. 6252-SS2(g).
- VIII. Other business
- IX. Public Comment
- X. Adjourn

Contact: Evelyn Nichols, P.O. Box 12546, Austin, Texas 78711-2546, (512) 463-2323.
Filed: July 8, 1996, 10:08 a.m.

TRD-9609746

Stephen F. Austin State University

Monday, July 8, 1996, 10:00 a.m.

1936 North Street, Room 307, Austin Bldg.
Nacogdoches, Texas 75961

Board of Regents Academic & Student Affairs Cte.

AGENDA

- I. Academic Scholarships
 - A. Top 10% Scholarship Program Report
 - B. ROTC Merit-Matching Scholarships
 - C. University Scholars Program
- II. Speakers Series

Contact Dan Angel, P.O. Box 6078, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 1, 1996, 3:09 p.m.

TRD-9609431



Monday, July 8, 1996, 10:30 a.m.

1936 North Street, Room 307, Austin Bldg.

Nacogdoches, Texas 75961

Board of Regents Facilities Committee Meeting

AGENDA

I. Executive Session

A. Real Estate

B. ROTC Merit-Matching Scholarships

Contact Dan Angel, P.O. Box 6078, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 1, 1996, 3:10 p.m.

TRD-9609432



Monday, July 8, 1996, 11:15 a.m.

1936 North Street, Room 307, Austin Bldg.

Nacogdoches, Texas 75961

Board of Regents Budget Committee

AGENDA

I. Budget for 1996-97

II. Discussion regarding Investment Manager

Contact Dan Angel, P.O. Box 6078, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 1, 1996, 3:10 p.m.

TRD-9609433



Monday, July 8, 1996, 1:30 p.m.

1936 North Street, Room 307, Austin Bldg.

Nacogdoches, Texas 75961

Board of Regents

AGENDA

I. Open Session — Committee of the Whole

II. Executive Session

A. Report on Pending Litigation

1. Bakewell v. SFA, et al

2. Ginn v. SFA, et al

3. Weber v. NAH, Inc., et al

4. Montalvo v. Caldwell, et al

5. Bennett v. SFA, et al

6. Coleman v. SFA, et al

7. Webb v. SFA

B. Personnel Matters Regarding Specific University Employees

1. Basketball Coaches

C. Real Estate

III. Open Discussion of Tuesday Board Items

Contact Dan Angel, P.O. Box 6078, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 1, 1996, 3:10 p.m.

TRD-9609434



Tuesday, July 9, 1996, 9:00 a.m.

1936 North Street, Room 307, Austin Bldg.

Nacogdoches, Texas 75961

Board of Regents

AGENDA

I. Executive Session

A. Report on Pending Litigation

1. All pending lawsuits

B. Personnel Matters regarding Specific University Employees

1. Basketball Coaches

C. Real Estate

II. Approval of April 30, 1996, and June 10, 1996 Minutes

III. Personnel

A. Faculty and Staff Appointments for 1996-97

B. Changes of Status

C. Voluntary Modification of Employment

D. Retirements

E. Holiday Schedule for 1996-97

IV. Academic and Student Affairs

A. Last Class Day Report

B. Underenrolled Class Report

C. Parking and Traffic Regulations

D. Approval of ROTC Scholarships

V. Financial Affairs

A. Approval of annual Budget for FY 1997

B. Approval of Investment Management Firm

C. Requests for Purchase and Installation of Modular Home to Replace Existing Home at Poultry Research Center

D. Budget Changes — Ratification of Items Less than \$50,000.

VI. Reports

A. Faculty Senate

B. Student Government Association

C. President

Contact Dan Angel, P.O. Box 6078, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 1, 1996, 3:10 p.m.

TRD-9609435



Tuesday, July 9, 1996, 9:00 a.m.

1936 North Street, Room 307, Austin Bldg.

Nacogdoches, Texas 75961

Board of Regents

REVISED AGENDA

V. Financial Affairs

E. Feed Mill Installation

Contact Dan Angel, P.O. Box 6078, Nacogdoches, Texas 75962-6078, (409) 468-2201.

Filed: July 3, 1996, 10:53 a.m.

TRD-9609601



Telecommunications Infrastructure Fund Board

Friday, July 12, 1996, 10:00 a.m.

1400 Congress Avenue, Capitol Extension, Room E1.014

Austin, Texas 78701

AGENDA

I Call to Order/ Quorum Call — Chair- Carolyn Bacon

II. Approve Minutes from Prior Meetings.

III. Discussion of Operational Procedures.

IV. Discussion of Strategic Planning Direction.

V. Invited Testimony

VI. Future Agenda Items

VII. Adjourn Meeting

Contact: Karen Zimmerman, Telecommunications Infrastructure Fund Board, P.O. Box 12428, Austin, Texas 78701, (512) 936-8432.

Filed: July 3, 1996, 3:05 p.m.

TRD-9609644

Texas State Technical College System

Tuesday, July 16, 1996, 10:00 a.m.

Texas State Technical College System, 3801 Campus Drive, Systems Chancellor's Office,

Waco, Texas 76705

Board of Regents, Policy Committee for Human Resources & Development

AGENDA

Recommendations, if any, to the full Board of Regents regarding personnel on the Sweetwater Campus.

Contact: Sandra J. Krumnow, Secretary to the Board, 3801 Campus Drive, Waco, TX 76705, (817) 867-3964

Filed: July 3, 1996, 2:26 p.m.

TRD-9609636

Tuesday, July 16, 1996, 10:00 a.m.

Texas State Technical College System, 3801 Campus Drive, Systems Chancellor's Office,

Waco, Texas 76705

Board of Regents, Policy Committee for Human Resources & Development

AGENDA

The board of Regents will meet in Executive Session in accordance with Chapter 551 of the Texas Government Code as provided in sections 551.074 and 551.075. (Section 551.074: Evaluation of performance of the Sweetwater President).

Contact: Sandra J. Krumnow, Secretary to the Board, 3801 Campus Drive, Waco, TX 76705, (817) 867-3964

Filed: July 3, 1996, 2:25 p.m.

TRD-9609635

Texas Worker's Compensation Committee

Thursday, July 11, 1996, 9:30 a.m.

4000 South IH35, Room 910-911, Southfield Building

Austin, Texas, 78704

AGENDA

1. Call to Order

2.Approval of Minutes for he Public Meeting of May 16, 1996

3. Discussion and Possible Action on Proposal of New Rule (Rule 134.01)and Proposal of Repeal of Rule 134.400

4. Discussion and Possible Action on Proposal of Repeal of Rule: Rule 134.302 (new) and Rule 134.301 (repeal).

5. Discussion and Possible Action on Rule Making Petition Concerning Rule 120.3

6. Discussion and Possible action on Members to Serve on the Medical Advisory Committee

7. Discussion and Possible Action on Commissioner Report on Research and Oversight Committee Hearing on Texas Impairment Schedule

8. Executive Session

9. Action on Matters Considered in Executive Session

10.General Reports, Discussion and Possible Action on Issues Relating to Commission Activities

11. Confirmation of Future Public Meetings and Hearings

12. Adjournment

Contact: Todd K. Brown, Executive Director, 4000 South IH35 , Austin, Texas 78704, (512) 440-5690.

Filed: July 8, 1996, 8:42 a.m.

TRD-9609720

Regional Meetings

Meetings Filed July 1, 1996

Andrews Center, Board of Trustees Executive Committee, met at the Petroleum Club, First Place, 100 Ferguson Street, Tyler, at 12:00 noon. Information may be obtained from Richard J. DeSanto, CEO, P.O. Box 4730, Tyler, Texas, 75712, (903) 535-7338. TRD 9609420.

Austin Transportation Study, Policy Advisory Committee, met at Joe C. Thompson Conference Center, 26th and Red River, Room 2.102, Austin, July 8, 1996, at 6:00 p.m. Information may be obtained from Michael R. Aulick, 301 W. 2nd Street, Austin, Texas 78701, (512) 499-2275, P.O. Box 1088-Annex, Austin, Texas 78767. TRD 9609430.

Capital Area Planning Council, Economic Development District, Executive Board Meeting, met at 2520 IH35 South, Suite 100, July 10, 1996, at 12:00 noon. Information may be obtained from Richard G. Bean, Executive Director, 2520 IH35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD 9609417.

Central Texas Area Consortium met at 2 North 5th Street, Temple, on July 11, 1996, at 7:00 p.m. Information may be obtained from James Majestic, 101 South Main Street, Suite 142, Temple, Texas 75601, (817) 774-1497. TRD 9609478.

Central Texas Economic Development District, Executive Committee Meeting, met at Underwood's Cafeteria, 1800 N. Valley Mills Drive, Waco, July 11, 1996 at 11:30 a.m. Information may be obtained from Bruce Gaines, Executive Director, CTEDD, P.O. Box 154118, Waco, Texas 76715, (817) 799-0258. TRD 9609422.

Education Service Center, Region IX, Board of Directors, will meet at 301 Loop 11, Wichita Falls, July 12, 1996, at 12:00 noon. Information may be obtained from Jim O. Rogers, Executive Director, Region IX, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD 9609412.

Hays County Appraisal District, Board of Directors, met at 21001 N. IH35, Kyle, July 9, 1996, at 3:00 p.m. Information may be obtained from Lynnell Sedlar, 21001 North IH35, Kyle, Texas 78640, (512) 268-2522. TRD 9609423.

Hays County Appraisal District, Board of Directors, will meet at 21001 N. IH35, Kyle, July 16, 1996, at 12:00 noon. Information may be obtained from Lynelle Sedlar, 21001 North IH35, Kyle, Texas 78640, (512) 268-2522. TRD 9609424.

Hunt County Appraisal District, Appraisal Review Board, will meet July 17, 1996 at 4801 King Street, Greenville, at 9:00 a.m. Information may be obtained from Shirley Gregory, P.O. Box 1339, Greenville, Texas, 75403, (903) 454-3510. TRD. 9609451.

Lampasas County Appraisal District, Appraisal Review Board, met at 109 East 5th Street, Lampasas, July 8, 1996 at 8:45 a.m. Information may be obtained from Katrina Perry, Chief Appraiser, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD 9609459.

West Central Texas Council of Governments, Regional Review Committee, will meet at 1025 E.N. 10th Street, Abilene, July 18, 1996, at 9:00 a.m. Information may be obtained from James K. Compton, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD 9609414.

Meetings Filed July 2, 1996

Brown County Appraisal District, Board of Directors, met at 403 Fisk Avenue, Brownwood, on July 8, 1996, at 12:00 noon. Information may be obtained from Doran E. Lamke, 403 Fisk Avenue, Brownwood, Texas 76801, (512) 643-5676. TRD 9609505.

Canadian River Municipal Water Authority, Board, met at CRMWA Headquarters Building, Sanford Dam, Sanford, on July 10, 1996, 11:00 a.m. Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325. TRD 9609494.

Concho Valley Council of Governments, Executive Committee, met at 5014 Knickerbocker Road July 10, 1996, San Angelo, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas, 76906, (915) 944-9666. TRD 9609504.

Canyon Regional Water Authority Board, met at the Guadalupe Fire Training Facility, 320 Fire Field Road, New Braunfels, on July 8, 1996 at 7:00 p.m. Information may be obtained from Gloria Kaufman, 850 Lakeside Pass Drive, New Braunfels, Texas 78130-9579. TRD 9609486.

Cypress Springs Water Supply Corporation, Board of Directors, met Office of Cypress Springs Water Supply Corporation, 4430 Highway 115, south of Mount Vernon, July 9, 1996, at 7:00 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mount Vernon, Texas 75457, (903) 860-3400. TRD 9609473.

East Texas Council of Governments, East Texas Regional Review Committee, will meet at 5701 S. Broadway, Tyler, on July 18, 1996, at 7:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD 9609500.

Falls County Appraisal District, Appraisal Review Board, met at the Falls County Courthouse, Intersection of Hwys 6 & 7, Marlin, on July 11, 1996, at 9:00 a.m. Information may be obtained from Joyce Collier, P.O. Box 430, Marlin, Texas 76661, (817) 883-2543. TRD 9609495.

Fisher County Appraisal District, Fisher CAD Board of Directors, will meet at the Fisher County Courtroom, Courthouse, Roby, July 16, 1996, at 8:00 a.m. Information may be obtained from Betty Mize, Fisher CAD, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD 9609496.

Gonzales County Appraisal District met at 928 St. Paul Street, Gonzales, July 9, 1996 at 9:00 a.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609530.

Gonzales County Appraisal District met at 928 St. Paul Street, Gonzales, July 10, 1996 at 9:00 a.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609531.

Gonzales County Appraisal District met at 928 St. Paul Street, Gonzales, July 11, 1996 at 9:00 a.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609532.

Gonzales County Appraisal District will meet at 928 St. Paul Street, Gonzales, July 16, 1996 at 9:00 a.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609533.

Gonzales County Appraisal District will meet at 928 St. Paul Street, Gonzales, July 17, 1996 at 9:00 a.m. Information may be obtained

from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609534.

Gonzales County Appraisal District will meet at 928 St. Paul Street, Gonzales, July 18, 1996 at 9:00 a.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609535.

Gonzales County Appraisal District will meet at 928 St. Paul Street, Gonzales, July 22, 1996 at 9:00 a.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879. TRD 9609536.

Gregg Appraisal District, Appraisal Review Board, met at 2010 Gilmer Road, Longview, July 8, 1996, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015, TRD 9609487.

Gregg Appraisal District, Appraisal Review Board, met at 2010 Gilmer Road, Longview, July 9, 1996, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015, TRD 9609506.

Gregg Appraisal District, Appraisal Review Board, met at 2010 Gilmer Road, Longview, July 10, 1996, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015, TRD 9609502.

Gregg Appraisal District, Appraisal Review Board, will meet at 2010 Gilmer Road, Longview, July 12, 1996, at 9:00 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (903) 759-0015, TRD 9609488.

Heart of Texas Council of Governments, Regional Review Committee, will meet at 300 Franklin Avenue, Waco, on July 16, 1996, at 9:00 a.m. Information may be obtained from Donna Tomlinson, 300 Franklin Avenue, Waco, Texas, 76701, (817) 756-7822. TRD 9609507.

Lee County Appraisal District, Appraisal Review Board, met at 218 E. Richmond Street, Giddings, July 11, 1996, at 9:00 a.m. Information may be obtained from Delores Shaw, 218 E. Richmond Street, Giddings, Texas 78942, (409) 542-9618, TRD 9609465.

Lometa Rural Water Supply Corporation, Board of Directors, met at 506 W. Main Street, Lometa, July 8, 1996, at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD 9609511.

Middle Rio Grande Development Council, Texas and Review and Comment System, met at MRGDC Operations Conference Room, 209 N. Getty Street, Uvalde, on July 10, 1996 at 4:00 p.m. Information may be obtained from Erma Alexandro, TRACS Coordinator, 209 N. Getty Street, Uvalde, Texas 78801, (210) 278-4151. TRD 9609466.

Millersview-Doole Water Supply Corporation, Board of Directors, met at Corporation office, 1 block West of FM Hwy.765 and FM Hwy. 2134, Millersview, July 8, 1996, at 8:00 p.m. Information may be obtained from Glenda M. Hampton, P.O. Box 130, Millersview, Texas 76862-0130, (915) 483-5438. TRD 9609469.

North Plains Ground Water Conservation District No. Two, Board, met at 603 East First Street, Dumas, on July 9, 1996, at 10:00 a.m. Information may be obtained from Richard Bowers, P.O. Box, Dumas, Texas 79029-0795, (806) 935-6401. TRD 9609510

Red Bluff Water Power Control District, Board of Directors, met at 111 West 2nd Street, Pecos, on July 8, 1996, at 1:00 p.m. Information may be obtained from Jim Ed Miller, 111 West Second Street, Pecos, Texas 79772, (915) 445-2037. TRD 9609517.

Sabine Valley Center, Finance Committee Meeting, met at the Administration Bldg., 107 Woodbine Place, Longview, on July 3, 1996, at 10:00 a.m. Information may be obtained from Inman White, or La Vern Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD 9609508.

Upper Rio Grande Private Industry Council, Board, met at 1155 Westmoreland, Suite 211, El Paso, on July 10, 1996, at 7:30 a.m. Information may be obtained from Norman R. Haley, URGPIC, 115 Westmoreland, Suite 235, El Paso, Texas, 79925, (915) 772-5627, Ext. 406. TRD 9609480.

Meetings Filed July 3, 1996

Appraisal District of Jones County, Appraisal Review Board, met at 1137 East Court Plaza, Anshan, July 19, 1996 at 9:00 a.m. Information may be obtained from Susan Holloway, P.O. Box 348, Anshan, Texas 79501, (915) 823-2422, TRD 9609638.

Ark-Tex Council of Governments, Elected Officials of NE Texas Local Workforce Area, will meet at 1604 N. Jefferson, Mt. Pleasant, on July 16, 1996, at 9:00 a.m. Information may be obtained from Sandie Brown, Ark-Tex Council of Government, P.O. Box 5307, Texarkana, TX 75505, (903) 832-8636. TRD 9609542.

Atascosa County Appraisal District, Appraisal Review Board, met at 4th and Avenue J, Poteet, on July 9, 1996 at 9:00 a.m. Information may be obtained from Curtis Stewart, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD 9609613.

Atascosa County Appraisal District, Board of Directors, met at 4th and Avenue J, Poteet, July 11, 1996, at 1:30 p.m. Information may be obtained from Curtis Stewart, P.O. Box 139, Poteet, Texas 78065, (210) 742-3591. TRD 9609614.

Bastrop Central Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on July 8, 1996, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD 9609605.

Bastrop Central Appraisal District, Appraisal Review Board, met at 1200 Cedar Street, Bastrop, on July 10, 1996, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD 9609604.

Bexas-Medina-Atascosa WCID#1, Board of Directors, met at 226 State Hwy. 132, Natalia, on July 8, 1996, at 8:00 a.m. Information may be obtained from Mary Lou Cruse, P.O. Box 170, Natalia, Texas 78059, (210) 665-2132. TRD 9609600.

Bi-County WSC met at Arch Davis Road (FM2254), Bi-County Office, Pittsburg, on July 9, 1996, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD 9609634.

Bosque County Central Appraisal District, Appraisal Review Board, met at 202 S. Hwy. 6, Meridian, on July 10 & 11, 1996, at 9:00 a.m. Information may be obtained from Janice Henry, P.O. Box 393, Meridian, Texas 76665-0393, (817) 435-2304, TRD 9609602.

Brazos Valley Development Council, Executive Committee Meeting, met at the Brazos Center, 3232 Briarcrest, Assembly III, Bryan, on

July 10, 1996, at 1:30 p.m. Information may be obtained from Mary Stevens, Administrative Coordinator, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD 9609630.

Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 N. San Jacinto, Rockwall, on July 9, 1996, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 N. San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD 9609593.

Central Appraisal District of Taylor County, Appraisal Review Board, met at 1534 So Treadaway, Abilene, on July 8,9,10,11,12, 1996, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604 (915) 676-9381, Ext 24. TRD 9609564.

Central Appraisal District of Taylor County, Appraisal Review Board, will meet at 1534 So Treadaway, Abilene, on July 15,16,17,18, 1996, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604 (915) 676-9381, Ext 24. TRD 9609565

Central Appraisal District of Taylor County, Appraisal Review Board, will meet at 1534 So. Treadaway, Abilene, on July 19, 1996, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604 (915) 676-9381, Ext 24. TRD 9609566.

East Texas Council of Governments, CEO Board of Directors, met at 3800 Stone Road, Kilgore, on July 9, 1996, at 6:00 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD 9609641.

Elm Creek WSC Board, met at 508 Avenue "E", Moody, July 8, 1996, at 7:00 p.m. Information may be obtained from Debra Williams, 508 Avenue E, Moody, Texas 76557, (817) 853-3838. TRD 9609637.

Hale County Appraisal District, Appraisal Review Board, met at 302 West 8th Street, Plainview, on July 9 & 10, at 8:30 a.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, Plainview, Texas 79072, (806) 293-4226, TRD 9609643.

High Plains Underground Water Conservation District No. 1, Board, met at 2930 Avenue Q, Board Room, Lubbock, at 10:00 a.m. Information may be obtained from A. Wayne Wyatt, Manager, 2930 Avenue Q., Lubbock, Texas 79405, (806) 762-0181, TRD 9609606.

Hunt County Appraisal District, Board of Directors, met at 4801 King Street, Greenville, July 11, 1996, at 12:00 noon. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas, 75403, (903) 454-3510, TRD 9609654.

Leon County Central Appraisal District, Appraisal Review Board, met at 103 N. Commerce, Gresham Building, Centerville, July 9, 1996 at 9:00 a.m. Information may be obtained from Jeff Beshears, P.O. Box 536, Centerville, Texas 75833-0536, (903) 536-2252, TRD 9609628.

Manville Water Supply Corporation, Board, met at 108 N. Commerce Street, Coupland, on July 11, 1996, at 7:00 p.m. Information may be obtained from Tony Graf, 108 N. Commerce Street, Coupland, Texas 78615, (512) 272-4044. TRD 9609647.

Nortex Regional Planning Commission, Executive Committee, will meet at the Galaxy Center, #2 North, Suite 200, 4309 Jacksboro Highway, Wichita Falls, July 25, 1996, at 12:00 noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Texas, 76307-5144, (817) 322-5281. TRD 9609612.

Sabine Valley Center, Personnel Committee Meeting, met at Marion County Family Services, 1115 Wolcott, Jefferson, July 11, 1996, 2:00 p.m. Information may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD 9609645.

San Patricio County Appraisal District, Board of Directors, met at 1146 E. Market, Sinton, on July 11, 1996 at 10:00 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD 9609563.

Texas Association of Regional Councils, Quarterly Board Meeting, will meet at Austin North Hilton and Towers, 6000 Middle Fiskville Road, Austin, July 12, 1996, at 9:30 a.m. Information may be obtained from Sheila Jennings or Jim Ray, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715. TRD 9609599.

Texas Court Reporters Certification Board will meet at the Texas Law Center, 1414 Colorado, Suite 202, Austin, on July 13, 1996,

Texas Municipal Power Agency ("TMPA") Board of Directors Workshop, met at the Chamber of Commerce Offices, 4001 East 29th Street, Suite 175, Bryan, on July 10, 1996 at 6:30 p.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD 9609650.

Texas Municipal Power Agency ("TMPA") Audit & Budget Committee Meeting, met at the Gibbons Creek Steam Electric Station, Administration Building, 2.5 miles north of Carlos, Texas, on FM-244, Carlos, July 11, 1996 at 9:00 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD 9609651.

Texas Municipal Power Agency ("TMPA") Board of Director's Meeting, met at the Gibbons Creek Steam Electric Station, Administration Building, 2.5 miles north of Carlos, Texas, on FM-244, Carlos, July 11, 1996 at 10:00 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD 9609651.

Wheeler County Appraisal Review Board, will meet at 103 East Texas Courthouse Square, Wheeler, July 17 & 18, 1996 at 8:00 a.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD 9609655.

Wise County Appraisal District, Appraisal Review, met at 206 S. State Street, Decatur, July 9, 1996, at 9:00 a.m. Information may be obtained from Deidra Deaton, 206 S. State Street, Decatur, Texas 76234, (817) 627-7298. TRD 9609575.

Wise County Appraisal District, Board of Directors, met at 206 S. State Street, Decatur, July 9, 1996, at 8:00 p.m. Information may be obtained from Deidra Deaton, 206 S. State Street, Decatur, Texas 76234, (817) 627-7298. TRD 9609642.

Wise County Appraisal District, Appraisal Review, will meet at 206 S. State Street, Decatur, July 16, 1996, at 9:00 a.m. Information may be obtained from Deidra Deaton, 206 S. State Street, Decatur, Texas 76234, (817) 627-7298. TRD 9609576.

Wise County Appraisal District, Appraisal Review, will meet at 206 S. State Street, Decatur, July 18, 1996, at 9:00 a.m. Information may be obtained from Deidra Deaton, 206 S. State Street, Decatur, Texas 76234, (817) 627-7298. TRD 9609577.

Meetings Filed July 5, 1996

Coleman County Water Supply Corporation, met at 214 Santa Anna Avenue, Coleman, July 10, 1996, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9609691.

Dallas Area Rapid Transit, Legislative Ad Hoc Committee met at DART Conference Room C, 1st Floor, 1401 Pacific Avenue, Dallas, July 9, 1996, at Noon. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9609697.

Dallas Area Rapid Transit, ILA Ad Hoc Committee met at DART Conference Room B, 1st Floor, 1401 Pacific Avenue, Dallas, July 10, 1996, at 11:00 a.m. Information may be obtained from Paula Bailey, P.O. Box 660163, Dallas, Texas 75266-0163. TRD-9609698.

Deep East Texas Council of Governments Board of Directors and Grants Application Review Committee will meet at Highway 87, P.O. Box 479, Twitty's, Hamphill, July 25, 1996, at 11:00 a.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9609710.

Denton Central Appraisal District, Appraisal Review Board, will meet at 3911 Morse Street, Denton, July 17, 1996, at 9:00 a.m. Information may be obtained from Kathy Williams, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9609695.

Denton Central Appraisal District, Appraisal Review Board will meet at 3911 Morse Street, Denton, July 19, 1996, at 9:00 a.m. Information may be obtained from Kathy Williams, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9609696.

Edwards Aquifer Authority met at 1615 North St. Marys Street, San Antonio, July 10, 1996, at 2:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Marys Street, San Antonio, Texas 78212, (210) 222-2204. TRD-9609686.

El Oso Water Supply Corporation, Board of Directors met at FM 99, Karnes City, July 9, 1996, at 7:30 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9609708.

Gonzales County Appraisal District, Board of Directors met at 928 St. Paul, Gonzales, July 11, 1996, at 6:00 p.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 627-2879 or Fax: (210) 672-8345. TRD-9609711.

Gonzales County Appraisal District, Board of Directors met at 928 St. Paul, Gonzales, July 11, 1996, at 6:00 p.m. Information may be obtained from Connie Barfield or Glenda Strackbein, 928 St. Paul, Gonzales, Texas 78629, (210) 672-2879 or Fax (210) 672-8345. TRD-9609712.

Henderson County Appraisal District, Appraisal Review Board will meet at 1751 Enterprise Street, Athens, July 15, 1996, at 8:00 a.m. Information may be obtained from Lori Fetterman, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9609704.

Hickory Underground Water Conservation District Number 1, Board and Advisors met at 2005 South Bridge, Brady, July 11, 1996, at 6:30 p.m. Information may be obtained from Stan Reinhard, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9609693.

Hickory Underground Water Conservation District Number 1, Board and Advisors met at 2005 South Bridge, Brady, July 11, 1996, at 7:00 p.m. Information may be obtained from Stan Reinhard, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9609694.

Central Appraisal District of Rockwell County, Appraisal Review Board met at 106 North San Jacinto, Rockwall, July 11, 1996, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwell, Texas 75087, (214) 771-2034. TRD-9609705.

Sulphur-Cypress Soil and Water Conservation District #419, met at 1809 West Ferguson, Suite D, Mt. Pleasant, July 11, 1996, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson, Suite D, Mt. Pleasant, Texas 75456, (903) 572-5411. TRD-9609700.

Wood County Appraisal District, Appraisal Review Board met at 210 Clark Street, Quitman, July 9, 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-9609699.

Meetings Filed July 8, 1996

The Barton Springs/Edwards Aquifer Conservation District, Board of Directors-Called Meeting met at One Aquarena Springs Drive, San Marcos, July 11 1996, at 6:00 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, (512) 282-8441 or Fax: (512) 282-7016. TRD-9609716.

The Bastrop Central Appraisal District, Appraisal Review Board will meet at 1200 Cedar Street, Bastrop, July 12 1996, at 8:30 a.m. Information may be obtained from Dana Ripley, 1200 Cedar Street, Bastrop, Texas 78602, (512) 303-3536. TRD-9609716.

The Bell County Tax Appraisal District, Appraisal Review Board will meet at 411 East Central Avenue, Belton, July 15-22, 1996, at 9:00 a.m. 1:30 p.m. Information may be obtained from Carl Moore, P.O. Box 390, Belton, Texas 76513, (817) 939-5841. TRD-9609715.

The Carson County Appraisal District, Appraisal Review Board will meet at 102 Main Street, Panhandle, July 12, 1996, at 8:30 a.m. Information may be obtained from Donita Herber, Box 970, Panhandle, Texas 79068, (806) 537-3569.

The Dewitt County Appraisal District, Board of Directors will meet at 103 Bailey Street, Cuero, Board of Directors, July 16, 1996, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9609718.

The Erath County Appraisal District, Appraisal Review Board will meet at 1390 Harbin Drive, Stephenville, July 16, 1996, at 9:00 a.m. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9609729

Mills County Appraisal District, Appraisal Review Board, will meet at Mills County Courthouse, Jury Room, Fisher Street, Goldthwaite, July 12, 1996, at 9:00 a.m. Information may be obtained from Bill Presley, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9609717.

San Antonio River Authority, Board of Directors will meet at 100 East Guenther Street, Boardroom, San Antonio, July 17, 1996, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9609731.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 16, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609748.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 17, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609749.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 18, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609750.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 19, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609751.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 22, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609752.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 23, 1996, at 9:00 a.m. Information

may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609753.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 24, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609754.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 25, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609755.

Tyler County Appraisal District, Appraisal Review Board will meet at 806 West Bluff, Woodville, July 26, 1996, at 9:00 a.m. Information may be obtained from Tyler CAD, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9609756.

Wheeler County Appraisal, Board of Directors will meet at 103 East Texas Courthouse Square, Wheeler, July 15, 1996, at 7:00 p.m. Information may be obtained from Larry Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9609741.

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 Consumer Credit Commissioner

Notice of Rate Ceiling

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).

Issued in Austin, Texas, on July 2, 1996.

TRD-9609543

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: July 3, 1996



Texas Department of Criminal Justice

Request for Qualifications

The Texas Department of Criminal Justice-Facilities Division (TDCJ-FD) announces that it requires professional engineering services for Environmental Consulting, potentially for any or all TDCJ-FD managed construction projects, including work for TDCJ, Texas Youth Commission (TYC), and Texas Juvenile Probation Commission (TJPC), pursuant to the provisions of the Government Code, Chapter 2254, Subchapter A. TDCJ-FD intends to contract with one firm for all such services on an as-needed basis through August 31, 1997. Activities with respect to this program of work will include, but

not be limited to, Environmental Site Assessments (all phases), Air Quality, and Remedial Investigation, Design and Remedial Action. Firms interested in being considered for these services should request an application packet from the address and/or fax number shown as follows. To be considered for award of a contract for these services, interested firms must submit their responses containing statements of interest, qualifications, and performance data in the prescribed format not later than 5:00 p.m. on July 30, 1996, to: Jephtha C. Tatum, III, Chief Contracts Administrator, TDCJ-Facilities Division, P.O. Box 99, Huntsville, Texas 77342-9987, Fax: (409) 294-8753.

Any submittal received after the stated time will not be considered. Submittals shall not include a proposed fee or compensation schedule. These services include professional engineering services, and are subject to the Professional Services Act. Submission and participation in the selection process by interested firms shall be at no cost or obligation to the TDCJ-FD. The TDCJ-FD reserves the right to select one firm or reject all submittals received. Materials received will not be returned and the TDCJ-FD shall have no obligation to any firm should it develop or use any idea suggested in the course of, or developed in connection with, its efforts to contract as provided

herein. All materials submitted become the property of the TDCJ-FD. Questions regarding this Request for Qualifications should be submitted in writing to the address previously shown. Copies of questions and responses to the questions will be forwarded to all firms that have requested application packets.

Issued in Austin, Texas, on July 1, 1996.

TRD-9609438

Carl Reynolds

General Counsel

Texas Department of Criminal Justice

Filed: July 2, 1996



Texas Education Agency

Request for Proposals Concerning Collecting and Reporting Information to the Texas Education Agency in Monitoring Publicly Funded Special Education Programs

Filing Authority. Request for Proposals (RFP) #701-96-030 is authorized under the Individuals with Disabilities Education Act (IDEA), 20 United States Code, §1400 et seq., and its implementing regulations, 34 Code of Federal Regulations, Part 300, and the Texas Education Code, §7.021 and §29.001.

Eligible Proposers. The Texas Education Agency (TEA) is requesting proposals from nonprofit organizations, institutions of higher education, private companies, and individuals. Historically underutilized businesses (HUBS) are encouraged to submit proposals.

Description. The TEA is requesting proposals for identifying and managing approximately 30 qualified persons to serve in connection with collecting and reporting information to TEA for its monitoring of local educational agencies and other entities providing special education services. The purpose of this monitoring is to determine compliance with state and federal special education requirements. Historically, TEA personnel have conducted the on-site monitoring visits to collect and report information for determining compliance with the special education legal requirements. For the 1996-1997 school year, the contract personnel sought by this RFP will perform these activities. Approximately, 200 school districts are scheduled for on-site monitoring for this upcoming school year. The activities to be conducted by the contractors are detailed in the RFP.

Dates of Project. All services and activities related to the RFP will be conducted within specified dates. Proposers should plan for a starting date of no earlier than August 26, 1996, and an ending date of no later than June 30, 1997.

Project Amount. The maximum amount available under this RFP is \$1.34 million during the contract period. This project is funded 100% from IDEA, Part B, federal funds.

Selection Criteria. Proposals will be selected based on the ability of each proposer to carry out all requirements contained in the RFP. The TEA will base its selection on, among other things, the demonstrated competence and qualifications of the proposer. The TEA reserves the right to select from the highest ranking proposals those that address all requirements in the RFP.

The TEA is not obligated to execute a resulting contract, provide funds, or endorse any proposal submitted in response to this RFP. This RFP does not commit TEA to pay any costs incurred before a

contract is executed. The issuance of this RFP does not obligate TEA to award a contract or pay any costs incurred in preparing a response.

Requesting the Proposal. A complete copy of RFP #701-96-030 may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. Please refer to the RFP number in your request.

Further Information. For clarifying information about the RFP, contact Dr. Forrest A. Novy, Division of Accountability and School Accreditation, Texas Education Agency, (512) 463-9515.

Deadline for Receipt of Proposals. Proposals must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m. (Central Standard Time), Tuesday, August 13, 1996, to be considered.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609562

Criss Cloudt

Associate Commissioner for Policy Planning and Research

Texas Education Agency

Filed: July 3, 1996



General Services Commission

Housing Partnership Program Notice of Request for Proposal

Notice of Invitation for Proposals.

In accordance with the Texas Government Code, §2305.064, the State Energy Conservation Office (SECO) of the General Services Commission (the "GSC") invites proposals for the design and implementation of projects which promote the efficient use of energy in low-to-moderate income households. Proposals are requested from partnerships of non-profit organizations, community action agencies, local governments, utility companies, public housing authorities, social service agencies, and other service related organizations serving the needs of low and moderate income individuals (the "Contractors").

Low-to-moderate income households are defined as households (1) having incomes which are over 125 % but under 175 % of the federal poverty level or (2) having incomes which are between 52 % and 115 % of the median income for a given Texas county. The maximum household income is \$35,000 per year.

Background.

The Housing Partnership Program (the "Program") seeks to promote the efficient use of energy in low-to-moderate income households by establishing partnerships among non-profit organizations, community action agencies, local governments, utility companies, public housing authorities, social service agencies, and other service related organizations serving the needs of low and moderate income individuals. The Program objective may be met through various innovative means, including, but not limited to, training and technical assistance, energy education workshops/seminars, housing retrofits, pilot group studies, and model demonstration projects (the "Project(s)"). Demonstration projects will be subject to U.S. Department of Energy Demonstration Project Guidelines (Program Guidelines) which are attached.

Services to be Performed

One or more contractors will be selected to implement a Project(s) which promotes energy efficiency in low-to-moderate income households. The Contractor(s) will be required to perform the following services:

- (1) Select a specific target audience in a given geographic area;
- (2) Market the Project to that target audience to recruit participants;
- (3) Compile energy usage data for electricity, natural gas and water to establish the Project baseline for energy use;
- (4) Prepare and submit a report which details the expected energy savings to be realized by the end of the Project;
- (5) Prepare a guide book so that the Project might be replicated in similar target audiences in other geographic locations;
- (6) Prepare and submit monthly reports which provide Project status updates, including Project highlights, news articles, problems and solutions; and
- (7) Prepare and submit a final report on the overall effectiveness of the Project, including change in energy usage (narrative and tables/charts), participant comments, and plans to continue such efforts.

Proposal Format.

The proposal shall be organized in the sequence described as follows.

(1) Cover Sheet. (Maximum length one page)

The page should include:

- (1) Project name, (2) total Project cost, (3) the SECO funding requested, (4) Project director, (5) name, address, and phone number of the lead Project partner, and (6) signature, name, and title of the authorized negotiator.

(2) Project Summary. (Maximum length one page) Brief description of the proposed Project.

(3) Business/Project Organization. (Maximum length two pages) Names, addresses, phone numbers, and contact persons of each Project partner.

(4) Project Management Structure. (Maximum length two pages) Provide an explanation, using charts or other exhibits as necessary, which specifies Project leadership, reporting responsibilities and interface with the SECO. Provide a description of the methods which will be employed to organize, monitor, and manage resources under the proposer's control in the performance of the work. If the use of subcontractors is proposed, identify their placement in the primary Project structure, and provide a management description for each subcontractor.

(5) Background Experience. (Maximum length two pages per person). Describe only relevant corporate and individual experience for the personnel who will be actively engaged in the Project. Describe, in general terms, all energy-related work experience. Do not include details of experience prior to 1988. Supply the Project title year, and references name, title, present address and phone number of principal party for whom prior projects were accomplished. Include names, qualifications, and copies of resumes for all professional personnel who will be assigned to the Project. State primary work assigned to each person and the percentage of time each person will devote to this work. Identify key persons by name and title.

(6) Proposed Action Plan. (Maximum length four pages) Describe, in detail, the action steps to be taken in implementing the Project. Include (1) a description of the proposed methodologies to be employed, (2) the sequence and schedule of project activities, and (3) an estimate of the number of hours to complete the entire Project and each Project milestone.

(7) Expected Energy Savings. (Maximum length four pages) Describe, in detail, the expected energy savings that will result from the implementation of the proposed action plan. Include comparisons, charts, graphs, etc.

(8) Proposed Budget. (Maximum length one page) Present the Project budget. List funding requested from SECO and the match funding in separate columns. The following budget categories may be included: salaries, benefits, travel, subcontract, equipment, and other direct operating expenses.

(9) Budget Justification. (Maximum length two pages) Describe and justify the expenses calculated into the budget.

(10) Conflicts of Interest. (Maximum length one page) Describe any existing work, potential work, or business arrangement which may give rise to potential conflict of interest with the proper execution of this project. Persons employed within the past twelve (12) months by the GSC/SECO or its satellite energy offices are not eligible to participate in SECO contracts.

Selection Criteria.

Proposals will be evaluated based on the following criteria:

(1) Demonstrated experience (15%) The proposal should describe the proposal team's relevant experience in (1) working to improve energy efficiency in residential households, (2) working with and delivering services to low-to-moderate income households, and (3) developing, marketing, and implementing residential energy efficiency projects and programs.

(2) Knowledge of Energy Efficiency/Energy Conservation Measures (20%) The proposal should detail the qualifications, experience, and expertise of the proposal team with regard to energy efficiency and energy conservation measures. The proposal should detail the selection process for the various methods to be used to achieve the goal of greater energy efficiency in low-to-moderate income households.

(3) Action Plan (35%) The proposal should effectively describe the course of action to be taken in marketing, implementing, monitoring, evaluating and modifying the project to achieve greater energy efficiency in the households of the low-to-moderate income program participants. The proposal should include plans for continuing the energy efficiency efforts beyond the SECO project period and for replicating the project in similar areas.

(4) Ability to Assign Experienced/Qualified Personnel (15%) The proposal should clearly state the experience, qualifications, and time commitments of the individuals assigned to this project.

(5) Proposed Budget (15%) The proposal should include a budget which is reasonable in relation to the services provided. The sources of the dollar-for-dollar or in-kind match contributions should be included along with letters of support, if available.

The SECO staff may request that the finalists meet with the review team and other SECO staff in Austin for a formal interview prior to the selection of the contractors. Selection for the interview will

be based on the proposer's ability to satisfy the criteria listed above, and the interview will focus on the published selection criteria. Final selection of the Contractor will be based on the results of the written proposal and the interview.

Source of Funding.

The Project(s) will be funded with oil overcharge monies, specifically State Energy Conservation Program (SECP) monies, which have been approved for this purpose by the U.S. Department of Energy (DOE). Oil overcharge funds are monetary settlements returned to the states as a result of litigation by the DOE against certain oil companies for alleged violations of price controls in effect between 1973 and 1981. The courts returned these funds to the state for use in energy programs deemed to provide restitution to citizens aggrieved by the overcharges. Funds are subject to Program Guidelines of the DOE SECP Plan and the U.S. v. Exxon court decision and may not be used to pay for any indirect or administrative costs. These funds may be used to supplement existing programs and funding, but may not supplant funds already allocated to the Program.

The Project(s) resulting from this request for proposals ("RFP") is funded with 100% of oil overcharge Exxon and 0% non-oil overcharge funding as authorized through the DOE to SECO. The selected Contractor will be funded on a cost reimbursement basis. All expenses must be properly documented and permissible under the contract and under Program Guidelines, and all are subject to approval by the SECO. Advance payments and payments for indirect costs, as defined in applicable Federal Office of Management and Budget (OMB) circulars, will not be allowed.

Historically Underutilized Business (HUB) Participation. State agencies are required to make a good faith effort to assist historically underutilized businesses (HUBs) in receiving contract awards issued by the State, pursuant to Texas Government Code Annotated, Title 10, subtitle D, Chapter 2616 (formerly Texas Revised Civil Statutes Annotated, Article 601b). The General Services Commission (GSC) Rules, 1 TAC §§111.11-111.24, sets forth the State's policy to encourage state agencies to award contracts to HUBs in order to achieve these goals through race, ethnic, and gender neutral means. The goal of this program is to promote full and equal business opportunity for all businesses in state contracting.

Therefore, the GSC encourages any entity that is awarded a contract as a result of this RFP, to make a good faith effort to award necessary subcontracts to HUBs in accordance with GSC Rule 111.13(b) to Black Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, and American Women. This Good Faith Effort Program goal does not prevent any business group from participating in contracting opportunities with the State of Texas.

Pre-Proposal Conference. All potential proposers are encouraged to attend a pre-proposal conference to be held on July 29, 1996, from 10:00 a.m. until 12:00 p.m. at the State Energy Conservation Office, located at 221 East 11th Street, Suite 200, Austin, Texas. The purpose of the meeting is to answer any questions regarding this RFP, the required format, the selection criteria, or the evaluation process.

Written Questions. All questions concerning this RFP that arise after the preproposal conference must be submitted in writing to Renee Conley, State Energy Conservation Office, P.O. Box 13047, Austin, Texas 78711-3047 or transmitted to facsimile number (512) 475-2569 by 5:00 p.m., Wednesday, July 31, 1996.

Closing Date. One original along with seven copies of the sealed proposals should be sent to: Rene Conley, State Energy Conservation Office, P.O. Box 13047, Austin, Texas 78711-3047

For hand deliveries, the SECO is located on the second floor of the Insurance Annex Building, 221 East 11th Street, Austin, Texas 78701. In order to be considered, proposals must be postmarked or received no later than 4:00 p.m. August 16, 1996. Proposals received after that time, and proposals submitted by facsimile will not be considered. Proposals should be concise, clearly written, and conform to the instructions in the proposal format section of this RFP.

Public Information Act.

Information, documentation, and other material submitted by proposers in response to this RFP may be subject to public disclosure pursuant to 5 USCA 552 (the "Freedom of Information Act"), and the Texas Government Code, Chapter 552 (the "Public Information Act"). Proposers submitting documentation in response to this RFP, believed to be confidential by law, either constitutional or statutory, or by judicial decision, must indicate so clearly on the document. In the event of a request for information pertaining to this RFP, the GSC will comply with the provisions of the Public Information Act, particularly those to protect the interests of the State and the proposers.

Award of Contract(s).

It is anticipated that Contractor selection will be made on or before September 1, 1996 and that the contract term will extend from September 1, 1996 through August 31, 1997. Awards shall be made to the proposer(s) whose proposal(s) are most advantageous and in the best interest of the State of Texas. SECO is not obligated to award a contract as a result of this RFP and it reserves the right to reject any and all proposals.

Cancellation.

The SECO reserves the right to cancel any contract resulting from this RFP, upon 30 days written notice, due to the Contractor's failure to comply with the terms and conditions of the contract.

Ownership of Proposal Materials.

All proposals and accompanying documentation submitted in response to this RFP is the property of the SECO.

Costs Incurred by Proposers.

The SECO will not be responsible for any costs incurred by a proposer in responding to this RFP.

Issued in Austin, Texas, on July 3, 1996.

9609666

David Ross Brown
Assistant General Counsel
General Services Commission
Filed: July 3, 1996

Texas Department of Health

Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code 289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Charles B. Lide, D.D.S.,

Mount Pleasant, R04292; Robert M. Vorderlandwehr, D.D.S., Hillsboro, R06323; John N. Kirk, D.D.S., M.A., Houston, R15644; Happy Smile Dental Center, Plano, R20176; Melrose Treatment Center, Houston, R21480; Champions MRI and Diagnostic Center, Houston, R20897; Mainland Chiropractic Clinic, La Marque, R16502; Angel Animal Hospital, Incorporated, Pasadena, R11733; F. O. McGehee, M.D. and Associates, Houston, R08108; Keeler Instruments, Incorporated, Broomall, Pennsylvania, Z00825; Eagle Pass Womens Clinic, Eagle Pass, Z00603; R. Phillips X-Ray, Arlington, R20191; Falco X-Ray Company, Incorporated, San Antonio, R15239; Texas Industrial Laboratories, Incorporated, Fort Worth, R06987.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within

30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on July 5, 1996.

TRD-9609709

Susan K. Steeg

General Counsel, Office of General Counsel

Texas Department of Health

Filed: July 5, 1996

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Licensing Actions for Radioactive Materials

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

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Littlefield	Lamb County Hospital	L04973	Littlefield	0	06/20/96
Throughout Texas	All Tech Inspection	L04974	Corpus Christi	0	06/25/96

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Angleton	Angleton-Danbury General Hospital	L02544	Angleton	14	06/28/96
Aransas Pass	Coastal Bend Hospital, Inc.	L03446	Aransas Pass	13	06/18/96
Austin	Syncor International Corporation	L02117	Austin	56	06/28/96
Austin	South Austin Medical Center	L03273	Austin	29	06/28/96
Austin	South Austin Medical Center	L03273	Austin	30	06/26/96
Austin	CONDEA Vista Chemical Company	L04520	Austin	3	06/28/96
Austin	Austin Diagnostic Medical Center	L04910	Austin	2	06/28/96
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	26	06/18/96
Beaumont	St. Elizabeth Hospital	L00269	Beaumont	63	06/24/96
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	72	06/20/96
Calvert	Texas-New Mexico Power Company	L04280	Bremond	4	06/25/96
Childress	Childress Regional Medical Center	L02784	Childress	20	06/26/96

Clute	Non-Destructive Inspection Corporation	L02712	Clute	47	06/21/96
Dallas	Methodist Hospitals of Dallas	L00659	Dallas	32	06/28/96
Dallas	Tamko Asphalt Products	L04499	Dallas	3	06/28/96
Deer Park	Quantum Chemical Corporation	L00204	Deer Park	45	06/19/96
Denton	Numed Diagnostic Imaging	L02129	Denton	49	06/25/96
Evadale	Temple-Inland Forest Products, Inc.	L01095	Silsbee	42	06/25/96
Fort Worth	All Saints Episcopal Hospital	L02212	Fort Worth	41	06/28/96
Fort Worth	All Saints Hospital Cityview	L04105	Fort Worth	9	06/28/96
Houston	Kelsey-Seybold Clinic, P.A.	L00391	Houston	41	06/28/96
Houston	Texas Southern University	L03121	Houston	12	06/25/96
Houston	Lyndon B. Johnson General Hospital	L04412	Houston	15	06/21/96
Houston	Cardiovascular Clinic of Texas, Inc.	L04963	Houston	1	06/26/96
Lone Star	Arctic Pipe Inspection Incorporated	L02858	Channelview	13	06/18/96
Longview	Good Shepherd Medical Center	L02411	Longview	49	06/26/96

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Lubbock	Methodist Hospital	L00483	Lubbock	85	06/25/96
Lubbock	Saint Mary of the Plains Hospital	L01547	Lubbock	49	06/26/96
Lubbock	St. Mary Imaging Center, Ltd.	L04005	Lubbock	6	06/26/96
Mesquite	Mesquite Community Hospital	L02733	Mesquite	23	06/26/96
Mesquite	Texas Diagnostic Imaging Center - Mesquite	L04914	Mesquite	1	06/25/96
N. Richland Hills	HCA Health Services of Texas, Inc.	L02271	N. Richland Hills	24	06/28/96
Nederland	Anatec, Inc.	L04865	Nederland	9	06/28/96
Orange	Chevron Chemical Company	L00031	Orange	39	06/28/96
Pasadena	FINA Oil and Chemical Company	L04640	La Porte	2	06/28/96
Richmond	Polly Ryon Hospital Authority	L02406	Richmond	19	06/26/96
Round Rock	Medical Center of Round Rock	L03469	Round Rock	18	06/26/96
San Angelo	Columbia Medical Center of San Angelo	L02487	San Angelo	26	06/26/96
San Antonio	Santa Rosa Health Care Corporation	L02237	San Antonio	40	06/18/96
San Antonio	Heart Center of Central San Antonio	L04860	San Antonio	4	06/28/96
Sugarland	Advanced Cardiac Care Association	L04936	Sugarland	1	06/28/96
Temple	Specialty Pharmacy Services, Incorporated	L04883	Temple	2	06/25/96
The Woodlands	GENEMEDICINE, Incorporated	L04746	The Woodlands	5	06/21/96
The Woodlands	GENEMEDICINE, Incorporated	L04746	The Woodlands	6	06/21/96
Throughout Texas	Century Inspection, Inc.	L00062	Dallas	79	06/21/96
Throughout Texas	Maxim Technologies, Inc.	L01934	Houston	51	06/28/96
Throughout Texas	H & G Inspection Company, Inc.	L02181	Houston	105	06/20/96
Throughout Texas	City of Corpus Christi	L02284	Corpus Christi	15	06/26/96
Throughout Texas	P & S Perforators, Inc.	L02396	Victoria	19	06/21/96
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	36	06/21/96
Throughout Texas	Raytheon Engineers & Contractors, Inc.	L02662	Houston	56	06/28/96
Throughout Texas	Southern Technical Services	L02683	Lake Jackson	58	06/28/96
Throughout Texas	Lower Colorado River Authority	L02738	Austin	17	06/28/96
Throughout Texas	METCO	L03018	Houston	54	06/28/96
Throughout Texas	Goolsby Testing Laboratories, Inc.	L03115	Humble	51	06/28/96
Throughout Texas	Baker Hughes INTEQ, Inc.	L03272	Houston	17	06/28/96
Throughout Texas	Koch Engineering Company, Inc.	L03913	La Porte	49	06/28/96
Throughout Texas	Ulrich Engineers, Inc.	L03950	Houston	3	06/19/96
Throughout Texas	Guardian NDT Services, Inc.	L04099	Corpus Christi	41	06/25/96
Throughout Texas	Liberty Technical Services	L04570	Deer Park	29	06/28/96
Throughout Texas	Liberty Technical Services	L04570	Deer Park	30	06/20/96
Throughout Texas	DJ Contractors, Incorporated	L04635	El Paso	1	06/28/96
Waco	Lehigh Portland Cement Company	L01087	Waco	17	06/28/96
Wichita Falls	Wichita General Hospital	L00403	Wichita Falls	24	06/26/96

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Amarillo	Taylor Coleman, M.D.	L00515	Amarillo	13	06/18/96
Chillicothe	Chillicothe Hospital District	L03933	Chillicothe	4	06/26/96
Corpus Christi	Spohn Hospital	L02495	Corpus Christi	46	06/24/96
Galveston	Galveston Laboratories	L02970	Galveston	3	06/18/96
Houston	Kooney X-Ray Incorporated	L01074	Barker	79	06/28/96
Houston	Yale Clinic and Hospital	L02047	Houston	14	06/26/96
Houston	Spring Branch Medical Center	L02473	Houston	32	06/27/96
Irving	MetWest Incorporated	L01253	Irving	17	06/28/96
Kerrville	Barney K. Williams, Jr., M.D.	L01377	Kerrville	7	06/27/96
Odessa	Rexene Corporation	L00547	Odessa	30	06/19/96
Point Comfort	Formosa Plastics Corporation of Texas	L03893	Point Comfort	14	06/28/96
Sugarland	Stillmeadow, Inc.	L04497	Sugarland	6	06/28/96
Terrell	Columbia Medical Center at Terrell, Inc.	L03048	Terrell	11	06/27/96
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	48	06/28/96
Throughout Texas	Eagle X-Ray	L03246	Mont Belvieu	51	06/28/96
Throughout Texas	Sunmount Corporation	L03799	Roanoke	8	06/28/96
Throughout Texas	ATL Laboratories, Incorporated	L03924	Arlington	10	06/26/96
Throughout Texas	Pitt-Des Moines, Inc.	L04502	Pittsburgh, PA	12	06/28/96

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Aransas Pass	Walzel & Associates, Inc.	L04523	Aransas Pass	6	06/21/96
Conroe	Medical Center Hospital	L02421	Conroe	11	06/28/96
Conroe	Acutec Logging Services, Inc.	L04713	Conroe	1	06/21/96
Fort Worth	Beckman Construction Company	L04833	Fort Worth	1	06/21/96
Odessa	Temperature Evaluation Logging Co., Inc.	L02219	Odessa	14	06/25/96
Victoria	Safety Railway Service	L04761	Victoria	2	06/21/96
Waco	Central Texas Eye Clinic, P.A.	L00026	Waco	12	06/24/96

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Channelview	Via NDT Engineering and Testing	L04322	Channelview	33	06/18/96

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 through Friday (except holidays).

Issued in Austin, Texas, on June 10, 1996.

9609862
Susan K. Steeg
General Counsel

Texas Department of Health
 Filed: July 9, 1996

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

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Jourdanton	Tri-City Community Hospital	L04966	Jourdanton	0	05/16/96
Lovelady	Asbestos Analytics Inc	L04982	Lovelady	0	05/17/96

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Abilene	Hendrick Medical Center	L02433	Abilene	47	05/23/96
Alice	Alice Physicians and Surgeons Hospital	L02390	Alice	17	05/22/96
Amarillo	Saint Anthonys Hospital	L01242	Amarillo	50	05/30/96
Amarillo	High Plains Baptist Hospital	L01259	Amarillo	48	05/15/96
Aransas Pass	Coastal Bend Hospital Inc	L03446	Aransas Pass	12	05/15/96
Arlington	Metroplex Hematology Oncology Associates	L03211	Arlington	40	05/23/96
Austin	Austin Radiological Association	L00545	Austin	74	05/22/96
Austin	Seton Medical Center	L02896	Austin	42	05/16/96
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	25	05/16/96
Carrollton	G E Lighting	L03819	Carrollton	9	05/16/96
Corpus Christi	Coastal Cardiology Association	L04754	Corpus Christi	3	05/24/96
Dallas	Saint Paul Medical Center	L01065	Dallas	40	05/17/96
Dallas	Baylor University Medical Center	L01290	Dallas	34	05/16/96
Dallas	Medical City Hospital Dallas	L01976	Dallas	95	05/15/96
Dallas	Mallinckrodt Inc	L03580	Dallas	26	05/15/96
Del Rio	Val Verde Memorial Hospital	L01967	Del Rio	12	05/24/96
Denton	Denton Regional Medical Center	L02764	Denton	29	05/17/96
Denton	Denton Community Hospital	L04003	Denton	17	05/17/96
Duncanville	The Center	L03717	Duncanville	18	05/20/96
Duncanville	The Center	L03717	Duncanville	19	05/16/96
Fort Worth	MD Anderson-Moncrief Cancer Center of Fort Worth	L00047	Fort Worth	33	05/17/96
Fort Worth	MD Anderson-Moncrief Cancer Center of Fort Worth	L00047	Fort Worth	34	05/22/96
Fort Worth	John Peter Smith Hospital	L02208	Fort Worth	28	05/24/96
Fort Worth	John Peter Smith Hospital	L02208	Fort Worth	29	05/30/96
Granbury	Terra Analytics Laboratory	L04714	Granbury	2	05/16/96
Greenville	Presbyterian Hospital of Greenville	L01695	Greenville	26	05/15/96

CONTINUED AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	Goodyear Tire and Rubber Company	L00264	Houston	21	05/21/96
Houston	Baylor College of Medicine	L00680	Houston	57	05/30/96
Houston	Rosewood Medical Center Inc	L01239	Houston	45	05/15/96
Houston	HTS Inc Consultants	L02757	Houston	10	05/22/96
Houston	The University of Texas Health Science Center at Hous	L03685	Houston	18	05/16/96
Houston	Parkway MRI/Parkway Imaging	L04111	Houston	6	05/15/96
Houston	Quantum MRI West Loop & Diagnostic Center	L04598	Houston	2	05/24/96
Houston	Hermann Hospital	L04655	Houston	8	05/16/96
Katy	Katy Medical Center Inc	L03052	Katy	20	05/24/96
Kingsville	Texas A&M University-Kingsville	L01821	Kingsville	20	05/17/96
La Porte	Dow Chemical Company U S A	L00510	La Porte	53	05/21/96
Lubbock	Cardiology Associates of Lubbock P A	L04468	Lubbock	10	05/17/96
Lubbock	University Medical Center	L04719	Lubbock	9	05/24/96
Lufkin	Memorial Medical Center of East Texas	L01346	Lufkin	55	05/22/96
Lufkin	Woodland Heights General Hospital	L01842	Lufkin	28	05/15/96
Nederland	Anatec Inc	L04865	Nederland	8	05/23/96
Orange	Sholars Drug	L04785	Orange	3	05/17/96
San Angelo	Swartz Enterprises Inc	L03647	San Angelo	7	05/22/96
San Antonio	South Texas Radiology Group	L00325	San Antonio	75	05/30/96
San Antonio	Baptist Memorial Healthcare System	L00455	San Antonio	71	05/28/96
San Antonio	Methodist Healthcare System of San Antonio	L02232	San Antonio	33	05/23/96
San Antonio	Methodist Healthcare System of San Antonio	L02232	San Antonio	34	05/30/96
San Antonio	Southwest General Hospital	L02689	San Antonio	15	05/22/96
San Antonio	Saint Lukes Baptist Hospital	L03309	San Antonio	33	05/24/96
San Antonio	Central Cardiovascular Clinic PA	L04892	San Antonio	2	05/20/96
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	121	05/22/96
Seadrift	Union Carbide Corporation	L03105	Port Lavaca	11	05/16/96
Taylor	Johns Community Hospital	L03657	Taylor	17	05/15/96
Throughout Texas	Texas Department of Transportation	L00197	Austin	77	05/22/96
Throughout Texas	Texas A & M University	L00448	College Station	87	05/22/96
Throughout Texas	The Methodist Hospital	L00457	Houston	82	05/22/96
Throughout Texas	Pro-Log	L01828	Denver City	17	05/21/96
Throughout Texas	City of Fort Worth	L01928	Fort Worth	16	05/16/96
Throughout Texas	Halliburton Energy Services	L02113	Houston	85	05/22/96
Throughout Texas	Technical Welding Laboratory Inc	L02187	Pasadena	110	05/16/96
Throughout Texas	Theratronics International Limited	L02623	Carrollton	21	05/20/96
Throughout Texas	Geotest Engineering Incorporated	L02735	Houston	33	05/20/96
Throughout Texas	Goolsby Testing Laboratories Inc	L03115	Humble	50	05/22/96
Throughout Texas	Brown & Root Inc	L03391	Houston	21	05/15/96
Throughout Texas	Koch Engineering Company Inc	L03913	La Porte	48	05/17/96
Throughout Texas	Guardian NDT Services Inc	L04099	Corpus Christi	40	05/16/96
Throughout Texas	Liberty Technical Services	L04570	Deer Park	28	05/29/96
Throughout Texas	CCE Inc	L04866	Nacogdoches	3	05/16/96
Tyler	The University of Texas Health Center at Tyler	L04117	Tyler	12	05/28/96
Victoria	Lyondell Petroleum Company	L04101	Victoria	7	05/24/96
Waco	Texas State Technical College at Waco	L01926	Waco	29	05/21/96

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Arlington	Arlington Scientific Inc	L03971	Arlington	12	05/21/96
Carrollton	SGS - Thompson Microelectronics	L03930	Carrollton	9	05/16/96
Clarksville	East Texas Medical Center-Clarksville	L02978	Clarksville	11	05/16/96
Cleburne	Walls Regional Hospital	L02039	Cleburne	12	05/16/96
Fort Worth	Moncrief Radiation Center	L00940	Fort Worth	0	05/22/96
Grand Prairie	POLY AMERICA INC	L03001	Grand Prairie	15	05/30/96
Paris	Babcock and Wilcox Company	L00157	Paris	44	05/16/96
San Antonio	The University of Texas Health Science Center at San	L01279	San Antonio	70	05/16/96
San Antonio	Methodist Healthcare System	L03656	San Antonio	16	05/16/96
Throughout Texas	Sunbelt Laboratories Inc	L03926	El Paso	9	05/16/96
Throughout Texas	Protechnics Environmental Services Inc	L04477	Houston	8	05/20/96

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Austin	Texas Department of Agriculture	L00934	Austin	25	05/22/96
Austin	Austin Radiological Association	L03970	Austin	7	05/22/96
Austin	IT Corporation	L04749	Austin	3	05/23/96
Dallas	Dallas Rehabilitation Institute	L03929	Dallas	3	05/16/96
Friendswood	Tel-Test Inc	L04014	Friendswood	2	05/21/96
Grand Prairie	Trinity River Authority	L02010	Grand Prairie	11	05/23/96
Humble	Gerald J Deluca MD	L03758	Humble	9	05/20/96
Sugarland	Information and Computing Technology Inc	L04731	Sugarland	1	05/22/96
Wichita Falls	Inspection Management Corporation	L02513	Wichita Falls	13	05/16/96

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 through Friday (except holidays).

graphic

Issued in Austin, Texas, on July 3, 1996.

9609747

Susan K. Steeg
General Counsel

Texas Department of Health
Filed: July 8, 1996



Texas Department of Housing and Community Affairs

Notice of 1996 Tax Credit Allocation Round

The Texas Department of Housing and Community Affairs (the "Department") announces the availability of application packages for the 1996 Low Income Housing Tax Credit allocation round. The Department has approximately \$24 million of tax credit authority available for allocation.

The application acceptance period for the 1996 allocation round has been scheduled to open on July 16 1996. The period will close at 5:00 p.m. August 30, 1996. Please be advised, no applications will be accepted after the established deadline. The start of the Application Acceptance Period is subject to the approval of the Qualified Allocation Plan by the Governor.

Thank you for your interest in the Low Income Housing Tax Credit Program. For additional information please contact our office and request to speak with an allocation staff member. We encourage your participation and we appreciate the continued support from the development and syndication community. We look forward to working with you in providing Texans with superior affordable rental housing.

FOR APPLICATION PACKAGES CALL THE TELEPHONE NUMBER LISTED BELOW AND REQUEST THE APPLICATION COUPON.

Texas Department of Housing and Community Affairs Housing Programs Division Low Income Housing Tax Credit Program Post Office Box 13941 507 Sabine, Suite #400 Austin, Texas 78711-3941 (512) 475-3340 fax (512) 476-0438

Issued in Austin, Texas, on July 2, 1996.

TRD-9609537
Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs
Filed: July 2, 1996



Texas State Affordable Housing Corporation

Request for Proposal for Property Management Services

I. SUMMARY

The Texas State Affordable Housing Corporation (the "Corporation") is issuing this Request For Proposals ("RFP") for multifamily property management services. The Corporation is currently seeking proposals from qualified property management firms to take over the management of three apartment complexes that are either currently owned or in the process of being acquired. The future acquisition of additional properties requiring property management services is also anticipated.

II. DEFINITIONS.

Property management firm - A property management firm in this context must provide complete management services for the multifamily properties owned by the Corporation as set forth in the RFP and as agreed upon in the final negotiated Contract for property management services.

Corporation-The Corporation means the Texas State Affordable Housing Corporation.

RFP-RFP means Request For Proposals.

III. RFP INFORMATION.

Proposals must be received at the Corporation headquarters no later than 4:30 p.m. on August 2, 1996. For a copy of the RFP, please contact Gregg Kazak by phone at (512) 475-3995 or by facsimile at (512) 475-3222.

Issued in Austin, Texas, on July 8, 1996.

TRD-9609732
Larry Paul Manley
Executive Director
Texas State Affordable Housing Corporation
Filed: July 8, 1996



Request for Proposal (RFP) for Sub-Servicing

I. Summary.

The Texas State Affordable Housing Corporation ("the Corporation") is issuing this Request for Proposal (RFP) for mortgage loan subservicing. The Corporation expects \$15,000,000 of tax-exempt mortgage revenue bond proceeds to be available on or about August 30, 1996 for the purchase of Mortgage Backed Securities (MBS) formed with qualifying mortgage loans (Conv, FHA, VA, RD) or for purchase of individual qualifying loans under a whole loan program from a bond issue of the Texas Department of Housing and Community Affairs (the "Department"). The Corporation will be operating under a Master Servicing Agreement with the Department.

II. Definitions.

Subservicer-A —The Sub-servicer must service the mortgage loans in accordance with sound loan servicing practices and as required by the terms and conditions of the Servicing and Compliance Agreements to be executed between the Corporation and the Sub-servicer. The Sub-servicer shall provide, among other things, the services set forth in the RFP.

Corporation—Texas State Affordable Housing Corporation

RFP—Request for Proposals

III. RFP Information.

Proposals must be received at the Corporation headquarters no later than, **4:30 p.m. on July 31, 1996**. Please call Rusty Emory, Manager Lending Systems. For a copy of the RFP contact Rusty Emory at (512) 475-3848.

Issued in Austin, Texas, on July 3, 1996.

9609665
Larry Paul Manley
Executive Director
Texas State Affordable Housing Corporation

Filed: July 3, 1996

◆ ◆ ◆
Texas Department of Human Services

Public Notice of Closed Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2324, in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2443), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Parmer County, County Number 185, which appeared in the April 19, 1996, issue of the *Texas Register* (21 TexReg 3465). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609661

Glen Scott

General Counsel of Legal Services

Texas Department of Human Services

Filed: July 17, 1996

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Public Notice of Open Solicitation

Pursuant to Title 2, Chapters 22 and 32 of the Human Resources Code and 40 TAC §19.2324, in the March 31, 1995, issue of the *Texas Register* (20 TexReg 2443), the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for Jim Hogg County, County Number 124, identified in the February 13, 1996, issue of the *Texas Register* (21 TexReg 1212-1213). Potential contractors desiring to construct a 90-bed nursing facility in the above referenced county must submit a written reply (as described in 40 TAC §19.2324) to TDHS, Gary L. Allen, Certification, Provider Enrollment, & Billing Services, Long Term Care-Regulatory, Mail Code (Y-976), P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609660

Glen Scott

General Counsel of Legal Services

Texas Department of Human Services

Filed: July 17, 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 admission in Texas for Reliant Insurance Company, a foreign fire and casualty company. The home office is in Philadelphia, Pennsylvania.

Application for a name change in Texas for Home Guaranty Insurance Corporation, a foreign fire and casualty company. The home office is in Fairfax, Virginia.

Application for a name change in Texas for The Reinsurance Corporation of New York, a foreign fire and casualty company. The proposed new name is The Insurance Corporation of New York. The home office is in New York, New York.

Application for a name change in Texas for Protective Service Life Insurance Company, a foreign life, accident and health company. The proposed new name is Franklin Protective Life Insurance Company. The home office is in Jackson, Mississippi.

Application for a name change in Texas for Savers Life Insurance Company of America, a foreign life, accident and health company. The proposed new name is Phoenix Life and Annuity Company. The home office is in St. Louis, Missouri.

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, on July 3, 1996.

9609559

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Filed: July 3, 1996

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The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for admission in Texas for ARAG Insurance Company, a foreign prepaid legal company. The home office is in Des Moines, Iowa.

Application for admission in Texas for Industrial Indemnity Company of the Northwest, a foreign fire and casualty company. The home office is in Seattle, Washington.

Application for a name change in Texas for American Combined Life Insurance Company, a foreign life, accident and health company. The proposed new name is Combined American Insurance Company. The home office is in Chicago, Illinois.

Application for a name change in Texas for Aetna Life Insurance Company of Illinois, a foreign life, accident and health company. The proposed new name is Aetna Health and Life Insurance Company. The home office is in Hartford, Connecticut.

Application for a name change in Texas for Bankers and Shippers Insurance Company, a foreign fire and casualty company. The proposed new name is Integon National Insurance Company. The home office is in Winston-Salem, North Carolina.

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, on July 3, 1996.

9609567

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Filed: July 3, 1996

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Notice of Public Hearings

The Commissioner of Insurance will hold a public hearing under Docket Number 2235 on July 18, 1996, at 2:00 p.m. in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, to consider the adoption of proposed amendments to §§3.3303-3.3309, 3.3316, 3.3317, 3.3319, 3.3321-3.3325 concerning minimum standards for Medicare supplement policies.

The proposed amendments to §§3.3303-3.3305, 3.3307-3.3309, 3.3316, 3.3317, 3.3319, 3.3321-3.3325 and the statutory authority for the proposed amendments were published in the May 21, 1996, issue of the *Texas Register* (21 TexReg 4386). The proposed amendment to §3.3306 and the statutory authority for the proposed amendment was published in the May 24, 1996, issue of the *Texas Register* (21 TexReg 4515).

Issued in Austin, Texas, on July 3, 1996.

9609561

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Filed: July 3, 1996

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The Commissioner of Insurance will hold a public hearing under Docket Number 2236 on July 18, 1996, at 2:00 p.m. in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, to consider the adoption of proposed new section 3.3614, relating to the required disclosure statement for policies that are not Medicare supplement policies.

Proposed new §3.3614 and the statutory authority for the proposed section was published in the May 14, 1996, issue of the *Texas Register* (21 TexReg 4212).

Issued in Austin, Texas, on July 3, 1996.

9609560

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Filed: July 3, 1996

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Texas National Guard Armory Board

Request for Proposal for Professional Services Auditing

The Texas National Guard Armory Board, herein after referred to as the Board, is seeking written qualification statements from competent CPA firms, licensed to practice in Texas, with the intent to contract for internal auditing services for the period of September 1, 1996 to August 31, 1999. These statements of qualification are being sought under Texas Government Code, Chapter 2254, Professional Services Procurement Act. The services desired are to be in compliance with Texas Government Code, Chapter 2102, Texas Internal Auditing Act.

Qualification statements must show the name, address, telephone number and a point of contact for the firm. Statements must be structured in a format to match the Rating Schedule. Firms may provide other information if desired, however, only the qualifications

requirements shown on the rating schedule will be used for the first level of selection. Statements must contain adequate information to allow review and rating of each firm. Rating schedule is shown under 2.0 Rating Schedule. The following minimum qualifications must be met in order to be considered.

1.0 QUALIFICATIONS

1.1 Firm is to have staff experience (three years minimum) in the following types of public sector audits: financial, compliance, economy and efficiency, effectiveness and special. Firm is to provide a sample of a previously prepared report for each type of audit (type of public sector entity is to be identified). Definitions for each type of audit may be found in Texas Government Code, Chapter 321.0131 through 321.0135.

1.2 Staff to be provided under the contract must have a minimum of three years public sector audit experience in each of the types of audits.

1.3 Staff assigned to audits under the contract must be a CPA or a CIA. Firm is to provide a current list of available staff (that could be assigned to this contract), their audit type specialty and indicate the type of professional certification(s) held.

1.4 Firms is to provide their most recent Peer Review report, report must have been prepared within the past three years.

1.5 Firm is to provide a minimum of three public sector (school district, city, county, state or federal) references and a minimum of two private sector references. References must be in writing. References must be for work performed within the past three years. References must contain a current point of contact and current telephone number.

2.0 EVALUATION SCORING: each qualification statement shall be scored by the following point system.

2.1 Public Sector Firm Experience—three points with one point added for each year over three years

2.2 Staff experience:

2.2.1 Financial—five points with one point added for each year over three years

2.2.2 Compliance—five points with one point added for each year over three years

2.2.3 Economy and Efficiency—five points with one point added for each year over three years

2.2.4 Effectiveness—five points with one point added for each year over three years

2.2.5 Special—five points with one point added for each year over three years

2.3 Professional Qualifications for Staff that Could be Assigned:

2.3.1 CPA—two points each for the first six active audit staff members.

2.3.2 Specialized Certification - CIA—seven points for each staff member holding specialized certification.

2.4 Peer Review: 20 points maximum

2.5 References: 20 points maximum

3.0 Selection for Interview: The five firms with the highest scores will be invited to a mandatory pre-interview conference at the agency's headquarters office at Camp Mabry, Austin, Texas. The Executive Director and Senior Staff members will be available at this conference to discuss the statutory functions, structure, staffing and to provide other information required in order for the firms to prepare written unpriced proposals for the services. From these written proposals the Board shall select three firms for personal presentations/interviews. The most highly qualified firm will then be invited to provide pricing for the services to the Board. Should the Board be unable to agree on a fair and reasonable price for the services the next most qualified firm(s), in the order of their ranking, shall be invited to provide pricing for services to the Board.

4.0 Qualification Statement Deadline: Qualification statements for this proposal will be accepted until 5:00 p.m. on July 31, 1996 at the Board headquarters, 2200 West 35th Street, Building #64, Austin, Texas 78703, or PO Box 5426, Austin, Texas 78763-5426.

5.0 Board Contact: Requests for additional information may be addressed to either: Lydia Cruz, Deputy Director, 512-406-6906 or Jane Bohls, Director of Contracting and Purchasing, 512-406-6909, Tuesday through Friday, between the hours of 7:00 a.m. and 6:00 p.m.

Issued in Austin, Texas, on July 2, 1996.

9609489

Lydia Cruz

Deputy Director

Texas National Guard Armory Board

Filed: July 2, 1996



Texas Natural Resource Conservation Commission

Public Hearing Notice on Proposed 30 TAC Chapter 238

Notice is hereby given that pursuant to the requirement of the Texas Government Code, Subchapter B, Chapter 2001, the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning the repeal of Chapter 338 and a new Chapter 238, concerning well drillers and water well pump installers.

The purpose of and new Chapter 238 is to achieve consistency in the numbering system for rules concerned primarily with the protection of water quality and to update this chapter to allow the use of new and proven technology for well drilling, pump installation, and well plugging without requiring owners/operators to obtain a variance from the current rule requirements.

Public hearings on the proposed sections will be held in Lubbock on July 24th at 7:00 p.m. in the City of Lubbock Council Chambers, 1625 13th Street, Lubbock; and in Austin on July 25th at 2:00 p.m. at the Texas Natural Resource Conservation Commission Office Complex, Building F., Room 2210, 12100 Park 35 Circle, Austin. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearings; however, a TNRCC staff member will be available to discuss the amendments one hour prior to the hearings and will answer questions before and after the hearings.

Written comments may be mailed to Lutrecia B. Oshoko, TNRCC, Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087; or faxed to (512) 239-5687. All comments sent by fax must be followed by an original, signed hard copy for the agency's records. All comments should reference Rule Log Number 95132-338-WT. Comments must be received by 5:00 p.m., 30 days after the date of publication of the proposal in the Texas Register. For further information, please contact Steve Wiley or Dale Kuhn, Installers Certification Program, (512) 239-0530.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-1459. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on June 26, 1996.

9609460

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 1, 1996



Public Hearing Notice on (Chapter 106)

Notice is hereby given that pursuant to the requirements of the Texas Health and Safety Code, §382.017; Texas Government Code, Subchapter B, Chapter 2001; and 40 Code of Federal Regulations, §51.102 of the United States Environmental Protection Agency regulations concerning State Implementation Plans (SIP), the Texas Natural Resource Conservation Commission (TNRCC or commission) will conduct a public hearing to receive testimony concerning revisions to Chapter 106 and the SIP.

The commission proposes new §§106.1-106.6, concerning General Requirements, §106.21, concerning Applicability, and §106.102, concerning Comfort Heating. Proposed new §§106.1-106.6 contain general provisions and definitions related to exemptions from air quality permitting requirements. Proposed new §106.21 contains provisions related to applicability of Subchapter B. New §106.102 is proposed to exempt combustion units used exclusively for comfort heating from the preconstruction permitting requirements of the Texas Health and Safety Code, the Texas Clean Air Act, §382.057 and §382.0518.

This rulemaking action is part of the commission's plan to recodify standard exemptions in a new Chapter 106, concerning Exemptions from Permitting. Exemptions will be added to Chapter 106 in future rulemaking actions through a stepwise process. The majority of the exemptions from the current Standard Exemption List will be transferred to Chapter 106 unchanged from their current form in future rulemaking actions. Where the commission determines that changes are needed to specific exemptions, they will be proposed for inclusion in this new chapter with those changes.

Once all of the exemptions in the current Standard Exemption List have been duplicated in this new chapter, §116.211 will be repealed. Construction or modification of facilities that commences after September 16, 1996, may qualify for an exemption under the new chapter as applicable exemptions are added. Once new exemptions are added to the chapter, the corresponding exemptions in §116.211 will no longer be available for use. Until an exemption

is listed in the new chapter, the exemptions in §116.211 may continue to be used to exempt facilities.

A public hearing on the proposal will be held August 8, 1996, at 10:00 a.m. in Room 5108 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Numbers 96121-106-AI and 96122-106-AI. Comments must be received by 5:00 p.m., August 12, 1996. For further information, please contact Jim Dodds at (512) 239-1119 or Phil Harwell at (512) 239-1517.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on July 1, 1996.

9609515

Kevin McCalla

Director, Legal Division

Texas Natural Resource Conservation Commission

Filed: July 1, 1996



Public Utility Commission of Texas

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 of Texas Substantive Rule §23.27 for approval of customer-specific PLEXAR-Custom Service for Muniz Engineering in Houston, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Muniz Engineering in Houston, Texas. Pursuant to Public Utility Commission of Texas Substantive Rule §23.27. Tariff Control Number 16119.

The Application. Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for Muniz Engineering. The geographic service market for this specific service is the Houston, 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 July 1, 1996.

TRD-9609439

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 1, 1996



Notices of Intent to File Pursuant to Public Utility Commission Substantive Rules §23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application on June 28, 1996, pursuant to Public Utility Commission of Texas Substantive Rule §23.27 for approval of a customer-specific contract for billing and collection services with Southwestern Telecom doing business as Southwest Long Distance.

Tariff Title and Number: Application of Southwestern Bell Telephone Company for Approval of a Customer-Specific Contract for Billing and Collection Services with Southwestern Telecom doing business as Southwest Long Distance Pursuant to Public Utility Commission of Texas Substantive Rule §23.27. Tariff Control Number 16071.

The Application: Southwestern Bell Telephone Company seeks approval of a customer-specific billing and collection services contract with Southwestern Telecom doing business as Southwest Long Distance. The services pursuant to the customer-specific contract will be offered anywhere within the state of Texas where Southwestern Telecom doing business as Southwest Long Distance provides services to Southwestern Bell end user customers.

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 July 3, 1996.

TRD-9609607

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 3, 1996

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application on July 1, 1996, pursuant to Public Utility Commission of Texas Substantive Rule §23.27 for approval of a customer-specific contract for billing and collection services with LCI International Telecom Corporation.

Tariff Title and Number: Application of Southwestern Bell Telephone Company for Approval of a Customer-Specific Contract for Billing and Collection Services with LCI International Telecom Corporation Pursuant to Public Utility Commission of Texas Substantive Rule §23.27. Tariff Control Number 16086.

The Application: Southwestern Bell Telephone Company seeks approval of a customer-specific billing and collection services contract with LCI International Telecom Corporation. The services pursuant to the customer-specific contract will be offered anywhere within the state of Texas where LCI International Telecom Corporation provides services to Southwestern Bell end user customers.

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 July 3, 1996.

TRD-9609608

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 3, 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 of Texas Substantive Rule §23.27 for approval of customer-specific PLEXAR-Custom Service for Wharton Independent School District in Wharton, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for Wharton Independent School District in Wharton, Texas. Pursuant to Public Utility Commission of Texas Substantive Rule §23.27. Tariff Control Number 16130.

The Application. Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for Wharton Independent School District. The geographic service market for this specific service is the Houston, 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.

TRD-9609609

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 3, 1996

Notice of Intent to File Pursuant to Substantive Rule §23.94

Notice is given to the public of filing with the Public Utility Commission of Texas an application on June 25, 1996, pursuant to §23.94 for approval of a rate change.

Tariff Title and Number. Application of Community Telephone Company, Inc. for Approval of a Rate Change Pursuant to Public Utility Commission of Texas Substantive Rule §23.94. Tariff Control Number 16102.

The Application. Community Telephone Company, Inc. is requesting approval to increase the rates for local directory assistance and to offer two new optional services: Customized Toll Block and Toll Block with PIN Service.

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 on or before August 26, 1996.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609610

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 3, 1996

Public Notice

On June 24, 1996, GTE Southwest, Inc. (GTE-SW) filed notice of intent to file LRIC studies pursuant to Substantive Rule §23.91 for ISDN Service, Service Connection Charges, Local Calling Plans, and EAS in Project Numbers 12475 and 12481, Applications of Southwestern Bell Telephone Company and GTE Southwest, Inc. for Approval of LRIC Workplans Pursuant to Substantive Rules §23.91. GTE-SW expects to file these studies on July 22, 1996.

Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by September 5, 1996. A request to intervene, participate, or for further information should be mailed to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757. Further information may also be obtained by calling the Public Utility Commission Public Information Office at (512) 458-0256. The telecommunications device for the deaf (TDD) is (512) 458-0221.

Issued in Austin, Texas, on July 1, 1996.

TRD-9609438

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: July 1, 1996

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Texas Low Level Radioactive Waste Disposal Authority

Consultant Proposal Requests

These requests for consulting services is filed under the provisions of Texas Civil Statutes, Government Code, Chapter 2254.

The Texas Low Level Radioactive Waste Disposal Authority is charged with the responsibility of siting, constructing and operating a facility for the disposal of low-level radioactive waste. The Authority is required to develop procedures relating to waste disposal operations, radiological safety, emergency response, and security. The Authority is interested in securing a health physics consultant to advise the Authority on the management of low-level radioactive waste operations, with specific attention to compliance with the rules and regulations of the Texas Natural Resource Conservation Commission. This consultant will also be responsible for reviewing and commenting on plans and procedures developed by the Authority staff in support of the licensing and operations process.

Further information may be obtained from Robert V. Avant, Jr., P.E., at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292.

This RFP will close on July 31, 1996, at 5:00 p.m.

These services have been previously performed by Hugh Bryant, Austin, Texas. The Authority intends to continue with and to award the contract for consulting services to Hugh Bryant for fiscal year 1997 unless a better proposal is submitted in response to this request.

Proposals received in response to this request will be evaluated according to the following criteria: prior experience in working with state and federal regulations related to the handling and disposal of low-level radioactive waste with specific emphasis on the rules and regulations of the U.S. Nuclear Regulatory Commission, the Texas Department of Health, and the Texas Natural Resource Conservation Commission; knowledge of Texas low-level radioactive waste characteristics; demonstrated competence and qualifications directly related to licensing, procedures development, and processing and storage operations of low-level radioactive waste; specific knowledge of and experience with the Authority's radiation protection and environmental monitoring programs; understanding of the work to be performed; and reasonableness of the fee for services.

The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirement to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired.

The proposal should be for a period of one year, beginning September 1, 1996.

Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Radiological Consulting Services, addressed to Robert V. Avant, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5:00 p.m. July 31, 1996. The proposal should be typed, preferably double spaced and completed on 8 1/2 by 11 inch paper with all pages sequentially numbered and either stapled or bound together.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609675

Lee H. Matthews

Deputy, General Manager and General Counsel

Texas Low Level Radioactive Waste Disposal Authority

Filed: July 3, 1996



The Texas Low Level Radioactive Waste Disposal Authority is charged with the responsibility of siting and constructing a facility for the disposal of low-level radioactive waste. The Authority is required by law to cooperate with local governments and interested parties in appropriate evaluation activities. In particular, the Authority is interested in working with the community of Sierra Blanca, the community nearest the proposed disposal site, to assist them in dealing with potential local socioeconomic impacts. Included among the potential impacts, both positive and negative, is the allocation of substantial payments of money to local political subdivisions. The purpose of this contract is to assist the Authority by working with persons in the community of Sierra Blanca and with residents of Hudspeth County to develop appropriate mechanisms, rules, and procedures to handle local socioeconomic impacts, including training, education, leadership development, and infrastructure improvements.

Further information may be obtained from Lawrence R. Jacobi, Jr., P.E., General Manager, at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292.

This RFP will close on July 31, 1996, at 5:00 p.m.

These services have been previously performed by Program Development Associates, San Antonio, Texas. The Authority intends to continue with and to award the contract for consulting services to Program Development Associates for fiscal year 1997 unless a better proposal is submitted in response to this request.

Proposals received in response to this request will be evaluated according to the following criteria: prior experience of the firm and staff in working with state and local governments and programs, demonstrated competence and qualifications of staff directly related to community education and development, organization, size and structure of the firm, the firm's understanding of the work to be performed, and reasonableness of the fee for services.

The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirement to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired. The proposal should be for a period of one year, but the Authority will retain the option of extending the contract for an additional year.

Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Community Development Services" addressed to Lawrence R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5:00 p.m. July 31, 1996. The proposal should be typed, preferably double spaced and completed on 8 1/2 by 11 inch paper with all pages sequentially numbered and either stapled or bound together.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609674

Lee H. Matthews

Deputy, General Manager and General Counsel

Texas Low Level Radioactive Waste Disposal Authority

Filed: July 3, 1996



The Texas Low-Level Radioactive Waste Disposal Authority is charged with the responsibility of siting and constructing a facility for the disposal of low-level radioactive waste. In the siting process, the Authority is required to comply with requirements of the Texas Historical Commission and Antiquities Committee. Requirements include performing archaeological surveys to preserve and prevent disturbance of significant sites. The purpose of this contract is to acquire the services of an independent archaeological consultant to perform required surveys. Survey areas are located on the Faskin Ranch, five miles southeast of Sierra Blanca in Hudspeth County, Texas.

Further information may be obtained from Ruben A. Alvarado, P.E. at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292.

This RFP will close on July 31, 1996, at 5:00 p.m.

These services have been previously performed by Deborah Martin, Ph.D., El Paso, Texas. The Authority intends to continue with and to award the contract for archaeological surveying to Deborah Martin for fiscal year 1997 unless a better proposal is submitted in response to this request.

Proposals received in response to this request will be evaluated according to the following criteria: prior experience in and knowledge of the area of study; local or area residence for ready availability; and reasonableness of the fee for services.

The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirements to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired.

The proposal should be for a period beginning September 1, 1996.

Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Archaeology Surveys in Hudspeth County, Texas" addressed to Ruben A. Alvarado, P.E., Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5:00 p.m., July 31, 1996. The proposal should be typed, preferably double spaced and completed on 8 1/2 by 11 inch paper with all pages sequentially numbered and either stapled or bound together.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609673

Lee H. Matthews

Deputy, General Manager and General Counsel

Texas Low Level Radioactive Waste Disposal Authority

Filed: July 3, 1996



Texas Water Development Board

Applications Received

Pursuant to the Texas Water Code, Section 6.195, the Texas Water Development Board provides notice of the following applications received by the Board:

City of Alton, P.O. Drawer 9004, Mission, Texas, 78572-9004, received January 16, 1996, application for financial assistance in an amount not to exceed \$52,667 from the Research and Planning Fund.

City of San Benito, 485 North Houston Street, San Benito, Texas, 78588, received July 1, 1996, application for additional financial assistance in an amount not to exceed \$18,313 from the Research and Planning Fund.

Catarina Water Supply Corporation, P.O. Box 60, Catarina, Texas, 78836, received March 1, 1996, application for grant assistance in the amount of \$1,042,239 from the Economically Distressed Areas Program of the Texas Water Development Fund.

City of Mercedes, 400 South Ohio, Mercedes, Texas, 78570, received May 10, 1996, application for grant/loan assistance in the amount of \$6,028,969 from the Economically Distressed Areas Program of the Texas Water Development Fund.

City of Dublin, 213 East Black Jack Street, Dublin, Texas, 76446, received June 6, 1996, application for financial assistance in the

amount of \$1,960,000 from the State Water Pollution Control Revolving Fund.

City of West University Place, 3800 University Blvd., Houston, Texas, 77005, received June 23, 1996, application for financial assistance in the amount of \$4,970,000 from the State Water Pollution Control Revolving Fund.

Harris Montgomery Waller Water Supply Corporation, 26718 Decker-Prairie-Rosehill Road, Pinehurst, Texas, 77362, received June 4, 1996, application for financial assistance in the amount of \$4,600,000 from the Water Supply Account of the Texas Water Development Fund.

City of La Marque, 1111 Bayou Road, La Marque, Texas, 77568, received May 23, 1996, application for financial assistance in the amount of \$4,440,000 from the State Water Pollution Control Revolving Fund.

Lake Cities Municipal Utility Authority, 501 North Shady Shores Drive, Lake Dallas, Texas, 75065, received May 28, 1996, application for financial assistance in the amount of \$755,000 from the Water Supply Account of the Texas Water Development Fund.

City of McAllen, 1300 Houston Street, McAllen, Texas, 78501, received June 7, 1996, application for financial assistance in the amount of \$4,240,000 from the State Water Pollution Control Revolving Fund.

City of The Colony, 5151 North Colony Boulevard, The Colony, Texas, 75056, received June 4, 1996, application for financial assistance in the amount of \$810,000 from the State Water Pollution Control Revolving Fund.

Trinity River Authority of Texas Ten Mile Creek System, P.O. Box 240, Arlington, Texas, 76004, received June 4, 1996, application for financial assistance in the amount of \$3,865,000 from the Water Quality Enhancement Account of the Texas Water Development Fund and the State Water Pollution Control Revolving Fund.

City of Watauga, 7101 Whitley Road, Watauga, Texas, 76148, received June 4, 1996, application for financial assistance in the amount of \$4,580,000 from the State Water Pollution Control Revolving Fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on July 3, 1996.

TRD-9609549

Craig D. Pedersen

Executive Administrator

Texas Water Development Board

Filed: July 3, 1996



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