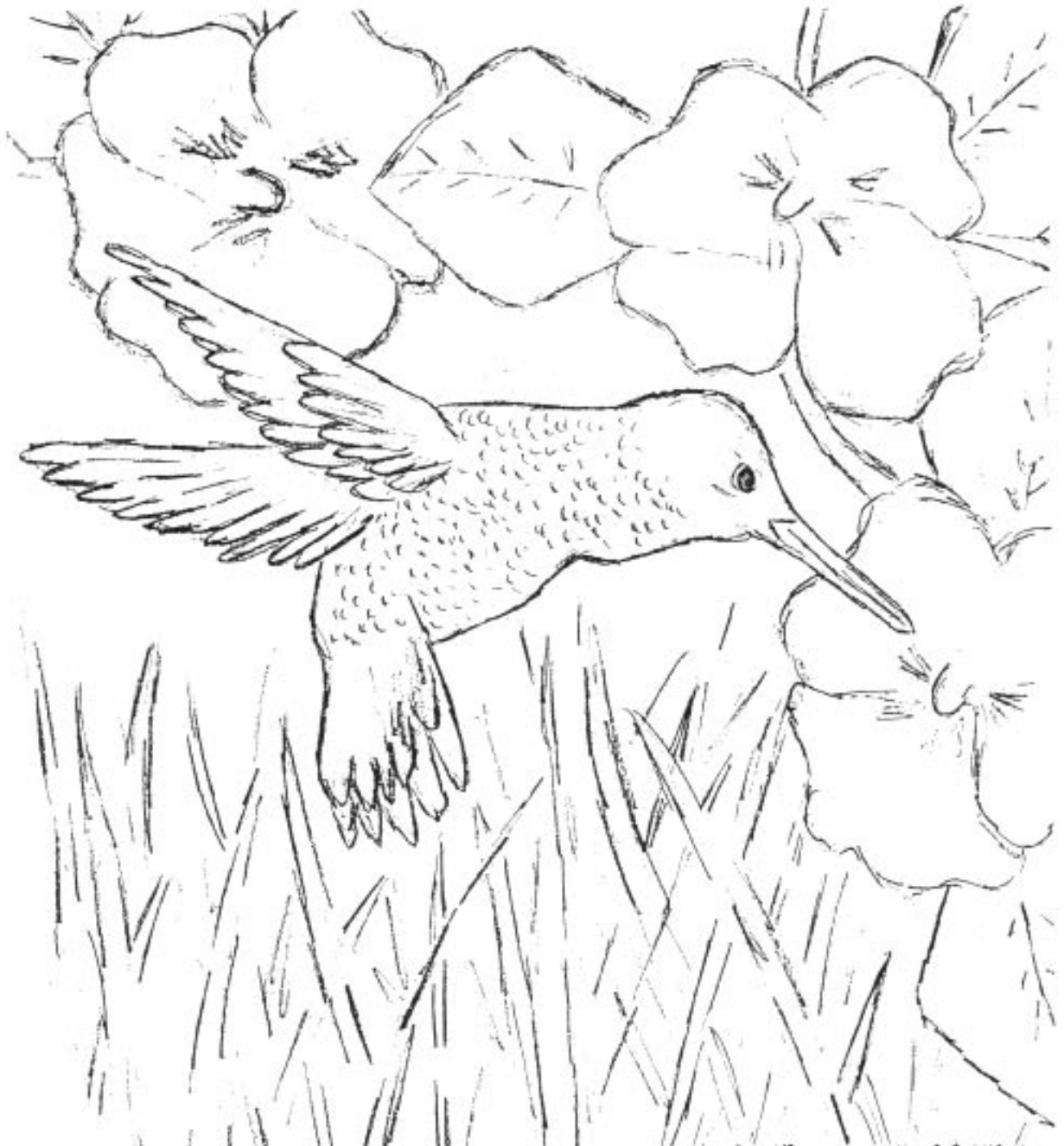


TEXAS REGISTER

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This month's front cover artwork:

Artist: Korinne Kubena

11th grade

East Bernard High School, East Bernard ISD

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ATTORNEY GENERAL

Request for Opinion.....7707

EMERGENCY RULES

Texas Department of Agriculture

Quarantines

4 TAC §5.154.....7709

PROPOSED RULES

Texas Board of Physical Therapy Examiners

Powers and Duties of the Board

22 TAC §323.4.....7711

Texas Department of Health

Purchased Health Services

25 TAC §29.607.....7711

25 TAC §29.2901, §29.2902.....7712

Texas Department of Insurance

General Administration

28 TAC §§1.17, 1.19, 1.66, 1.67, 1.69, 1.70, 1.71, 1.727714

28 TAC §§1.401-1.4057715

Property and Casualty Insurance

28 TAC §5.17715

28 TAC §5.5017716

28 TAC §§5.6171-5.61837717

28 TAC §5.9203.....7717

Corporate and Financial Regulation

28 TAC §§7.9, 7.13, 7.19, 7.51-7.57, 7.61, 7.62, 7.66-7.69, 7.71-7.76.....7718

28 TAC §§7.206, 7.207, 7.2087719

28 TAC §§7.1001-7.1011.....7719

Health Maintenance Organizations

28 TAC §§11.601, 11.604.....7720

Trade Practices

28 TAC §21.77720

28 TAC §21.1217721

28 TAC §§21.501-21.5087722

28 TAC §§21.601-21.6167723

Liquidation

28 TAC §31.1, 31.27723

ADOPTED RULES

Texas Department of Agriculture

Enforcement Procedures

4 TAC §§2.1-2.6.....7725

Agricultural Hazard Communication Regulations

4 TAC §8.13.....7725

Herbicide Regulations

4 TAC §§11.1-11.8, 11.10, 11.117725

Organic Standards and Certification

4 TAC §18.18.....7728

Texas Alcoholic Beverage Commission

Licensing

16 TAC §33.41.....7728

Enforcement

16 TAC §35.5.....7729

Texas Department of Health

Purchased Health Services

25 TAC §29.2201.....7730

OPEN MEETINGS

State Aircraft Pooling Board

Tuesday, August 20, 1996, 1:30 p.m.....7733

Texas Commission on Alcohol and Drug Abuse

Tuesday, August 20, 1996, 9:00 a.m.....7733

Texas Alternative Fuels Council

Wednesday, August 21, 1996, 3:00 p.m.....7733

Texas Board of Chiropractic Examiners

Tuesday, August 20, 1006, 2:00 p.m.....7734

Coastal Coordination Council

Friday, August 16, 1996, 9:30 a.m.....7734

Texas Department of Criminal Justice

Friday, August 16, 1996, 10:00 a.m.....7734

Texas Education Agency (TEA)

Wednesday, August 21, 1996, 8:30 a.m.....7734

Texas Ethics Commission

Friday, August 16, 1996, 9:30 a.m.....7735

Finance Commission of Texas

Thursday, August 22, 1996, 2:00 p.m.....7735

Thursday, August 22, 1996, 5:00 p.m.....7735

Thursday, August 23, 1996, 9:00 p.m.....7735

General Land Office

Thursday, August 15, 1996, 3:30 p.m.....7735

Governor’s Commission for Women

Thursday, August 22, 1996, 3:00 p.m.....	7736	Friday, August 23, 1996, 10:30 a.m.....	7742
Thursday, August 23, 1996, 9:00 a.m.....	7736	Texas Natural Resource Conservation Commission	
Texas Department of Health		August 21, 1996, 9:00 a.m.....	7742
Monday, August 19, 1996, 9:30 a.m.....	7736	Texas State Board of Pharmacy	
Monday, August 19, 1996, 9:30 a.m.....	7736	Tuesday, August 20, 1996, 9:00 a.m.....	7742
Tuesday, August 20, 1996, 9:00 a.m.....	7736	Texas State Board of Plumbing Examiners	
Friday, August 23, 1996, 8:30 a.m.....	7737	August 19, 1996, 9:00 a.m.....	7742
State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments		August 20, 1996, 9:30 a.m.....	7743
Tuesday, August 20, 1996, 10:30 a.m.....	7737	Texas Polygraph Examiners Board	
Texas House of Representatives		August 23 and 24, 1996, 8:00 a.m.....	7743
Thursday, August 15, 1996, 9:00 a.m.....	7737	Public Utility Commission of Texas	
Texas State Affordable Housing Corporation		Monday, August 26, 1996, 9:00 a.m.....	7743
Monday, August 19, 1996, 1:30 p.m.....	7737	Monday, August 26, 1996, 9:00 a.m.....	7743
Monday, August 19, 1996, 8:30 a.m.....	7737	Monday, August 26, 1996, 9:00 a.m. (Rescheduled from Monday, August 12, 1996, at 9:00 a.m.).....	7743
Monday, August 19, 1996, 9:30 a.m.....	7738	Tuesday, August 27, 1996, 9:00 a.m.....	7744
Monday, August 19, 1996, 10:30 a.m.....	7738	Texas Council on Purchasing from People with Disabilities	
Texas Department of Information Resources		Thursday, August 29, 1996, 10:00 a.m.....	7744
Thursday, August 22, 1996, 9:30 a.m.....	7738	Railroad Commission of Texas	
Texas Department of Insurance		Friday, August 9, 1996, 1:30 p.m.....	7744
Thursday, August 22, 1996, 9:00 a.m.....	7738	Friday, August 9, 1996, 1:30 p.m.....	7744
Thursday, August 22, 1996, 1:00 p.m.....	7738	Tuesday, August 20, 1996, 8:30 a.m.....	7745
Judicial Districts Board		Tuesday, August 20, 1996, 8:30 a.m.....	7745
Friday, September 13, 1996, 10:00 a.m.....	7739	Tuesday, August 20, 1996, 8:30 a.m.....	7745
Board of Law Examiners		Tuesday, August 20, 1996, 8:30 a.m.....	7745
Friday, August 23, 1996, 8:30 a.m.....	7739	Tuesday, August 20, 1996, 8:30 a.m.....	7745
Texas Department of Licensing and Regulation		Tuesday, August 20, 1996, 1:30 p.m.....	7745
Tuesday, August 20, 1996, 9:00 a.m.....	7739	Railroad Commission of Texas	
Texas State Board of Medical Examiners		Friday, August 9, 1996, 1:30 p.m.....	7745
Thursday, August 15, 1996, 8:30 a.m.....	7739	Friday, August 9, 1996, 1:30 p.m.....	7746
Thursday, August 15, 1996, 9:00 a.m.....	7739	Tuesday, August 20, 1996, 8:30 a.m.....	7746
Thursday, August 15, 1996, 10:00 a.m.....	7739	Tuesday, August 20, 1996, 8:30 a.m.....	7746
Thursday, August 15, 1996, 10:00 a.m.....	7740	Tuesday, August 20, 1996, 8:30 a.m.....	7746
Friday, August 16, 1996, 8:30 a.m.....	7740	Tuesday, August 20, 1996, 8:30 a.m.....	7746
Friday, August 16, 1996, 9:30 a.m.....	7740	Tuesday, August 20, 1996, 1:30 p.m.....	7747
Friday, August 16, 1996, 2:30 p.m., Saturday August 17, 1996, 8:30 a.m.	7741	State Board of Examiners for Speech-Language Pathology and Audiology	
Friday, August 16, 1996, 10:30 a.m.....	7741	Friday, August 16, 1996, 10:30 a.m.....	7747
Friday, August 16, 1996, 1:30 p.m.....	7741	Boards for Lease of State-owned Lands	
Friday, August 16, 1996, 2:00 p.m.....	7741	Thursday, August 15, 1996, 3:00 p.m.....	7747
Texas Mental Health and Mental Retardation Board		The Texas A & M University System	

Monday, August 12, 1996, 9:00 a.m., (Little Colony Room) Reconvene Tuesday, August 13, 1996, 8:30 a.m., (San Jacinto Ballroom).....	7747	Notices	7759
The Texas State Technical College System		Notice of Public Hearings.....	7760
Thursday, August 15, 1996, 10:00.....	7747	Third Party Administrator Applications.....	7760
Thursday, August 15, 1996, 10:00 a.m.....	7748	Texas Commission on Jail Standards	
University of Houston System		Correction of Error.....	7761
Thursday, August 15, 1996, 8:00 a.m.....	7748	Legislative Budget Board	
Texas Water Development Board		Legislative Budget Board and the Governor's Office of Budget and Planning REVISION to the Schedule for Joint Budget Hearings on Requests for Legislative Appropriation (for the 1998-99 biennium) for the period August 19-23, 1996, as published in the August 13, 1996, issue of the <i>Texas Register</i> (21 TexReg 7692).....	7761
Thursday August 15, 1996, 9:00 a.m.....	7748	Texas Natural Resource Conservation Commission	
Regional Meetings		Correction of Errors.....	7761
Meetings Filed August 7, 1996.....	7749	Enforcement Orders.....	7762
Meetings Filed August 8, 1996.....	7749	Notice of Application for Amendments to Certificates of Adjudication Pursuant to Texas Water Code, §11.122 requiring notice to interjacent appropriators	7765
Meetings filed August 9, 1996.....	7750	Notice Of Application For Municipal Solid Waste Management Facility Permits For The Week Ending August 9, 1996.....	7765
Meetings filed August 12, 1996.....	7751	Notices of Application for Temporary Pemit to Appropriate Public Waters of the State of Texas.....	7766
IN ADDITION		Applications for Waste Disposal Permits Attached are Notices of Applications for waste disposal permits issued during the period of June 22nd thru August 9, 1996.....	7766
Texas Department of Agriculture		Notice Of Receipt Of Application And Declaration Of Administrative Completeness For Municipal Solid Waste Management Facility For The Week Ending August 9, 1996.....	7768
Nursery/Floral Administrative Penalty Matrix.....	7753	Provisionally- Issued Temporary Permits to Appropriate State Water Listed below are permits issued during the period of August 9, 1996 7768	
Office of Consumer Credit Commissioner		Public Utility Commission of Texas	
Interpretations.....	7753	Notice of Application to Amend Certificate of Convenience and Necessity	7769
Texas Feed and Fertilizer Control Service		Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27.....	7769
Correction of Error.....	7754	Public Notice.....	7769
General Services Commission, State Energy Conservation Office		Requests Comments on an Investigation into Southwestern Bell Telephone Company's Entry into the Interlata Telecommunications Market in Texas.....	7770
Request for Proposals for Sustainable Building Work Sessions.....	7754	Railroad Commission of Texas	
Texas Health Care Information Council		Correction of Errors.....	7771
Public Hearing on Proposed Rules.....	7756	Texas Water Development	
Texas Department of Health		Notice of Hearing.....	7771
Correction of Error.....	7756		
Licensing Action for Radioactive Materials.....	7756		
Texas Department of Housing and Community Affairs, Manufactured Housing Division			
Notices of Administrative Hearings.....	7758		
Notice of Public Hearing, Texas Department of Housing and Community Affairs Single Family Mortgage Revenue Bonds 1996 Series A, B, and C and Amendments to Single Family Mortgage Revenue Refunding Commercial Paper Notes Series A and B.....	7758		
Texas Department of Human Services			
Open Solicitation for Schleicher County.....	7759		
Texas Department of Insurance			
Correction of Error.....	7759		

ATTORNEY GENERAL

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

Request for Opinion

RQ-901. Requested from the Honorable Barry Telford Chair, Committee on Pensions and Investments, Texas House of Representatives,

P.O. Box 2910, Austin, Texas 78768-2910, concerning Distribution of short term mutual fund dividends by a pooled income fund.

TRD-9611530

EMERGENCY RULES

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing and remaining in effect no more than 120 days. The emergency action is renewable once for no more than 60 additional days.

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 5. Quarantines

4 TAC §5.154

The Texas Department of Agriculture is renewing the effectiveness of the emergency adoption of repealed §5.154, for a 60-day period. The text of repealed §5.154 was originally published in the April 23, 1996, issue of the *Texas Register* (21 TexReg 3489).

Issued in Austin, Texas, on August 5, 1996.

9611284

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 6, 1996

Expiration date: October 6, 1996

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

◆ ◆ ◆

PROPOSED RULES

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

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

TITLE 22. EXAMINING BOARDS

Part XVI. Texas Board of Physical Therapy Examiners

Chapter 323. Powers and Duties of the Board

22 TAC §323.4

The Texas Board of Physical Therapy Examiners proposes an amendment to §323.4, concerning Applications Review Committee. The amendment will identify the board approved credentialing review agencies.

John Maline, Executive Director of the Executive Council of Physical Therapy and Occupational Therapy Examiners, has determined that for the first five-year period the rule is in effect there will be no effect to state or local government as a result of enforcing the rule.

Mr. Maline also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be qualified credential review evaluator/evaluators for foreign-trained applicants seeking licensure in Texas. There will be no effect to small business. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposed rule may be submitted to Gerard Swain, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701.

The amendment is proposed under the Physical Therapy Practice Act, Texas Civil Statutes, Article 4512e, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Texas Civil Statutes, Article 4512e is affected by this new section.

§323.4. *Applications Review Committee.*

(a)-(e) (No change.)

(f) The board approved credentialing review agencies are International Credentialing Associates (ICA), [and] International Consultants of Delaware (ICD) **and The University of Texas at Austin.**

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611276

John P. Maline

Executive Director

Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: September 16, 1996

For further information, please call: (512) 305-6900

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 29. Purchased Health Services

Subchapter G. Hospital Services

25 TAC §29.607

On behalf of the State Medicaid Director, the Texas Department of Health (department) submits a proposed amendment to §29.607, concerning provider participation requirements for hospitals, in its purchased health services rules. The amendment eliminates the waiver that allows military hospitals not to be enrolled for participation in the Texas Medicaid Program. Specifically, the amendment will require military hospitals to be enrolled in Medicare.

Joe Moritz, Health Care Financing Budget Director, has determined that for the first five-year period that the section will be in effect, there will be no fiscal implication for state or local governments as a result of enforcing or administering the section as proposed.

Mr. Moritz also has determined that for each year of the five years the section is in effect the public benefit anticipated as a result of enforcing the sections is that military hospital provider participation requirements will be consistent with the majority of Medicaid providers.

Comments on the proposal may be submitted to Brenda Salisbery, Program Specialist, Health Care Financing, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3168, (512) 338-6521. Comments will be accepted for 30 days following publication of this proposal in the *Texas Register*.

The amendment is proposed under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and is submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

The amendment affects Chapter 32 of the Human Resources Code.

§29.607. *Provider Participation Requirements.*

(a) A hospital must comply with each of the following requirements to qualify for participation as a hospital in the Texas Medical Assistance (Medicaid) Program. A hospital must:

(1) be licensed by the Texas Department of Health (department) as a general or special hospital, unless exempt from licensure by the appropriate licensing authority. This requirement does not apply to military hospitals providing inpatient emergency hospital services;

(2) be enrolled and participating in the Medicare Program as a hospital;

(3) sign a written provider agreement with the department or its designee to participate in the Medicaid program. The provider agreement requires the hospital to comply with the terms of the agreement and all requirements of the Medicaid program, including regulations, rules, handbooks, standards, and guidelines published by the department or its designee; and

(4) comply with the utilization review plan approved by the department or its designee.

[(a) Except for military hospitals providing inpatient emergency services, a hospital must be licensed by the Texas Department of Health or the appropriate licensing authority as an acute care, general, or special hospital. A hospital must be enrolled and participating in the Medicare Program as a hospital to participate in the Texas Medical Assistance Program (Medicaid). This requirement is waived for military hospitals providing inpatient emergency services. The hospital must also sign a written provider agreement with the department or its designee to participate in the Texas Medical Assistance Program. The provider agreement is prescribed by the department or its designee. By signing the provider agreement, the hospital agrees to comply with the terms of the agreement and all requirements of the Texas Medical Assistance Program, including regulations, rules, handbooks, standards, and guidelines published by the department or its designee. The hospital also agrees to comply with the utilization review plan approved by the department or its designee.]

(b) (No change.)

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611267

Susan K. Steeg

General Counsel

Texas Department of Health

Proposed date of adoption: September 27, 1996

For further information, please call: (512) 458-7236



Subchapter DD. Tuberculosis

25 TAC §29.2901, §29.2902

On behalf of the State Medicaid Director, the Texas Department of Health (department) submits proposed new §29.2901 and §29.2902, concerning tuberculosis (TB) clinic services. The purpose of these new sections is to add coverage of tuberculosis clinic services provided to Medicaid recipients. The new sections establish benefits and limitations for covered tuberculosis-related clinic services, and establish the reimbursement methodology for calculating payment for services.

Mr. Joe Moritz, Health Care Financing Budget Director, has determined that for the first five-year period that the sections are in effect, there will be minimal fiscal implications as a result of enforcing or administering the sections. The majority of the providers will be public entities that will certify the state share of expenditures. There will be no fiscal implications for local governments as a result of enforcing or administering the sections.

Mr. Moritz also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be access to TB clinic services for the Medicaid recipients. There is no effect on small businesses to comply with the sections. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Comments on the proposal may be sent to Kay Sterling, Health Care Financing, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 338-6511. Comments will be accepted for 30 days following publication of this proposal in the *Texas Register*.

These sections are proposed under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and are submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and as authorized under Chapter 15, 211.07, Acts of the 72nd Legislature, First Called Session (1991).

The Human Resources Code, Chapter 32 is affected by these new sections.

§29.2901. *Benefits and Limitations.*

(a) Covered tuberculosis (TB)-related clinic benefits shall include:

(1) physician and non-physician examination, consultation and evaluation, including counseling and education services on risks, transmission, prevention, and treatment of TB;

(2) diagnostic and evaluation services and procedures which:

(A) permit the presumptive diagnosis of TB;

(B) confirm the presence of infection; and
(C) monitor and assess recipient compliance and drug toxicity

(3) prescription drugs;

(4) contact investigations to investigate all persons who have had close contact with a known case or suspected case, and case coordination of the recipient's medical care; and

(5) monitoring recipient compliance and completion of regimes of prescribed drugs including direct observation of recipient intake of prescribed drugs.

(b) TB clinics shall:

(1) be a facility that is not an administrative, organizational, or financial part of a hospital;

(2) be organized and operated to provide TB-related services and have the facilities and resources available to provide any or all of the covered services;

(3) comply with all applicable federal, state and local laws and regulations;

(4) employ or have a contract or formal arrangement with a licensed physician (Medical Doctor or Doctor of Osteopathy) who is responsible for providing medical direction and supervision over all services provided to the clinic's patients;

(5) comply with any guidelines issued by the department, and ensure that services are consistent with the published recommendations of the American Thoracic Society and the Centers for Disease Control and Prevention;

(6) maintain complete and accurate medical records of each recipient's care and treatment and accurately document all services provided and the medical necessity for the services;

(7) be qualified, approved and enrolled in the Texas Medical Assistance Program (Medicaid) and sign a written Medicaid Provider Agreement with the department or its designee; and

(8) agree to comply with all other provisions and requirements contained in the current Texas Medicaid Provider Procedures Manual and as updated on a bimonthly basis by the Medicaid Bulletin; and

(9) submit claims for services using the claims filing procedures established by the department of its designee. All claims are subject to review for medical necessity.

§29.2902 Reimbursement Methodology.

(a) Reimbursement Methodology for Tuberculosis (TB) Clinic Services.

(1) The TB clinic encounter rates as defined in subsections (b) and (c) of this section are prospective rates for benefits provided in a TB clinic setting. The department shall reimburse for TB clinic benefits, with the exception of x-ray procedures, on an encounter rate basis. The interim encounter rates shall be effective for services delivered prior to September 1, 1996. The interim encounter rates were developed from the Texas Medicaid Reimbursement Methodology (TMRM), Texas Health Steps (THSteps) formerly the Early and Periodic Screening, Diagnosis & Treatment - Comprehensive Care Program, and the most recent state contract prices for TB medications. For services delivered on or after September 1, 1996, the

department shall determine the cost of providing TB clinic benefits and develop an encounter rate schedule based upon time-motion and cost studies from a sample of providers. The department shall review the encounter rates which are cost-based at least every five years.

(2) The department shall reimburse for TB related x-ray procedures using the TMRM rate. These procedures shall be payable in addition to the encounter rate due to the large variations in client needs and frequency for x-ray procedures.

(b) Interim encounter rates. The department shall use interim encounter rates to reimburse for services delivered prior to September 1, 1996. Interim encounter rates shall be calculated as follows.

(1) The interim encounter rates use the most current TMRM for physicians and other practitioners. The department shall use the reimbursement rates established for the THSteps program as a basis for costs associated with physician and non-physician consultation/evaluation, directly observed drug therapy (DOT)/preventive therapy (DOPT), clinical assessment, record maintenance, and prevention services including counseling and education.

(2) To determine interim encounter rates the department shall employ the actual costs associated with medications from the most current state contract prices.

(3) The department shall not include case coordination costs in the interim encounter rates.

(c) Cost-based encounter rates. The department shall use cost-based encounter rates to reimburse for services delivered on or after September 1, 1996. Cost-based encounter rates shall be calculated as follows.

(1) The department shall conduct time-motion studies at least every five years to determine the amount of time to provide the various requisite services within the TB clinic. These services shall include, but not be limited to, physician and non-physician consultation/evaluation, directly observed drug therapy (DOT)/preventive therapy (DOPT), clinical assessment, record maintenance, prevention services including counseling and education, contact investigation, and case coordination. The time-motion studies shall be conducted by a representative group of providers. The amount of time employed in the calculation of each encounter rate shall be the median values obtained from the sampling of representative providers.

(2) The department shall conduct cost studies at least every five years to determine the cost to provide the various requisite services within the TB clinic. These services shall include, but not be limited to, physician and non-physician consultation/evaluation, directly observed drug therapy (DOT)/preventive therapy (DOPT), clinical assessment, record maintenance, prevention services including counseling and education, contact investigation, and case coordination. The cost studies shall be conducted by a representative group of providers. The costs employed in the calculation of the encounter rate shall be the median values obtained from the sampling of representative providers.

(3) The department shall develop the cost-based encounter rates from a clinical service model that represents the components of services delivered to all classes of clients. The model will utilize time-motion and cost data collected from a representative sample of providers.

(A) Providers will collect the following data components by each individual service category on daily log sheets:

- (i) type of provider delivering service;
- (ii) time required to deliver service;
- (iii) type of examination;
- (iv) service code; and
- (v) classification of client.

(B) Data will be consolidated from the sample and linked to the service model to determine actual costs for each type of examination.

(C) Case coordination services will be included in the actual encounter rate development.

(4) The department shall update costs associated with medications annually based on the most current state contract prices.

(d) Inflation adjustments. The department may make adjustments to the encounter rates to account for general inflation at interim periods between cost studies. The encounter rates may be adjusted by the forecasted rate of change of the Implicit Price Deflator - Personal Consumption Expenditures (IPD-PCE). The department shall use the lowest feasible IPD-PCE forecast consistent with the forecasts of nationally recognized sources available to the department to prospectively inflate the encounter rates. All adjustments are subject to the availability of funds.

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611268

Susan K. Steeg
General Counsel

Texas Department of Health

Proposed date of adoption: September 27, 1996

For further information, please call: (512) 458-7236



TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 1. General Administration

Subchapter A. Rules of Practice and Procedure

General Procedural Provisions

28 TAC §§1.17, 1.19, 1.66, 1.67, 1.69, 1.70, 1.71, 1.72

The Texas Department of Insurance proposes the repeal of §§1.17, 1.19, 1.66, 1.67, 1.69, 1.70, 1.71, and 1.72, relating to rules of practice and procedure. The proposed sections for repeal contain general procedural provisions. The repeals are necessary because the elimination of the State Board of Insurance has rendered many procedural references to the board inappropriate.

Caroline Scott, general counsel and chief clerk, has determined that for each year of the first five years the proposed repeals are in effect, there will be no fiscal implications to state or local

government or small businesses as a result of enforcing or administering the repeals. There will be no effect on the local economy or local employment.

Ms. Scott has also determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of enforcing the repeals will be the elimination of unnecessary regulations from Title 28 of the Texas Administrative Code. There is no anticipated economic cost to persons who are required to comply with the proposed repeals.

Comments on the proposal must be submitted within 30 days after publication of the proposal in the *Texas Register* to Caroline Scott, General Counsel, Texas Department of Insurance, P. O. Box 149104, MC #113-2A, Austin, Texas, 78714-9104. A copy of the comment should be submitted to Robert Carter, Staff Attorney, Texas Department of Insurance, P. O. Box 149104, MC #113-2A, Austin, Texas, 78714-9104. Any request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed pursuant to the Insurance Code, Article 1.03A, and the Government Code §§2001.004 . Article 1.03A, as enacted by the 73rd Texas Legislature in House Bill 1461, provides that the Commissioner of Insurance may adopt rules and regulations, which must be for general and uniform application, for the conduct and execution of the duties and functions of the Texas Department of Insurance only as authorized by a statute. The Government Code §§2001.004 . (Administrative Procedure Act) authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state agency. Under Article 1.02 of the Insurance Code, a reference in the Insurance Code or other insurance law to the State Board of Insurance means the Commissioner of Insurance or the Texas Department of Insurance, as consistent with the respective powers and duties of the commissioner and department under Article 1.02. Pursuant to Board Order Number 60574, dated November 29, 1993, the State Board of Insurance transferred its authority to the Commissioner of Insurance, effective December 19, 1993.

The Insurance Code, Articles 1.01A, 1.02, and 1.03A are affected by these proposed repeals.

§1.17. *Suspension of Orders.*

§1.19. *Notice and Service in Nonrulemaking Proceedings and Non-contested Cases.*

§1.66. *Chairman to Preside.*

§1.67. *Official Action by Majority.*

§1.69. *Review of Final Decision or Order of Commissioner or Fire Marshal.*

§1.70. *Board's Hearing Docket.*

§1.71. *Chairman to Set Hearings before the Board.*

§1.72. *Place of Meeting of the Board.*

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

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Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
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For further information, please call: (512) 463-6327



Subchapter C. Maintenance Taxes and Fees

28 TAC §§1.401–1.405

The Texas Department of Insurance proposes the repeal of §§1.401–1.405, relating to maintenance taxes and fees. The proposed sections for repeal contain rates for maintenance tax assessments on gross premiums for various lines of insurance for calendar years 1982 through 1986. The repeals are necessary because the provisions are outdated and no longer serve any purpose.

Caroline Scott, general counsel and chief clerk, has determined that for each year of the first five years the proposed repeals will be in effect, there will be no fiscal implications to state or local government or small businesses as a result of enforcing or administering the repeals. There will be no effect on the local economy or local employment.

Ms. Scott also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of enforcing the repeals will be the elimination of unnecessary regulations from Title 28 of the Texas Administrative Code. There is no anticipated economic cost to persons who are required to comply with the proposed repeals.

Comments on the proposal must be submitted within 30 days after publication of the proposal in the *Texas Register* to Caroline Scott, General Counsel, Texas Department of Insurance, P. O. Box 149104, MC #113-2A, Austin, Texas, 78714-9104. A copy of the comment should be submitted to Robert Carter, Staff Attorney, Texas Department of Insurance, P. O. Box 149104, MC #113-2A, Austin, Texas, 78714-9104. Any request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed pursuant to the Insurance Code, Article 1.03A, which provides that the Commissioner of Insurance may adopt rules and regulations, which must be for general and uniform application, for the conduct and execution of the duties and functions of the Texas Department of Insurance, as well as Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, 9.46, and 23.08, which authorize the assessment of maintenance taxes and fees for the various lines of insurance covered in the rules now proposed for repeal.

The Insurance Code, Articles 5.12, 5.24, 5.49, 5.68, 9.46, and 23.08 are affected by these proposed repeals.

§1.401. *Assessment of Maintenance Tax, 1983.*

§1.402. *Assessment of Maintenance Tax, 1984.*

§1.403. *Assessment of Maintenance Tax, 1985.*

§1.404. *Assessment of Maintenance Tax, 1986.*

§1.405. *Assessment of Maintenance Tax, 1987.*

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

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Chapter 5. Property and Casualty Insurance

Subchapter A. Automobile Insurance

Deviation Procedure

28 TAC §5.1

The Texas Department of Insurance proposes the repeal of §5.1, concerning the procedure for filing automobile insurance rate deviations. Section 5.1 was promulgated in 1977 in accordance with the provisions of the Insurance Code, Article 5.03. Article 5.03 established a promulgated rating system which specified that any insurer writing auto policies in Texas was required to issue policies at the premium rates promulgated by the board. Any insurer desiring to write insurance at rates different from those promulgated by the board was required to make application to the board requesting permission to file a rate deviation of a uniform percentage on a statewide basis. Section 5.1 was adopted to implement the provisions for rate deviation filings in Article 5.03. Section 5.1 adopted by reference the form and specified the procedures to be used by insurers making rate deviation filings and specified the criteria that the board was required to apply in evaluating rate deviation filings. In 1991, Article 5.03 was amended to reflect that a new benchmark rating system, outlined in Subchapter M, would be used to regulate motor vehicle insurance rates instead of the system of promulgated rates with rate deviation filings. Simultaneous with this amendment to Article 5.03, Article 5.101 was enacted to establish the benchmark rating system. The effect of these legislative changes was that the benchmark rating system supplanted the promulgated rating system in Article 5.03, including the provisions for rate deviation filings. The repeal of §5.1 is necessary because rate deviation filings have no function in the rate setting process and bear no relationship to the benchmark rating system which is currently used for motor vehicle rate regulation. Since rate deviation filings no longer have a function in the present rating system, §5.1 needs to be repealed to remove a section which no longer serves a purpose.

David Durden, deputy commissioner for property and casualty lines has determined that for the first five-year period the repeal will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal. There will be no effect on local employment or the local economy.

Mr. Durden has also determined that for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of administering the repeal will be to clarify the administrative rules regulating motor vehicle insurance by deleting an unnecessary section. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal to be considered by the Department must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Caroline Scott, General Counsel and Chief Clerk, Texas Department of Insurance, P. O. Box 149104, Mail Code 113-2A, Austin Texas 78714-9104. An additional copy of the comment should be submitted to David Durden, Deputy Commissioner for Property and Casualty Lines, Texas Department of Insurance, P. O. Box 149104, MC 104-5A, Austin Texas 78714-9104.

The repeal is proposed under the Insurance Code, Articles 5.03, 5.10 and 1.03A; and the Government Code §§2001.004 et seq. Article 5.03 authorizes the commissioner to administer this act by adopting rules and regulations to resolve any conflicts or ambiguities as may be necessary to accomplish the purposes of this act. Article 5.10 empowers the commissioner to make and enforce all such reasonable rules and regulations as are necessary to carry out the provisions of Subchapter A. Article 1.03A authorizes the commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. The Government Code §§2001.004 et seq (Administrative Procedures Code) authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and to prescribe the procedure for adoption of rules by a state administrative agency.

The Insurance Code, Articles 5.03, and 5.10 are affected by this proposed repeal.

§5.1. Deviation Rate Filing for Automobile Insurance.

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

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Motor Vehicle Damage Claims, Coverage, Settlement and Disclosure Practices

28 TAC §5.501

The Texas Department of Insurance proposes repeal of §5.501, relating to motor vehicle damage claim coverage, settlement and disclosure. The repeal is necessary because the department has been enjoined and restrained by court order from implementing, enforcing, or giving effect to the section. The department retains the authority to adopt rules under the In-

surance Code, Article 5.07-1; however, to the extent that such rules are adopted, they will be new sections, not amendments to current §5.501.

Audrey Selden, associate commissioner for consumer protection at the Texas Department of Insurance, has determined that for the first five-year period the proposed repeal is in effect there will be no fiscal impact to the state or local units of government as a result of enforcing or administering the section. Ms. Selden also has determined there will be no other implications for the local economy and no impact on local employment as a result of administering the proposed repeal.

Ms. Selden also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing or administering the repeal will be full and adequate disclosure to all interested persons that any rules adopted and administered pursuant to the Insurance Code, Article 5.07-1 will be new sections, since the provisions of current §5.501 cannot be enforced.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Audrey Selden, Associate Commissioner, Consumer Protection, P.O. Box 149104, MC #111-1A, Austin, Texas 78714-9104. A request for a public hearing on the proposed repeal should be submitted separately to the office of the Chief Clerk.

Repeal of §5.501 is proposed pursuant to the Insurance Code, Articles 5.07-1 and 5.10. The Insurance Code, Article 5.07-1 provides for disclosure of consumer information and requires that any rules promulgated by the board for auto insurance policies which provide for any limitation relating to repair and replacement services resulting from automobile damage mandate particular consumer disclosures. Article 5.10 empowers the commissioner and department to make and enforce rules and regulations necessary to the administration of the Insurance Code, Chapter 5, Subchapter A.

The Insurance Code, Articles 5.07-1 and 5.10 are affected by this proposed repeal.

§5.501. Motor Vehicle Insurance Damage Claim Coverage, Settlement and Disclosure.

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

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter G. Workers' Compensation Insurance

Workers' Compensation Insurance Rate Deviation Filing Rules

28 TAC §§5.6171-5.6183

The Texas Department of Insurance proposes the repeal of §§5.6171-5.6183, concerning workers' compensation insurance. Sections 5.6171-5.6183 concern workers' compensation insurance rate deviation filing rules. The repeal of §§5.6171-5.6183 is necessary because the statute on which these sections are based, the Insurance Code, Article 5.60(h), has been repealed.

Nancy Moore, Deputy Commissioner, Workers' Compensation, has determined that for the first five year period the proposed repeals will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals, and there will be no effect on local employment or the local economy.

Nancy Moore, Deputy Commissioner, Workers' Compensation, has also determined that for each year of the first five years the proposed repeals are in effect, the public benefit anticipated as a result of the repeal of the sections is the decrease in the number of outdated rules in the Texas Administrative Code and the promotion of efficiency in state government. There are no anticipated economic costs to persons who are required to comply with these repeals. There will be no effect on small businesses as a result of these repeals.

Comments on the proposed repeals must be submitted in writing within 30 days after publication of the proposed repeals in the *Texas Register* in order to be considered by the Commissioner of Insurance. Comments should be submitted to Caroline Scott, Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Nancy Moore, Deputy Commissioner, Workers' Compensation, Mail Code 105-2A, Texas Department of Insurance, P. O. Box 149092, Austin, Texas 78714-9092.

The repeals are proposed under the Insurance Code, Article 1.03A and the Government Code, §§2001.004, et seq. Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance as authorized by statute. The Government Code, §§2001.004 et seq. (Administrative Procedure Act) authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the manner for adoption of rules by a state administrative agency.

The proposed repeals do not affect regulation under any article of the Insurance Code or other Texas statute, because Article 5.60(h), which authorized and created the need for §§5.6171-5.6183, itself has been repealed, effective April 1, 1992.

- §5.6171. *Scope.*
- §5.6172. *Deviation Application Form.*
- §5.6173. *Deviations Filed Under Oath.*
- §5.6174. *Deviations Class, Coverage, and Percentage.*
- §5.6175. *Deviations Uniform by Class Statewide.*
- §5.6176. *Statistical and Financial Information.*
- §5.6177. *Underwriting Information.*

- §5.6178. *Deviated and Manual Premium Reported.*
- §5.6179. *Deviation Justification.*
- §5.6180. *Deviation Termination.*
- §5.6181. *Renewal of Deviation.*
- §5.6182. *Deviation Approval, Revocation, or Suspension.*
- §5.6183. *Application of Deviations.*

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

Issued in Austin, Texas, on August 6, 1996.

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter L. Reporting Requirements for Liability Insurance under the Insurance Code Article 1.24B

28 TAC §5.9203

The Texas Department of Insurance proposes the repeal of §5.9203, concerning annual liability insurance supplemental report forms and instructions for use by liability insurers. The repeal of this section is necessary because the Insurance Code, Article 1.24A, the statute on which this section is based, has been repealed. The report forms and instructions provided in this section are obsolete.

C. H. Mah, associate commissioner, technical analysis, has determined that for the first five year period the proposed repeal will be in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal, and there will be no effect on local employment or the local economy.

C. H. Mah, associate commissioner, technical analysis, has also determined that for each year of the first five years the proposed repeal are in effect, the public benefit anticipated as a result of the repeal of the sections is the decrease in the number of outdated rules in the Texas Administrative Code and the promotion of efficiency in state government. There are no anticipated economic costs to persons who are required to comply with this repeal. There will be no effect on small businesses as a result of this repeal.

Comments on the proposed repeal must be submitted in writing within 30 days after publication of the proposed repeal in the *Texas Register* in order to be considered by the Commissioner of Insurance. Comments should be submitted to Caroline Scott, Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to C. H. Mah, Associate Commissioner, Technical Analysis, Mail Code 105-5G, Texas Department of Insurance, P. O. Box 149104, Austin, Texas 78714-9104.

The repeal is proposed under the Insurance Code, Article 1.03A and the Government Code, §§2001.004 et seq. Article 1.03A provides that the Commissioner of Insurance may adopt rules and regulations to execute the duties and functions of the Texas Department of Insurance as authorized by statute. The Government Code, §§2001.004 et seq. (Administrative Procedure Act) authorize and require each state agency to adopt rules of practice setting forth the nature and requirements of available procedures and prescribe the manner for adoption of rules by a state administrative agency.

The proposed repeal does not affect regulation under any article of the Insurance Code or other Texas statute, because Article 1.24A, which authorized and created the need for §5.9203, itself has been repealed, effective September 1, 1993.

§5.9203. *Annual Liability Insurance Supplemental Report under Insurance Code, Article 1.24A.*

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

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

28 TAC §§7.9, 7.13, 7.19, 7.51-7.57, 7.61, 7.62, 7.66-7.69, 7.71-7.76

The Texas Department of Insurance proposes the repeal of §§7.9, 7.13, 7.19, 7.51-7.57, 7.61, 7.62, 7.66-7.69, 7.71-7.76. Section 7.9 concerns the adoption by reference of the certificate of representation used in the examination of insurers. Section 7.13 concerns the reporting of mortgage loans pledged to secure an insurer's borrowings. Section 7.19 concerns the depreciation of real estate owned by an insurer. Section 7.51-7.57 concerns the adoption by reference of the forms and instructions for the calculation of insurance premium taxes and other fees owed by insurers. Sections 7.61, 7.62, 7.66-7.69 and 7.71-7.76 concern the adoption by reference of annual statement blanks, instructions, and other forms used by insurers and certain other entities regulated by the Texas Department of Insurance to report their financial condition and business operations and activities. The repeal of these sections is necessary to eliminate provisions which have become obsolete, unnecessary or redundant of other statutes or rules.

Jose Montemayor, associate commissioner for the financial program, has determined that, for the first five-year period the repeal of the sections is in effect, there will be no fiscal implications for state or local government. There will be no effect on local employment or local economy.

Mr. Montemayor also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of the repeals will be more efficient regulation of insurance. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to the Office of the Chief Clerk, Mail Code 113-2A, P.O.Box 149104, Austin, Texas 78714-9104. Request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Articles 1.11, 1.19, 4.16 and 1.19. The Insurance Code, Article 1.11 authorizes the commissioner to make changes in the forms of the annual statements required of insurance companies of any kind, as shall seem best adapted to elicit a true exhibit of their condition and methods of transacting business. Article 1.19 authorizes the commissioner or any commissioned examiner to examine any person within this state under oath relative to the affairs and conditions of any insurance company. Article 4.16 (repealed 1993) authorized the State Board of Insurance to adopt rules concerning the collection of premium taxes.

The following are the articles of the Insurance Code that are affected by these proposed repeals: §7.9-Insurance Code, Article 1.19 §§7.13, 7.19, 7.61, 7.62, 7.66-7.69, 7.71-7.76 - Insurance Code, Articles 1.11, 1.10, 3.07, 3.20-1, 3.27-2, 6.11, 6.12, 8.07, 8.08, 8.21, 8.24, 9.22, 9.47, 10.30, 11.06, 11.19, 14.15, 14.39, 15.15, 15.16, 16.18, 16.24, 17.22, 17.25, 18.12, 19.08, 20.02, 20A.10, 20A.22, 21.39, 21.43, 21.54, 22.06, 23.02 23.26. §§7.51-7.57 - Insurance Code, Article 4.16.

§7.9. *Certificate or Letter of Representation.*

§7.13. *Reporting and Treatment of Mortgage Loans Pledged to Secure Borrowings.*

§7.19. *Depreciation of Real Estate.*

§7.51. *Preparation of 1991 Tax Returns.*

§7.52. *Preparation of 1983 Tax Returns.*

§7.53. *Preparation of 1984 Tax Returns.*

§7.54. *Preparation of 1985 Tax Returns.*

§7.55. *Preparation of 1986 Tax Returns.*

§7.56. *Preparation of 1987 Tax Returns.*

§7.57. *Preparation of 1988 Tax Returns.*

§7.61. *Annual and Quarterly Statement Blanks, Instructions, and Other Reporting Forms, 1991 and 1992 Operations.*

§7.62. *Requirements for Filing the 1992 Annual and 1993 Quarterly Statements, Other Reporting Forms, and Diskettes.*

§7.66. *Annual Statement Blanks, Instructions, and Other Forms, 1987 Operations.*

§7.67. *Annual Statement Blanks, Instructions, and Other Forms, 1988 Operations.*

§7.68. *Annual Statement Blanks, Instructions, and Other Forms for 1989 Operations.*

§7.69. *Annual and Quarterly Statement Blanks, Instructions, and Other Forms for 1990 and 1991 Operations.*

§7.71. *Requirements for Annual Statement Diskette Filing in 1987 Concerning Financial Activities during 1986.*

§7.72. *Requirements for Annual Statement Diskette Filing in 1988 Concerning Financial Activities during 1987.*

§7.73. *Requirements for Annual Statement Diskette Filing in 1989 Concerning Financial Activities during 1988.*

§7.74. *Requirements for Annual Statement Diskette Filing in 1990 Concerning Financial Activities during 1989.*

§7.75. *Requirements for Annual and Quarterly Statement Diskette Filing in 1991 Concerning Financial Activities during 1990 and 1991.*

§7.76. *Requirements for Annual and Quarterly Statement Diskette Filing in 1992 Concerning Financial Activities during 1991 and 1992.*

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

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter B. Insurance Holding Company System Regulatory Act

28 TAC §§7.206, 7.207, 7.208

The Texas Department of Insurance proposes the repeal of §§7.206, 7.207 and 7.208. Section 7.206, concerns a domestic insurer's acquisition or organization of a subsidiary as an investment. Section 7.207, concerns the requirements and standards for controlled insurers. Section 7.208, concerns the prohibitions respecting direct and indirect actions by a holding company or controlled person. The repeal of these sections is necessary to eliminate provisions which have become obsolete, unnecessary or redundant of other statutes or rules.

Jose Montemayor, associate commissioner for the financial program, has determined that, for the first five-year period the repeals are in effect, there will be no fiscal implications for state or local government. There will be no effect on local employment or local economy.

Mr. Montemayor also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of the repeals will be more efficient regulation of insurance. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to the Office of the Chief Clerk, Mail Code 113-2A, P.O. Box 149104, Austin, Texas 78714-9104. Request for a public

hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Articles 21.49-1 §(11). The Insurance Code, Article 21.49-1 §(11) authorizes the commissioner to issue such rules, regulations, and orders as shall be consistent with and to carry out the provisions of this article (Article. 21.49-1) and to govern the conduct of its business and proceedings hereunder.

The following are the articles of the Insurance Code that are affected by these proposed repeals: §7.206 - Insurance Code, Article 21.49-1 §6 and §6A; §7.207 - Insurance Code, Article 21.49-1 §7 and §7.208 - Insurance Code, Article 21.49-1 §8.

§7.206. *Subsidiaries of Insurers.*

§7.207. *Management of Controlled Insurers.*

§7.208. *Prohibition of Indirect Action.*

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

Issued in Austin, Texas, on August 6, 1996.

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter J. Examination Expenses and Assessments

28 TAC §§7.1001-7.1011

The Texas Department of Insurance proposes the repeal of §§7.1001-7.1011. Sections 7.1001-7.1011, concern the methods of calculation of examination expenses for domestic and foreign insurance companies based upon the rates of assessment set out therein. The repeal of these sections is necessary to eliminate provisions which have become obsolete and unnecessary.

Jose Montemayor, associate commissioner for the financial program, has determined that, for the first five-year period the repeals are in effect, there will be no fiscal implications for state or local government. There will be no effect on local employment or local economy.

Mr. Montemayor also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of the repeals will be more efficient regulation of insurance. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to the Office of the Chief Clerk, Mail Code 113-2A, P.O. BOX 149104, Austin, Texas 78714-9104. Request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Article 1.16. The Insurance Code, Article 1.16 authorizes the commissioner to certify that the examination expenses to be paid by corporations examined are in such an amount as to be just and reasonable.

The Insurance Code, Article 1.16 is affected by these proposed repeals.

§7.1001. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1983.*

§7.1002. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1984.*

§7.1003. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1985.*

§7.1004. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1986.*

§7.1005. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1987.*

§7.1006. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1988.*

§7.1007. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1989.*

§7.1008. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1990.*

§7.1009. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1991.*

§7.1010. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1993.*

§7.1011. *Domestic and Foreign Insurance Company Examination Expenses and Assessments, 1993.*

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

Issued in Austin, Texas, on August 6, 1996.

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Chapter 11. Health Maintenance Organizations

Subchapter G. Advertising and Sales Material

28 TAC §§11.601, 11.604

The Texas Department of Insurance proposes the repeal of §11.601, relating to items of information which are included in the term advertisement; and §11.604, relating to specific file maintenance and retention requirements of HMO advertisements by HMOs. Repeal of the sections is necessary because the provisions of the two sections are duplicative of parallel provisions in Chapter 21 of this title. The sections therefore are unnecessary.

Leah Rummel, deputy commissioner for the Health Maintenance Organization/Utilization Review Group, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeals, and that there will be no effect on local employment or the local economy.

Ms. Rummel also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the greater regulatory effectiveness and efficiency resulting from elimination of duplicative rules. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Leah Rummel, Deputy Commissioner, HMO/URA Group, P.O. Box 149104, MC 106-3A, Austin, Texas 78714-9104. A request for public hearing on the proposed repeals should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under Insurance Code, Article 20A.22, which authorizes the Department to promulgate such reasonable rules and regulations as are necessary and proper to carry out the provisions of the Health Maintenance Organization Act.

The Insurance Code, Chapter 20A is affected by these proposed repeals.

§11.601. *Included Material.*

§11.604. *File of All Advertisements.*

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611338

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 16, 1996

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



Chapter 21. Trade Practices

Subchapter A. Unfair Competition and Unfair Practices of Insurers, and Misrepresentation of Policies

28 TAC §21.7

The Texas Department of Insurance proposes the repeal of §21.7, relating to the prohibition and declaration as unfair of certain practices in the setting or use of rates or rating manuals for property and casualty insurance. Repeal of the section

is necessary for two reasons. First, the current adoption of §21.7 may not be enforced by the department, as a result of court injunction. Second, even in the absence of an injunction, repeal would be necessary because the standards, requirements and prohibitions set out in §21.7 were addressed by the 74th Legislature in two enactments, both of which have been codified and have been effective provisions of the Insurance Code for nearly one year. Specifically, the legislature enacted House Bill (HB)1367, which included, among other provisions, a new Insurance Code, Article 21.21-6, relating to unfair discrimination; and HB 668, which included, among other provisions, a new Insurance Code, Article 21.21-8, also relating to unfair discrimination. Article 21.21-6 prohibits any legal entity engaged in the business of insurance in Texas from refusing to insure or to continue to insure; limiting the amount, extent or kind of coverage available; or charging an individual a different rate for the same coverage because of race, color, religion or national origin. It also prohibits any legal entity engaged in the business of insurance in Texas from refusing to insure or to continue to insure; limiting the amount, extent or kind of coverage available; or charging an individual a different rate for the same coverage because of the age, gender, marital status, geographic location, disability or partial disability of the individual, except to the extent justified by sound underwriting or actuarial principles reasonably related to actual or anticipated loss experience. Article 21.21-8 prohibits any person from engaging in any unfair discrimination by making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of insurance or in the benefits which are payable under such policy or contract, or in any of the terms or conditions of such contract, or in any other manner whatever. Article 21.21-8 applies to any person engaged in the business of insurance, including all licensees of the department. It provides for a private cause of action in the event a person violates its prohibitions.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeal, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the implementation of legislative revisions of the Insurance Code aimed at elimination of unfair practices in the business of insurance; greater availability and affordability of insurance; and greater ability of individuals in Texas to obtain insurance at fair rates. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A

request for public hearing on the proposed repeal must be submitted separately to the Office of the Chief Clerk.

The repeal is proposed under Insurance Code, Articles 21.21, §13, which authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

The Insurance Code, Article 21.21 is affected by this proposed repeal.

§21.7. Certain Practices in the Setting or Use of Rates or Rating Manuals for Property and Casualty Insurance Prohibited and Declared Unfair.

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611337

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter B. Insurance Advertising, Certain Trade Practices, and Solicitation

28 TAC §21.121

The Texas Department of Insurance proposes the repeal of §21.121, relating to the required filing of advertising and solicitation material for individual retirement annuity products. Repeal of the section is necessary because the regulatory value of the section has diminished over the years such that it is no longer essential to effective regulation. While requiring the filing of particular advertising material, the section does not require that such filing be made prior to use by issuers, nor is departmental approval of such material required in conjunction with its use. For these reasons, the current adoption of §21.121 provides extremely limited utility for compliance or enforcement purposes. It originally was adopted to serve a monitoring and surveillance purpose at a time when use of such products as individual retirement income vehicles was new. The value of that monitoring and surveillance function has diminished over the years, and the department has experienced few problems with materials filed and reviewed under the section. For these reasons, the department proposes repeal of the section.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeal, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the ability to shift resources utilized in the review of such material to other areas of current

regulatory need, as well as the overall streamlining of trade practices provisions, resulting in greater regulatory efficiency. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A request for public hearing on the proposed repeal should be submitted separately to the Office of the Chief Clerk.

The repeal is proposed under Insurance Code, Articles 21.21, §13, which authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

The Insurance Code, Articles 21.20 and 21.21 are affected by this proposed repeal.

§21.121. Required Filing Respecting Advertising and Solicitation Material of Individual Retirement Annuity Products.

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

Issued in Austin, Texas, on August 6, 1996.

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter F. Life Insurance Surrender Value Comparison Index

28 TAC §§21.501-21.508

The Texas Department of Insurance proposes the repeal of §§21.501-21.508, relating to the standards for compliance involving life insurance solicitation, negotiation or procurement, and the availability of a uniformly prepared surrender value comparison index in order for prospective insureds to be able to make more informed decisions about possible purchase of life insurance products. The repeal of this subchapter is necessary because the current adoption of these sections, last amended in 1982, is confusing, complicated, difficult to use, and difficult for consumers to understand. It therefore does not serve the purpose for which it was intended. The subchapter was first adopted and later amended during a time when diversity in the life products market was much more restricted than it is currently. In terms of consumer usefulness, the life illustration proposal currently being developed by the department will provide much greater information and utility for consumers than that afforded by current Subchapter F.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-

year period the proposed repeals are in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeals, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the elimination of overly complicated, confusing, difficult to administer sections with limited consumer or regulatory utility. Moreover the repeals will contribute generally to a streamlining of the trade practices chapter by elimination of a subchapter, the limited usefulness of which makes it incapable of being vigorously enforced. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A request for public hearing on the proposed sections must be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under Insurance Code, Articles 21.21, §13, which authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

The Insurance Code, Articles 21.20 and 21.21 are affected by these proposed repeals.

§21.501. General Prohibition and Penalty.

§21.502. Short Title.

§21.503. Purpose.

§21.504. Scope.

§21.505. Interest Adjusted Surrender Value Comparison Index Defined.

§21.506. Disclosure Requirements.

§21.507. Limitations.

§21.508. Explanation of Life Insurance Interest Adjusted Surrender Value Comparison Index.

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

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Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Subchapter G. Life Insurance Plans to College Students Which Involve the Use of Promissory Notes to Pay Premiums

28 TAC §§21.601-21.616

The Texas Department of Insurance proposes the repeal of §§21.601-21.616, relating to the standards of compliance for life insurance plans to college students which involve the use of promissory notes to pay premiums. Repeal of the subchapter is necessary because the current adoption of Subchapter G has only very limited regulatory utility for a number of reasons. The subject matter of the provisions set out in the subchapter is addressed in statute in the Insurance Code, Chapter 24, relating to the financing of insurance premiums; and in Revised Civil Statutes, Articles 5069-1.01-5069-8.06, relating to consumer credit provisions. Moreover, some of the subject matter addressed in the subchapter is also addressed in other consumer protection sections of Title 28. For these reasons, repeal of Subchapter G is necessary and appropriate.

Mary F. Keller, Senior Associate Commissioner, Legal and Compliance Division, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government, or for small businesses, resulting from enforcement or administration of the repeals, and that there will be no effect on local employment or the local economy.

Ms. Keller also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the elimination of sections with limited regulatory utility, the subject matter of which is addressed elsewhere in statute and rule. Moreover, the repeals will contribute generally to a streamlining of the trade practices chapter, and by extension regulatory effectiveness. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104, Mail Code 113-2A, within 30 days following the date of this publication. An additional copy of comments should be submitted to Mary F. Keller, Senior Associate Commissioner, Legal and Compliance, P.O. Box 149104, MC 110-1A, Austin, Texas 78714-9104. A request for public hearing on the proposed sections must be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under Insurance Code, Articles 21.21, §13, which authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

The Insurance Code, Article 21.21 is affected by these proposed repeals.

§21.601. *Applicability.*

§21.602. *Notes of Minors to be Co-signed.*

§21.603. *Application to Contain Certain Information.*

§21.604. *Premium Payment Frequency.*

§21.605. *Down Payment.*

§21.606. *Copy of Note to be Delivered with Policy.*

§21.607. *Transfer of Note.*

§21.608. *Policy Receipt.*

§21.609. *Additional Requisites of Receipts.*

§21.610. *Sale or Transfer of Note; Payment of Commissions.*

§21.611. *Financing Arrangement.*

§21.612. *Other Pending Applications and Replacements.*

§21.613. *Agent's Use of Special Titles; Persons Other Than Licensed Agents Prohibited from Participating in Solicitation.*

§21.614. *Summaries.*

§21.615. *Deviations.*

§21.616. *Companies Responsible for Notifying Agents.*

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611334

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

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



Chapter 31. Liquidation

Subchapter A. Certain Administrative Expenses

28 TAC §31.1, 31.2

The Texas Department of Insurance proposes the repeal of §31.1 and §31.2. Section 31.1, concerns salaries and compensation for receivership allocated employees and all administrative expenses of the liquidation division. Section 31.2, concerns accounting records kept by the liquidator. The repeal of these sections is necessary to eliminate provisions which have become obsolete due to the privatization of the liquidation function.

Jose Montemayor, associate commissioner for the financial program, has determined that, for the first five-year period the repeals are in effect, there will be no fiscal implications for state or local government. There will be no effect on local employment or local economy.

Mr. Montemayor also has determined that for each year of the first five years the repeals are in effect, the public benefit anticipated as a result of the repeals will be more efficient regulation of insurance. There will be no effect on small business. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal must be submitted in writing within 30 days after publication of the proposal in the *Texas Register* to the Office of the Chief Clerk, Mail Code 113-2A, P.O.Box 149104, Austin, Texas 78714-9104. Request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The repeals are proposed under the Insurance Code, Articles 21.28 and 1.03A. The Insurance Code, Article 21.28 authorizes the commissioner to take charge of an insurer as receiver of that insurer when a court finds that a receiver should take charge.

Article 1.03A authorizes the commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department.

The Insurance Code, Articles 21.28, 21.28-C and 21.28-D are affected by these proposed repeals.

§31.1. Administrative Expenses in Excess of Appropriated Funds.

§31.2. Recordkeeping.

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

Issued in Austin, Texas, on August 6, 1996.

TRD-9611333

Caroline Scott

General Counsel and Chief Clerk

Texas Department of Insurance

Earliest possible date of adoption: September 16, 1996

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



ADOPTED RULES

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

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 2. Enforcement Procedures

4 TAC §§2.1-2.6

The Texas Department of Agriculture (the department) adopts the repeal of §§2.1-2.6, concerning the department's field citation program, without changes to the proposed text as published in the July 5, 1996, issue of the *Texas Register* (21 TexReg 6119). The repeal is adopted without changes and will not be republished. The repeal is adopted to eliminate the department's field citation program, which, to date, has not been implemented by the department. The department has determined that the present enforcement system better serves the purpose of efficient enforcement by the department.

No comments were received on the repeal.

The repeal is adopted under the Texas Agriculture Code, §12.020 and §76.1555 which provide the Texas Department of Agriculture with the authority to seek and assess administrative penalties for violations of the Texas Agriculture Code; and the Texas Government Code, §2001.004, which provides for the adoption of agency rules setting forth the nature and requirements of all formal and informal agency procedures.

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 August 6, 1996.

TRD-9611285

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 26, 1996

Proposal publication date: July 5, 1996

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



Chapter 8. Agricultural Hazard Communication Regulations

4 TAC §8.13

The Texas Department of Agriculture (the department), adopts an amendment to §8.13, concerning expiration provision, without changes to the proposed text as published in the July 5, 1996, issue of the *Texas Register* (21 TexReg 6119). The section is adopted without changes and will not be republished. The amendment changes the expiration date for Chapter 8 from August 31, 1996 to August 31, 2000. This amendment is made to provide a future date by which the department must review and amend, repeal or reaffirm the sections found in Chapter 8.

No comments were received on the proposed amendment.

The amendment is adopted under the Texas Agriculture Code, §125.014, which provides the Texas Department of Agriculture with the authority to adopt rules and administrative procedures necessary to carry out purposes of Chapter 125.

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.

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TRD-9611286

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

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Proposal publication date: July 5, 1996

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



Chapter 11. Herbicide Regulations

4 TAC §§11.1-11.8, 11.10, 11.11

The Texas Department of Agriculture (the department) adopts amendments to §§11.1-11.8, 11.10, and 11.11, concerning herbicide regulations with changes to the proposed text as published in the July 5, 1996, issue of the *Texas Register* (21 TexReg 6120). Section 11.2 is adopted with changes. Sections 11.1, 11.3-11.8 and 11.10-11.11 are adopted without changes and will not be republished. The amendments are adopted to make the sections consistent with changes made by the Texas Legislature during the Sunset process of the department. Other changes have been made to update citations and terminology and to clarify existing regulations. Section 11.2(o) has been changed by the department to make that section consistent

with the special provisions for Dickens County adopted by the Dickens County Commissioners Court.

The amendments to §11.1 delete three counties from this section and add two due to those county commissioner courts' actions in accordance with these regulations. The amendments to §11.2 change the specific regulations for Collingsworth, Dickens and Hunt Counties in accordance with these regulations and Chapter 75. Special provisions are added to this section for Archer County, and deleted for Cottle, Karnes and Swisher Counties. The amendments to §11.5 specify how dealers will record distribution of regulated herbicides to nonlicensed persons. Amendments to §11.6 allow the department discretion in requiring supplemental reporting for applications of regulated herbicides applied under the terms of the permit. The amendment to §11.7 deletes subsections (d) and (e) regarding commercial applicator equipment, since the requirements for commercial applicator equipment is addressed in the Texas Pesticide regulations.

No public comments were received on the proposed amendments.

The amendments are adopted under the Texas Agriculture Code, §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules for carrying out the provisions of the Texas Agriculture Code; and §75.017 which provides the department with the authority to consider and adopt rules on a request for revision of a rule, an exemption from a requirement of Chapter 75, or prohibition of the spraying of a regulated herbicide in an area.

§11.2. County Special Provisions.

(a) (No change.)

(b) Archer. The use of 2,4-D ester is prohibited for the period beginning May 1 and ending September 15th of each year.

(c) Austin.

(1) Only that portion of Austin County lying east and south of the line beginning at the point where State Highway 36 crosses the north county line, thence southerly along Highway 36 to FM 949; thence westwardly along FM 949 to the San Bernard River is regulated by the Texas Agriculture Code (the Code), Chapter 75, as amended, and regulations adopted thereunder.

(2) Between March 15th and July 31st, in that portion of Austin County lying south of Interstate Highway 10, the following restrictions on the use of 2,4-D formulations shall apply:

(A) the application by aircraft is prohibited;

(B) the use of all ester formulations by any method is prohibited.

(d) Bailey.

(1) For the period beginning on October 1 of one calendar year through May 1 of the following calendar year, no permit will be required for the use of the regulated herbicides in that part of Bailey County defined by the following landmarks: south of Highway 746 from Texas/New Mexico state line extending east to Highway 214; then south on Highway 214 to the intersection of Highway 214 and Highway 746; then proceeding east on Highway 746 to the Bailey/Lamb County Line.

(2) Aerial application of regulated herbicides is prohibited in the area described in this subsection during the regulated period.

(3) For the period beginning on October 1 of one calendar year through April 15 of the following calendar year, no permit will be required for the use of regulated herbicides in that part of Bailey County defined by the following landmarks: north of 746 from Texas/New Mexico state line extending east to Highway 214, then south on Highway 214 to the intersection of Highway 214 and Highway 746; then proceeding east on Highway 746 to the Bailey/Lamb County line.

(4) Except as provided in these subsections, the aerial application of regulated herbicides is prohibited except that the aerial application of dicamba is allowed in the area described in this subsection during the regulated period. The aerial application of regulated herbicides may be used during the regulated periods provided the user obtains a permit from the Texas Department of Agriculture (the department) prior to use.

(e) Brazoria.

(1) For that portion of Brazoria County both north of State Highway 35 and west of Highway 288, the aerial application of all formulations of 2,4-D is prohibited between March 10 and September 15 of each year.

(2) In no case shall 2, 4-D be used to treat any area that is nearer than two miles to any susceptible crop.

(3) For that portion of Brazoria County not included in paragraph (1) of this subsection, the aerial application of regulated herbicides is prohibited between March 25th and August 1st of each year.

(4) The use of high volatile herbicides is prohibited.

(5) Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties, for purposes of this subsection, are considered as one unit, and paragraphs (1) and (3) of this subsection are not to be changed without a public hearing for the unit as a whole.

(f) Brazos. That portion of Brazos County lying east of the Brazos River and west of the following described line shall be regulated by the Code, Chapter 75, as amended, and regulations adopted thereunder. The eastern boundary of the regulated area is as follows:

(1) beginning at the intersection of State Highway Number 6 and Old San Antonio Road (OSR), which point is on the north boundary line of Brazos County; thence in a southwesterly direction along OSR to its intersection with an unnamed gravel road approximately one mile north of FM 1687; thence easterly along FM 1687 to its intersection with a gravel road known as Stasny Road; thence southwesterly along Stasny Road to a 90 degree turn and continuing in a southeasterly direction to its intersection with State Highway 21 West; thence along Highway 21 in a westerly direction to its intersection with Jones Road; thence in a southeasterly direction along Jones Road to its intersection with FM 60; thence northeast along FM 60 to its intersection with the southwest property line of Easterwood Airport; thence southeast along the southwest line of Easterwood Airport to the most southerly corner of the airport property; thence in an easterly direction along the most direct line to the closest point on Dowling Road; thence northeast along Dowling Road to its intersection with an unnamed gravel road extending from Dowling Road to the town of Wellborn; thence southeast along said unnamed gravel

road to its intersection with FM 2154 at the town of Wellborn; thence generally south and southeast along FM 2154 to its intersection with State Highway 6; thence southeast along State Highway 6 to its intersection with the Navasota River, which is the southern boundary of Brazos County;

(2) that portion of Brazos County lying east of the line described in paragraph (1) of this subsection shall be exempt from the Code, Chapter 75, as amended, and regulations adopted thereunder.

(g) Briscoe.

(1) The aerial application of regulated herbicides shall be prohibited from May 1 through September 1 of each year in that portion of Briscoe County that lies above the Caprock Escarpment, such area to be designated as Zone 1.

(2) The aerial application of regulated herbicides will be allowed in Zone 1 between September 2 and October 1 of each year with the requirement of a permit.

(3) The aerial application of regulated herbicides shall be prohibited from May 1 through October 1 of each year in that portion of Briscoe County that lies below the Caprock Escarpment, such area to be designated as Zone 2.

(4) Only 2,4-D amine and dicamba may be applied by ground applications with the requirement of a permit.

(5) No permit is required for the application of regulated herbicides from October 2 through April 30 of the following year.

(h) Burleson.

(1) The application of regulated herbicides by aircraft in Burleson County is prohibited. In no case shall regulated herbicides be used to treat any area that is nearer than two miles to any susceptible crops.

(2) Between April 1 and September 15 of each year, the following restrictions on the use of 2,4-D formulations shall apply.

(A) Only amine formulations may be used with a boom-type sprayer for ground applications in that area beginning at Milam County line; thence south along FM Road 1362 to FM Road 166; thence east to FM Road 2039; thence south to FM 60; thence west on FM 60 to Davidson Creek; thence south along Davidson Creek to Washington County line to Brazos River; thence north along Brazos County line to Milam County line, the place of the beginning.

(B) Cluster nozzles are prohibited in the area designated in subparagraph (A) of this subsection.

(i) Calhoun.

(1) The aerial application of all formulations of 2,4-D is prohibited between March 10 and September 15 of each year.

(2) No permit is required for spraying regulated herbicides during the months of January and February of each year.

(3) Brazoria, Calhoun, Fort Bend, Jackson, Matagorda and Wharton Counties, for purposes of this subsection, are considered as one unit and paragraph (1) of this subsection is not to be changed without a public hearing for the unit as a whole.

(j) Cochran.

(1) The use of 2,4-D ester is prohibited for the period beginning April 25 and ending October 15 of each year.

(2) The aerial application of all regulated herbicides is prohibited for the period beginning April 25 and ending October 15 of each year.

(3) A permit for application of all regulated herbicides is required for the period beginning January 1 and ending on December 31 of each year.

(k) Collingsworth.

(1) The aerial application of regulated herbicides is allowed with the requirement of a permit between the dates of November 1 of one calendar year and April 15 of the following calendar year.

(2) Ground and aerial applications of regulated herbicides will be allowed with the requirement of a permit throughout the year in the northeast part of the county, identified with physical boundaries north of the Salt Fork of the Red River and east of U.S. Highway 83.

(3) Ground applications of 2,4-D amine will be allowed with the requirement for a permit throughout the county between the dates of April 16 and October 30 of each year.

(l)-(n) (No change.)

(o) Dickens.

(1) (No change.)

(2) The application of all regulated herbicides, with the exception of dicamba, is prohibited during the period beginning June 11 and ending August 31 of each year.

(3) This subsection applies only to that portion of Dickens County that lies below the caprock escarpment.

(p)-(y) (No change.)

(z) Hunt.

(1) The aerial application of regulated herbicides shall be prohibited from April 15 through September 1 of each year.

(2) No permit is required for the application of regulated herbicides from September 1 of one calendar year through April 15 of the following calendar year.

(aa) Jackson.

(1) The aerial application of all formulations of 2,4-D is prohibited between March 10 and September 15 of each year.

(2) No permit is required for the application of regulated herbicides during the months of January and February of each year.

(3) Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties, for purposes of this subsection, are considered one unit and paragraph (1) of this subsection is not to be changed without a public hearing for the unit as a whole.

(bb)-(mm) (No change.)

(nn) Wharton.

(1) The aerial application of all formulations of 2,4-D is prohibited in that portion of Wharton County east of the Colorado River between March 10 and September 15 of each year.

(2) The application of all formulations of 2,4-D by any method is prohibited during the period beginning March 10 and

ending October 1 of each year, in that portion of Wharton County lying west of the Colorado River.

(3) The use of high volatile herbicides is prohibited.

(4) In no case shall 2,4-D be used to treat any area that is nearer than two miles to any susceptible crop.

(5) Brazoria, Calhoun, Fort Bend, Jackson, Matagorda, and Wharton Counties, for purposes of this subsection, are considered as one unit, and paragraph (1) of this subsection is not to be changed without a public hearing for the unit as a whole.

(oo) Wilbarger.

(1) No permit is required for the application of regulated herbicides during the period of September 16 to May 9 of the following calendar year.

(2) The application of the following regulated herbicides is prohibited during the regulated period beginning May 10 and ending September 15 of each year:

(A) 2,4,5-Trichlorophenoxyacetic Acid (2,4,5-T);

(B) Ester formulations of 2,4-Dichlorophenoxyacetic Acid (2,4-D);

(C) 2-Methyl-4-Chlorophenoxyacetic Acid (MCPA);

(3) The aerial application of polychlorinated benzoic acids and 2,4-D amine is prohibited during the regulated period except during the period of May 10 and ending May 20 of each year. Ground applications of polychlorinated benzoic acids and 2,4-D Amine may be made during the regulated period with the requirement of a permit.

(4) Research conducted by the Texas A&M University System under the auspices of brush and weed control, using all regulated herbicides, will be allowed during the regulated period. Aerial applications must provide a buffer zone of at least five statute miles from any susceptible crops, and wind velocity must not exceed 10 mph during application. Research will be allowed during the period beginning May 15 and ending September 15 of each year. The department shall be notified before the commencement of such research projects.

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 August 6, 1996.

TRD-9611288

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 26, 1996

Proposal publication date: July 5, 1996

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



Chapter 18. Organic Standards and Certification

4 TAC §18.18

The Texas Department of Agriculture (the department), adopts an amendment to §18.18, concerning expiration provision, without changes to the proposed text as published in the

July 5, 1996, issue of the *Texas Register* (21 TexReg 6124). The amendment is adopted without changes and will not be republished. The amendment changes the expiration date for Chapter 18 from August 31, 1996 to August 31, 2000. The amendment is made to provide a future date by which the department must review and amend, repeal or reaffirm the sections found in Chapter 18.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §18.002, which provides the Texas Department of Agriculture with the authority to adopt rules as necessary for administration of the Code and Chapter 18.

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 August 6, 1996.

TRD-9611287

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Effective date: August 26, 1996

Proposal publication date: July 5, 1996

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



TITLE 16. ECONOMIC REGULATION

Part III. Texas Alcoholic Beverage Commission

Chapter 33. Licensing

Subchapter

Conflicts of Interest

16 TAC §33.41

The Texas Alcoholic Beverage Commission adopts new §33.41, concerning conflicts of interest between members of the alcoholic beverage industry. The rule is adopted with changes to the text as published in the June 18, 1996, issue of the *Texas Register* (21 TexReg 5513).

The new rule defines the term "financial interest", as that term is used in §102.06 of the Alcoholic Beverage Code, to mean ownership in business or assets of a business. The commission determined that the term "financial interest" was ambiguous in that there is no specific statutory definition and because the term could be construed to mean only those enjoying ownership of a business entity, those employed by the business entity, or those engaged in financial transactions with the business entity.

The commission concluded the definition adopted was more consistent with the commonly understood meaning of the term "financial interest" than were other more expansive definitions. Further, the commission concluded that a narrower definition would contradict the plain meaning of the statutory term while a

more expansive definition would extend the statutory prohibition beyond its expressed or intended scope.

The Alcoholic Beverage Code, §102.06 forbids certain permittees from being residentially domiciled with those who have a financial interest in certain other types of permits. This statute seeks to prevent a member of the alcoholic beverage industry from enjoying an unfair advantage over a competitor because of a personal or familial relationship.

To construe "financial interest" to mean something more than ownership would extend the statute's prohibition to persons not involved in the area of competition addressed by the statute; for example, employees of a permittee that are not involved in buying and selling alcoholic beverages. If an unfair advantage is extended to a competitor because of a domestic relationship that is beyond the scope of this rule, that situation is more specifically addressed by several other prohibitory provisions of the Alcoholic Beverage Code.

The Texas Package Stores Association, Glazer's Wholesale Drug Company, Richard's Fine Wines and HEB grocery stores were in favor of adoption of this rule. The American Beverage Company and Block Distributing Company were opposed to the adoption of the rule. Opponents to the rule noted that the proposed definition would allow connections to be made between different levels of the alcoholic beverage industry contrary to the principles of the three-tier system erected and maintained by the Alcoholic Beverage Code. Further, the proposed definition would subject members of the alcoholic beverage industry to unfair competition.

For the reasons stated previously, the commission disagreed with these arguments. For example, it is not necessary to extend the statutory reach to include persons not involved in the purchase or sale of alcoholic beverages in order to protect the vitality of the three-tier system. Further, victims of unfair trade practices have recourse to several more applicable provisions of the Alcoholic Beverage Code. It was with a view toward addressing this concern that the commission amended the rule as proposed to add the last sentence.

The new rule is adopted under the authority of the Alcoholic Beverage Code, §5.31.

The Alcoholic Beverage Code, §102.06, is affected by this new rule.

§33.41. Financial Interest.

For the purposes of Alcoholic Beverage Code, §102.06, "a person who has a financial interest in a package store permit or wine only package store permit" shall mean one who holds an ownership interest in the business, or assets thereof, of a package store or wine only package store permittee. This rule shall not be construed as authorizing any unfair trade practice or discrimination in violation of the tied-house provisions of the Alcoholic Beverage Code.

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 August 5, 1996.

TRD-9611225
Doyle Bailey
Administrator

Texas Alcoholic Beverage Commission
Effective date: August 26, 1996
Proposal publication date: June 18, 1996
For further information, please call: (512) 206-3204

◆ ◆ ◆
Chapter 35. Enforcement

Transportation of Liquor

16 TAC §35.5

The Texas Alcoholic Beverage Commission adopts new §35.5, concerning reporting requirements for holders of private carrier permits under the Alcoholic Beverage Code, Chapters 41 and 42. The new rule is adopted with changes to the proposed text as published in the June 18, 1996, issue of the *Texas Register* (21 TexReg 5514).

The new rule requires affected permittees to maintain a stated amount of insurance on each vehicle registered. Proof of such insurance shall be maintained with the agency. Each permittee must affirm to the agency that all motor carrier operations by that permittee will be conducted in accordance with relevant safety laws. The rule provides a procedure by which a permittee can be subject to administrative sanctions for failing to abide by such laws.

The new rule increases the likelihood that motor carriers licensed under the Alcoholic Beverage Code will maintain adequate insurance and will comply with relevant state and federal safety laws. This goal is achieved by conditioning the issuance of a permit on providing proof of insurance to the agency and by providing administrative sanctions, including suspension or cancellation of the permit, for unsafe operators.

The new rule was further adopted to qualify as a "comparable registration and...safety program" as that term is used in Texas Civil Statutes, Article 6676(c), §2(3). The effect of such qualification is to release affected permittees from the obligation of complying with overlapping regulation by the Texas Alcoholic Beverage Commission and the Texas Department of Transportation. Such dual regulation unnecessarily raises the costs of governmental agencies and regulated businesses.

No comments were received in opposition to the rule. The Licensed Beverage Distributors, Inc. were in favor of the rule. This organization suggested adding the second sentence of §35.5(b)(1) to the text of the rule as initially proposed. This amendment requires permittees to file certain forms with the commission. These forms allow the commission to be informed when the insurance of a permittee is cancelled. The commission agreed to adopt this amendment because it would enable the commission to maintain continual monitoring of the insurance status of regulated motor carriers.

The Texas Department of Transportation suggested that the phrase "filed with the commission" be added to the second sentence of §35.5(b)(1). This amendment was adopted because it serves to clarify and strengthen the rule by plainly stating the requirement of filing.

The new rule is proposed under the authority of the Alcoholic Beverage Code, §5.31.

The Alcoholic Beverage Code, §41.03, §41.04 and §42.03 are affected by this new rule.

§35.5. Private Carrier's Permit Safety Program.

(a) Each holder of a private carrier's permit shall carry at least \$500,000 of liability insurance and file proof of insurance with the commission for each vehicle registered. Such insurance must be sufficient to pay, not more than the amount of the insurance, for each final judgment against the permit holder (combined single limit) for bodily injury to or death of an individual per occurrence, and loss or damage to property (excluding cargo) per occurrence, or both.

(b) Each holder of a private carrier's permit shall maintain proof of insurance in their permitted vehicles at all times. This proof shall be in the form prescribed by the commission and the Texas Department of Insurance in coordination with the Texas Department of Public Safety.

(1) No insurance policy or certificate of insurance will be accepted by the commission unless issued by an insurance or surety company licensed and authorized to do business in the State of Texas. The commission adopts Department of Insurance "Form E" (Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate) and "Form K" (Uniform Notice of Cancellation of Motor Carrier Insurance Policies) for the purposes of this section (which forms have been prescribed and approved by the Department of Insurance). These forms must be filed with the commission and signed or countersigned by an authorized agent of the insurance or surety company. The commission will accept a certificate of insurance issued by a surplus lines insurer that meets the requirements of Insurance Code, Article 1.14-2 and rules adopted by the Department of Insurance under that article.

(2) If the insurer or surety of a permittee subject to this rule becomes insolvent or becomes involved in a receivership or other insolvency proceeding, the permittee may apply for approval of a surety bond or insurance policy issued by another surety or insurer upon filing an affidavit with the commission. Such affidavit shall be executed by the permittee and show that:

(A) no accidents or claims have occurred during the insolvency of the insurance carrier or surety; and

(B) that all damages and claims have been satisfied; and

(C) the commission shall notify the Texas Department of Public Safety of each notice received under this subsection.

(c) Each holder of a private carrier's permit shall complete an affidavit stating that the permittee has knowledge of, and will conduct operations in accordance with, all federal and state safety regulations.

(d) The Department of Public Safety may request that the commission suspend or cancel a private carrier's permit if a permittee:

(1) has an unsatisfactory safety rating under 49 Code of Federal Regulations, Part 385; or

(2) has multiple violations of a provision of Texas Civil Statutes, Article 6675d, a rule adopted under that article or the Uniform Act Regulating Traffic on Highways (Texas Civil Statutes, Article 6701d). A request for suspension or revocation under this subsection shall be submitted in writing by the executive director of the Texas Department of Public Safety, and shall include

appropriate documentation evidencing the violation. The commission or administrator may suspend or cancel an original or renewal permit in response to such a request, after notice and hearing under the Alcoholic Beverage Code and the rules of the commission, pursuant to Alcoholic Beverage Code, §11.61(b)(7).

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 August 5, 1996.

TRD-9611224

Doyme Bailey

Administrator

Texas Alcoholic Beverage Commission

Effective date: August 26, 1996

Proposal publication date: June 18, 1996

For further information, please call: (512) 206-3204

◆ ◆ ◆
TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 29. Purchased Health Services

Subchapter W. Chemical Dependency Treatment Facility Services

25 TAC §29.2201

On behalf of the State Medicaid Director, the Texas Department of Health (department) submits an adopted amendment to §29.2201, concerning chemical dependency treatment facility services, without changes to proposed text as published in the April 16, 1996, issue of the *Texas Register* (21 TexReg 3311), and therefore the section will not be republished.

The amendment updates and clarifies current department policy about the delivery of residential treatment services as a result of a new agreement for these services between the Texas Department of Protective and Regulatory Services (TDPRS) and the Texas Commission on Alcohol and Drug Abuse (TCADA).

The amendment eliminates policy in department rules that references residential treatment services and terminates the former payment process for services delivered on or after January 1, 1996. Payments for outpatient individual and group counseling services, however, will continue to be processed by the department's agent.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, §32.021 and Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to adopt rules to administer the state's medical assistance program and is submitted by the Texas Department of Health under its agreement with the Health and Human Services Commission to operate the purchased health services program and authorized under Chapter 15, §1.07, Acts of the 72nd Legislature, First Called Session (1991).

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 August 6, 1996.

TRD-9611269

Susan K. Steeg

General Counsel

Texas Department of Health

Effective date: August 27, 1996

Proposal publication date: April 16, 1996

For further information, please call: (512) 458-7236



OPEN MEETINGS

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

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

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

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

State Aircraft Pooling Board

Tuesday, August 20, 1996, 1:30 p.m.

4900 Old Manor Road

Austin

AGENDA

1. Call to Order
2. Introductions
3. Approval of Minutes from Board Meeting, March 11, 1996
4. Department of Public Safety Aircraft Request
5. Texas State Technical College Aircraft Use
6. Airport Relocation Status
7. Budget Request- Fiscal Year 1998-1999
8. Executive Director's Report
9. Setting of time and place of next meeting
10. Final Adjournment

Contact: Marcy Speck, 4900 Old Manor Road, Austin, Texas 78723,
(5120 477-8900

Filed: August 9, 1996, 10:54 p.m.

TRD-9611495

Texas Commission on Alcohol and Drug Abuse

Tuesday, August 20, 1996, 9:00 a.m.

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

Austin

Board of Commissioners

AGENDA

Call to Order

Approval of July 16, 1996 minutes; Chairman's report; Executive Director's report; Sunset Update; Update on resolution of Task Force questioned costs and action on exception to the Conservator's funding decision regarding providers suspended in the summer of 1995; action on agreed final order: Beverly J. Gibbs-Martin's action on administrative hearing Proposal for Decision in the matter of the license of Francisco G. Cid; action on changes to the Compliance Guide; general and performance measures on detox; action on Texas Referral Network; public comment; general comments and Regional Advisory Consortium (RAC); action on internal audit special report; and adjourn.

Contact: Terry F. Bleier, TDADA, 710 Brazos, Austin, Texas 78701,
(5120 867-8869

Filed: August 9, 1996, 3:50 p.m.

TRD-9611556

Texas Alternative Fuels Council

Wednesday, August 21, 1996, 3:00 p.m.

1700 North Congress Avenue, Room 118

Austin

AGENDA:

I. Call to Order

II. Consideration of Minutes from April 19, 1996 Council Meeting

III. Consideration of Alternative Fuels Council Grant Program:
A) Contract Extensions; B) Redesignation of Funds for Propane Conversion Projects

IV. Consideration of Unsolicited Proposals: A) Ruby Mountain, Inc. Strategic Planning and Marketing Program for the Texas Alternative Fuels council, B) Southwest Environmental Consultants — Certification of Vehicles to the Low Emission Vehicle Standard; C) Texas General Land Office — Partial funding of the 1996, 1997 Texas/Mexico Border Energy Forum.

V. Consideration of Alternative Fuels Council 1997 Fiscal Year Budget

VI. Executive Session

VII. Information Items

VIII. Public Comment

IX. Adjourn

Contact: Craig Davis, 300 West 15th Street, Room 130A, Austin, Texas 78701, (512) 463-3262
Filed: August 8, 1996, 4:14 p.m.

TRD-9611480



Texas Board of Chiropractic Examiners

Tuesday, August 20, 1996, 2:00 p.m.

8008 Cedar Springs

Dallas

Rules Committee

AGENDA

The Rules Committee of the Texas Board of Chiropractic Examiners will meet to discuss, consider, take any appropriate action and/or approve; 1) Travel to Treat; 2) Section 71.6; Time, Place and Scope of Exam; 3) Section 71.12 National Board Examination

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.
Filed: August 9, 1996, 3:03 p.m.

TRD-9611547

Coastal Coordination Council

Friday, August 16, 1996, 9:30 a.m.

Texas A & M University, Conrad Blucher Institute, Large Conference room, 6300 Ocean Drive

Corpus Christi

Coastal Coordination Council

AGENDA: Rescheduled from July 26, 1996

I. Call to order and opening remarks

II. Approval of minutes of April 19, 1996 meeting

III. Certification of agency rules and approval of thresholds

IV. Status report on Federal approval

V. Determination of Coastal Management Program (CMP) implementation date

VI. Status report on State Coastal Nonpoint Source Program

VII. Proposal to streamline wetlands permitting process

VIII. Discussion of Advisory Committee

IX. Proposal of draft rules and memoranda of agreement for the CMP Small Business Permitting Assistance Program and preliminary consistency reviews.

X. Selection of subgrants for CMP Grants program

XI. General Public Comment. Opportunity for public comment will be offered after discussion of each agenda item.

XII. Adjourn

Contact: Janet Fatheree, 1700 North Congress Avenue, Room 617, Austin, Texas 78701, (512) 463-5385.
Filed: August 7, 1996, 4:26 p.m.

TRD-9611398



Texas Department of Criminal Justice

Friday, August 16, 1996, 10:00 a.m.

John H. Reagan Building, Room 101

Austin

Texas Board of Criminal Justice

AGENDA:

I. Regular Session: A) Approval of the Minutes from the 56th Meeting; B) Renaming of the Atascocita Facility; C) Approval of Transactions Valued Over \$1,000,000; D) Approval of 1997 Education and Recreation Budget; E) Approval of the 1997 TDCJ General Operating Budget; F) Approval of the 1998-1999 TDCJ Legislative Appropriations Request; G) Public Testimony

II. Executive Session: A) Discussion with attorneys concerning: Beverly Dennis v. TDCJ; Ruiz v. Scott; 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.); C) Discussion of personnel matters. (Closed in accordance with Section 551.074, Government Code.)

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 the agency prior to the meeting so that appropriate arrangements can be made.

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: August 7, 1996, 4:56 p.m.

TRD-9611404



Texas Education Agency (TEA)

Wednesday, August 21, 1996, 8:30 a.m.

1701 North Congress Avenue, William B. Travis Building, Room 1-104

Austin

Texas Task Force on Educational Technologies

AGENDA

The task force will review and make changes and/or recommendations to the first draft of the Long Range Plan for Technology.

Contact: Cynthia Levinson, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9581

Filed: August 9, 1996, 7:20 a.m.

TRD-9611483

Texas Ethics Commission

Friday, August 16, 1996, 9:30 a.m.

1101 Camino La Costa, Room 235

Austin

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 July 11 and 12, 1996 meetings; 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 certain fines assessed for late filing of personal financial statements; discussion and possible action in response to the following Advisory Opinion Requests: Nos. 366, 370, 373, 376, and 377; adjourn.

Contact: Tom Harrison, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5777.

Filed: August 8, 1996, 1:24 p.m.

TRD-9611457



Finance Commission of Texas

Thursday, August 22, 1996, 2:00 p.m.

Finance Commission Building, 2601 North Lamar, Third Floor

Austin

AUDIT COMMITTEE

AGENDA

A. Discussion and vote to Recommend to Finance Commission Approval of the Internal Audit Charter.

B. Discussion of and Possible Vote on Prior Audit Plans and Other Audit Material Prepared for the Department of Banking Between 1992 and 1995.

C. Discussion of the Department of Banking Request for Proposal.

D. Discussion of and Vote to Recommend to Finance Commission an Individual or Company to Perform Internal Audits for the Department of Banking.

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

Filed: August 9, 1996, 3:54 p.m.

TRD-9611558

Thursday, August 22, 1996, 5:00 p.m.

Finance Commission Building, 2601 North Lamar, Third Floor

Austin

New Member Orientation

AGENDA

A. Orientation Session for New Members of the Finance Commission, including a Briefing on State Laws Governing Public Responsibility.

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

Filed: August 9, 1996, 3:54 p.m.

TRD-9611559

Thursday, August 23, 1996, 9:00 p.m.

Finance Commission Building, 2601 North Lamar, Third Floor

Austin

New Member Orientation

AGENDA

A. Review and Approval of Minutes of the June 21, 1996 Finance Commission Meeting

B. Finance Commission Matters: Vote to Approve Resolutions of Appreciation for former Finance Commission Members Hubert Bell, Jr. and Ruby J. Wimberley; Report from the Audit Committee of the Finance Commission: 1) Discussion and Vote to Approve Banking Department Internal Audit Charter; 2) Discussion and Vote to Hire an Individual or company to Fulfill the Department of Banking Audit Function; 3) Discussion and Vote to Approve Legislative Appropriations Requests for 1998-1999 Biennium for Finance Commission and its' Agencies; 4) Discussion of and Vote to Approve Changes to Finance commission Salary Administration Plan; 5) Discussion and Possible Vote on Finance Commission Building Repairs; 6) Update/Possible Vote on Project to Fulfill Finance Commission Responsibility under §1.011(f) of the Texas Banking Act

C. Report from the Banking Department; Industry Status; Departmental Operations: 1) Discussion and Possible Vote on the Department of Banking Investment Officer Report; 2) Discussion and vote to Publish for Comment the Proposed Repeal of §3.7; 3) Discussion and Vote to Publish for comment Reproposed New §3.22; 4) Discussion and Vote to Adopt the Repeal of §§3.41-3.45; 5) Discussion and Vote to Adopt new §3.41, §3.42, §3.43, §3.45, §4.11, §4.12 and §29.2; 6) Discussion and vote to Publish for Comment, the Proposed Repeal of §3.61; 7) Discussion and Vote to Publish for Comment Reproposed new §3.91; 8) Discussion and Vote to Publish for Comment Proposed Amendments to §3.92; 9) Discussion and Vote to Publish for Comment Proposed New §4.10; 10) Discussion and Vote to Adopt Amendments to §15.41; 11) Discussion and Vote to Publish for Comment Proposed New §15.121, §15.122

D. Report from the Savings and Loan Department; Industry Status; Departmental Operations; Discussion of and Vote to Publish for Comment Proposed Amendment to §77.91, §77.115, and §67.17

E. Report from the Office of Consumer Credit Commissioner; Industry Status; Departmental Operations; Discussion and Vote on Legislative Policy Recommendations Concerning Credit Code Provisions; and Discussion and Vote to Publish for Comment new Subchapter C, §1.401, et. seq.

Executive Session

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

Filed: August 9, 1996, 4:00 p.m.

TRD-9611560

General Land Office

Thursday, August 15, 1996, 3:30 p.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin
School Land Board
AGENDA:

Approval of previous Board Meeting minutes; pooling applications, State Tract 60-S West, Jefferson County; Amy "B" Jud Field, Haskell and Stonewall Counties; Keystone San Andres and Holt, Winkler County; Redfish Reef, SW, Chambers County; and Wildcat Field, Orange County; direct land sale, Leon County; coastal public lands, commercial easement renewals, Chocolate Bay, Calhoun County; and Copano Bay, Aransas County; structure (cabin) permit renewals, terminations, requests and amendments, Laguna Madre, Kleberg County; Laguna Madre, Kennedy County;

Executive Session: pending or contemplated litigation;

Executive Session and Open Session — consideration of terms and conditions and exercise of option regarding purchase of a portion of the Smith School Tract, Travis County.

Contact: Linda K. Fisher, Stephen F. Austin Building, 1700 North Congress, Room 836, Austin, Texas, 78701, (512) 463-5016.
Filed: August 7, 1996, 4:26 p.m.

TRD-9611397



Governor's Commission for Women

Thursday, August 22, 1996, 3:00 p.m.

Omni Hotel, 700 San Jacinto Street

Austin

Women's Health, Public Relations and Information, Education Sub-committees

AGENDA

I. Introduction

II. Old Business — A) Committee Updates

III. New Business — A) Potential future projects

IV. Adjourn

Contact: Geanie W. Morrison, P.O. Box 12428, Austin, Texas 78711, (512) 475-2615
Filed: August 12, 1996, 9:23 a.m.

TRD-9611597

Thursday, August 23, 1996, 9:00 a.m.

Omni Hotel, 700 San Jacinto Street

Austin

AGENDA

I. Call to Order

II. Old Business — A) Update on public service announcement; B) Update on CD ROM for breast cancer awareness; C) Update on 1997 Texas Women's Hall of Fame; D) Update on Legislative Seminar; E) Update on Legislative Handbook

III. New Business — A) Approve bylaws of the State Agency Council

IV. Adjourn

Contact: Geanie W. Morrison, P.O. Box 12428, Austin, Texas 78711, (512) 475-2615
Filed: August 12, 1996, 9:23 a.m.

TRD-9611598

Texas Department of Health

Monday, August 19, 1996, 9:30 a.m.

Exchange Building, Room S402, Texas Department of Health Annex, 8407 Wall Street

Austin

Informal Home and Community Support Service Agency Task Force

AGENDA

The Task Force will discuss and possibly act on: review of 25 TAC §§115.24 relating to standards for home dialysis designation; 115.25 relating to standards for hospice services; 115.28 relating to standards for alternate delivery sites; 115.53 relating to complaints; 115.54 relating to criminal history checks and administrative review; and public comments.

Contact: Julia Maldonado, 110 West 49th Street, Austin, Texas 78756, (512) 834-6647. For ADA accommodation, contact Renee Rusch, (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: August 9, 1996, 2:14 p.m.

TRD-9611532

Monday, August 19, 1996, 9:30 a.m.

Tower Building, Room T-607, Texas Department of Health

1100 West 49th Street

Austin

Midwifery Board, Grievance Committee

AGENDA

The Committee will discuss and possibly act on: new business (new complaints); old business (complaint #95-06, complaint #95-20, complaint #96-01; and approval of complaint procedure rules); and will have an open forum.

Contact: Belva Alexander, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. To request ADA accommodation, contact Lonzo Kerr, (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: August 9, 1996, 2:14 p.m.

TRD-9611531

Tuesday, August 20, 1996, 9:00 a.m.

Moreton Building, Room M-739, Texas Department of Health

1100 West 49th Street

Austin

Drug Use Review Board

AGENDA

The board will discuss and possibly act on: approval of the minutes of the April 16, 1996 meeting; review of responses and response summary for interventions since the April 1996 meeting; revised oral anti-diabetic agents criteria; data evaluations and revised

criteria (Cisapride; Angiotensin II Converting Enzyme Inhibitors; and Angiotensin Converting Enzyme Inhibitors); treatment of H. Pylori (data evaluations and sample criteria); on-line prospective Drug Use Review reports; selection of targeted drugs for next profiles; and schedule next meeting.

Contact: Curtis Burch, 1100 West 49th Street, Austin, Texas 78756, (512) 219-5001. To request ADA accommodation, contact Lonzo Kerr, (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: August 9, 1996, 2:14 p.m.

TRD-9611534

Friday, August 23, 1996, 8:30 a.m.

Exchange Building, Room S-402, Texas Department of Health

1100 West 49th Street

Austin

Respiratory Care Practitioners Advisory Committee

AGENDA

The committee will discuss and possibly act on: approval of minutes from the May 10, 1996 meeting; chairperson's report; program administrator report; proposed rules on therapeutic bronchoscopy; proposed amendments to rules pertaining to the certification of respiratory care practitioners, 25 TAC Chapter 123; announcements; and setting of next meeting dates.

Contact: Jeanette Hilsabeck,, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6632. To request ADA accommodation, contact Lonzo Kerr, (512) 458-7627 or TDD at (512) 458-7708 at least two days prior to the meeting.

Filed: August 9, 1996, 2:14 p.m.

TRD-9611535



State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments

Tuesday, August 20, 1996, 10:30 a.m.

First Interstate Bank Building Conference Room, 11th Floor,

800 West Airport Freeway

Irving

Complaints Subcommittee

AGENDA

The subcommittee will discuss and possibly act on: complaints (FD-94-0029A, FD94-0029B, FD-94-0061, FD-95-0018, FD-95-0034, FD-96-0002, FD-96-0003, FD-96-0006, FD-96-0010, FD-96-0012, FD-96-0013, FD-96-0014, FD-96-0016, FD-96-0017, FD-96-0018, FD-0019, and FD-96-0021.)

Contact: Bobby Schmidt, 1100 West 49th Street, Austin, Texas 78756 (512) 834-6657. To Request ADA accommodation, please contact Lonzo Kerr, 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: August 9, 1996, 2:14 p.m.

TRD-9611533



Texas House of Representatives

Thursday, August 15, 1996, 9:00 a.m.

Capitol Extension, House Hearing room E2.012

Austin

AGENDA

I. Call to Order

II. Roll Call

III. New Business — A) Discuss interim charge on: 1) Edwards Aquifer Authority (invited testimony only); 2) Agency Oversight (invited testimony only); 3) Lower Colorado River Authority (invited testimony only); B) Briefing on the drought.

IV. Other Business: A) The committee will accept written public testimony on agency oversight.

V. Adjourn

Contact: Briam Sledge, House Committee on Natural Resources, P.O. Box 2910, Austin, Texas 78768, (512) 463-0802.

Filed: August 12, 1996, 7:58 a.m.

TRD-9611574

Texas State Affordable Housing Corporation

Monday, August 19, 1996, 1:30 p.m.

507 Sabine Street, Room 437

Austin

Board Meeting

AGENDA

The Board of Texas State Affordable Housing Corporation will meet to consider and possibly act on: Approval of Minutes of July 26, 1996; Authority to enter into Program Administration and Servicing Agreement; Authority to enter into a Master Subservicing Agreement; Acceptance of Grant of Funds from the Department; Adoption of Second Amended and Restated By-Laws of the Corporation; Appointment of Chief Financial Officer; Signature Authority to include Vice President and Chief Financial Officer; Executive Session- Consultation with attorney under Sac. 551.0712 (2) of Texas Government Code; Adjourn.

Contact: Larry Paul. Manley, 507 Sabine, #900, Waller Creek Office Building, Austin, Texas 78701, (512) 475-3934.

Filed: August 9, 1996, 4:14 p.m.

TRD-9611564

Monday, August 19, 1996, 8:30 a.m.

507 Sabine Street, Room 437

Austin

Programs Committee Meeting

AGENDA

The Programs Committee of the Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of July 25, 1996 Meeting; Approval of HOME Awards; Discussion of Policy for Notification to entire State of Neighborhood Partnership Program; Report Items; Executive Session

— Personnel Matters; Act in open session on items acted upon in Executive Session; Adjourn.

Contact: L.P. Manley, 507 Sabine, #900, Waller Creek Office Building, Austin, Texas 78701, (512) 475-3934.

Filed: August 9, 1996, 1:37 p.m.

TRD-9611526

Monday, August 19, 1996, 9:30 a.m.

507 Sabine Street, Room 437

Austin

Finance Committee

AGENDA

The Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of July 29, 1996 Meeting; Program Guidelines for \$70, 760,000 New Money Issue and Refunding; Selection of Guaranteed Investment Contract Brokers; Approval of Final Documents for \$15,000,000 New Money Issue and \$45,000,000 Refunding; Extension of Origination Period for Program 47 to July 1, 1997; Executive Session—Personnel matters; Act in Open Session on items acted upon in Executive Session; Adjourn.

Contact: L.P. Manley, 507 Sabine, #900, Waller Creek Office Building, Austin, Texas 78701, (512) 475-3934.

Filed: August 9, 1996, 1:42 p.m.

TRD-9611525

Monday, August 19, 1996, 10:30 a.m.

507 Sabine Street, Room 437

Austin

Board Meeting

AGENDA

The Board of Texas Department of Housing and Community Affairs will meet to consider and possibly act on: Minutes of July 29, 1996 Meeting; Report from Finance Committee — Texas Commerce Bank as bond trustee; Program Guidelines for \$70,760,000 New Money Issue and Refundings; Selection of Guaranteed Investment Contract Brokers; Approval of Final Documents for \$15,000,000 New Money Issue and \$45,000,000 Refunding; Extension of Origination Period for Program 47 to July 1, 1997; 1996-97 Budget; Report from Programs Committee HOME Program Awards for 1995-1996; Sale of Aspen Oaks to Tarrant County Housing Partnership; Executive Session—personnel matters; Act in Open Session on items acted upon in Executive Session; Adjourn.

Contact: Larry Paul Manley, 507 Sabine, #900, Waller Creek Office Building, Austin, Texas 78701, (512) 475-3934.

Filed: August 9, 1996, 1:37 p.m.

TRD-9611508

Texas Department of Information Resources

Thursday, August 22, 1996, 9:30 a.m.

300 West 15th Street, 5th Floor, Committee Room #2

Austin

Board

AGENDA

Call to Order, Roll Call and Witness Registration

1. Adoption of May 16, 1996 Meeting Minutes

2. Discussion and final adoption of Amendment to rule 1 TAC 201.13 addressing the year 2000

3. Discussion and adoption of the 1997 Internal Audit Report

4. Approval of 1997 Legislative Appropriations Request (LAR) Operating Budget, and FY'98-'99 LAR

5. Strategic Planning Initiative Update

6. Executive Director's Report

7. Other Business

Contact: Yvonne Montgomery, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 475-1715

Filed: August 12, 1996, 9:00 a.m.

TRD-9611589

Texas Department of Insurance

Thursday, August 22, 1996, 9:00 a.m.

Texas Department of Health, 1100 West 49th Street, Building G, Room K-100

Austin

AGENDA

The Texas Department of Insurance (TDI), Texas Health and Human Services Commission (HHSC), Texas Department of Health (TDH) and the Texas Department of Mental Health and Mental Retardation (MHMR) will hold a public hearing on August 22, 1996 at 9:00 a.m. (8:15-8:45 a.m. signup for those wishing to speak) concerning Medicaid managed care rules contemporaneously proposed by HHSC, TDH and MHMR. The rules were published in the Texas Register on August 6, 1996. The hearing will be held at the Texas Department of Health, 1100 West 49th Street, building G, Room K-100, Austin, Texas.

Pursuant to Insurance Code, Article 1.61, enacted by the 74th Legislature, 1995, in Senate Bill 600, TDI has worked in conjunction with TDH to establish rules for fiscal solvency standards and complaint system guidelines for managed care organizations that serve Medicaid clients. TDH proposes the rules concerning the complaint system guidelines which were published in the Texas Register, dated August 6, 1996. TDI will soon propose rules concerning fiscal solvency standards. A separate hearing will be held by TDI concerning fiscal solvency standards for managed care organizations that serve Medicaid clients.

Contact: Sylvia Gutierrez, 333 Guadalupe Street, Texas Department of Insurance, Austin, Texas 78701, (512) 463-6327.

Filed: August 12, 1996, 10:04 a.m.

TRD-9611648

Thursday, August 22, 1996, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Suite 502

Austin

AGENDA

Request for an Appeal Hearing by CHILDREN'S MEDICAL CENTER from a decision of the Texas Medical Liability Insurance Underwriting Association.

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

Filed: August 12, 1996, 9:49 a.m.

TRD-9611645

Judicial Districts Board

Friday, September 13, 1996, 10:00 a.m.

205 West 14th Street, Room 600

Austin

AGENDA

Discuss reapportionment of Judicial districts pursuant to Article 5, 7a, Texas Constitution.

Contact: Jim Hutcheson, 205 West 14th Street, #600, Austin, Texas (512) 463-1627

Filed: August 12, 1996, 9:25 a.m.

TRD-9611599

Board of Law Examiners

Friday, August 23, 1996, 8:30 a.m.

Suite 500, Tom C. Clark, 205 West 14th Street

Austin

Hearings Panel

AGENDA

The hearings panel will hold public hearings and conduct deliberations, including the consideration of proposed agreed orders, on the character and fitness of the following applicants, declarants and/or probationary licensee: Balthazar Salazar; Jimmie M. Spears; Edward N. Sternberg; Richard H. Harris' Melanie L. Miles; Ann W. Rowland; Roger Yale; Gary Gibson; David Skala (Character and fitness deliberations may be conducted in executive session, pursuant to Sec 82.003(a), Texas Government Code.)

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621

Filed: August 12, 1996, 8:59 a.m.

TRD-9611582

Texas Department of Licensing and Regulation

Tuesday, August 20, 1996, 9:00 a.m.

920 Colorado, E.O. Thompson Bldg., 4th Floor, Room 420

Austin, Texas 78701

Consumer 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 Respondent, Facundo Tovar, Jr. for failing to maintain insurance requirements and to furnish the Department proof of insurance in violation of the 16 TEX. ADMIN CODE, (T.A.C.) §§ 75.40(b) and 75.40(e), pursuant to the TEX. REV. CIV. STAT. ANN.

art 88611 (the Act) and article 9100, the TEX.GOV.CODE ch. 2001 (APA), and 16 T.A.C. ch.75.

Contact Paula Hamje, Hearings Examiner, 920 Colorado, E.O. Thompson Bldg., Austin, Texas 78701, (512) 463-3192.

Filed: August 9, 1996, 8:46 a.m.

TRD-9611487

Texas State Board of Medical Examiners

Thursday, August 15, 1996, 8:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Public Information Committee

AGENDA:

1. Call to Order
2. Roll Call
3. Discussion, recommendation, and possible action on library poster.
4. Discussion, recommendation and possible action on upcoming exhibits.
5. Discussion, recommendation, and possible action on impairment speech.
6. Adjourn

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016

Filed: August 7, 1996, 4:27 p.m.

TRD-9611399

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Thursday, August 15, 1996, 9:00 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Telemedicine

AGENDA:

1. Call to Order
2. Roll Call
3. Discussion, recommendation, and possible action on the Medical Practice Act and HB2669 regarding telemedicine issues and possible rulemaking.
4. Adjourn

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016

Filed: August 7, 1996, 4:27 p.m.

TRD-9611400

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Thursday, August 15, 1996, 10:00 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Endorsement Committee

AGENDA: 10:00 a.m. Call to Order

1. Roll Call
2. Executive Session under the 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 to consult with counsel regarding pending or contemplated litigation.
3. Review of licensure applicants referred to the Endorsement Committee by the Executive Director for determinations of eligibility for licensure: 10:05 a.m. a) Applicant #6 (Consideration under Section 3.081 of the Medical Practice Act); b) Applicant #7 (Consideration under Section 3.081 of the Medical Practice Act); c) Padma Rajogopal, M.D.; d) Jyothi Swarup, M.D.; e) Shujun, Li, M.D.; 11:00 a.m.: f) Ricardo Ruiz, M.D.; g) Roberto Wayhs., M.D.; h) Marta Maria Katalenas, M.D.; i) Nicolau J. Chamma, M.D.; j) Jairo Alberto Melo, M.D.

12:00 Recess for Lunch

1:00 p.m: k) Hilal M. Fasch-Reckhaus, M.D.; l) Khoa Van Pham, M.D.; m) Kahtan A. Kaissi, M.D.; n) Gregory Michael Garvin, M.D.; o) James Peng Ooi, M.D.; 2:00 p.m.: p) Julia P. Kenny, M.D.; q) Pedro Antonio Ballester, M.D.; r) David Matthew Greary, M.D.; s) Theodore Leibovici, M.D.; t) Dalila Leibovici, M.D.

4. Consideration of new information: Applicant #3 (Consideration under Section 3.081 of the Medical Practice Act); Taher M. Yahya, M.D.

Discussion/Action Items: Review of Examination applicants to be considered for permanent licensure (handout). Review of Endorsement applicants to be considered for permanent licensure (hand-out). Administration of the Texas Medical jurisprudence Examination to Physician Assistants. Letters of Eligibility to Practic Medicine in the Country of Graduation.

Executive Sessions under authority of The Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Sections 1.07(b) and 2.09(o), Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016

Filed: August 7, 1996, 4:27 p.m.

TRD-9611402



Thursday, August 15, 1996, 10:00 a.m.

333 Guadalupe, Tower 3, Suite 610

Austin

Disciplinary Process Review Committee

AGENDA:

1. Call to Order
2. June Enforcement Report
3. July Enforcement Report
4. Update, discussion, recommendations and possible action on proposed rules regarding x-rays and films related to medical care
5. Executive session to review selected files and cases recommended for dismissal by Informal Settlement Conferences.

Executive Sessions under authority of The Open Meetings Act, Section 551.071 of the Government Code and Article 4495b, Sections 1.07(b) and 2.09(o), Texas Revised Civil Statutes.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016

Filed: August 7, 1996, 4:27 p.m.

TRD-9611401



Friday, August 16, 1996, 8:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Continuing Medical Education

AGENDA:

1. Call to Order

2. Roll Call

3. Discussion, recommendations and possible action concerning modification of the Board's annual continuing medical education requirements to allow physicians who obtain continuing medical education hours in excess of the minimum annual requirement to accumulate and apply the excess hours toward the requirement for a subsequent reporting period.

4. Discussion, recommendation, and possible action regarding modification of the Board's annual continuing medical education requirements to mandate that continuing education in Ethics comprise a portion of the hours reported for each reporting year.

5. Discussion, recommendation, and possible action regarding modification of the Board's annual continuing medical education requirements to mandate that continuing education in HIV/AIDS comprise a portion of the hours reported for each reporting year.

Adjourn.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768-2018, (512) 305-7016

Filed: August 8, 1996, 2:39 p.m.

TRD-9611460



Friday, August 16, 1996, 9:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Standing Orders Committee

AGENDA SUMMARY:

The agenda includes discussion and possible action related to radiological technologists; update on interagency contract to disburse funds to the Center for Rural Health Initiatives; discussion and possible action regarding recommendations from the Texas State board of Acupuncture Examiners related to licensure applications and rule changes; discussion and possible action regarding recommendations from the Texas State Board of Physician Assistant Examiners related to rule changes; Executive Session to review files recommended for dismissal by the Texas State Board of Acupuncture Examiners; up-

date from the general counsel concerning pending litigation related to the practice of acudetox/auricular acupuncture.

Executive session under the authority of the Open Meetings Act, section 551.071 of the Government Code and Article 4405b, sections 2.07(b), 2.09(o), 4.05(d), 5.06(s) (1), and Op. A.G. 1974, No. H-484.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768–2018, (512) 305–7016

Filed: August 8, 1996, 2:40 p.m.

TRD-9611465

Friday, August 16, 1996, 2:30 p.m., Saturday August 17, 1996, 8:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

AGENDA:

The agenda includes proposals for decision, requests for termination of suspension of license, discussion and possible action regarding proposed changes to the Intractable Pain Treatment Act, public earnings and consideration for adoption of proposed rules changes, discussion and possible action related to electromyographic and nerve conduction velocity testing, consideration and approval or orders, approval of minutes, approval of Disciplinary Panels, discussion and possible action related to out-of-state physicians dictating approved patient care in Texas and whether this is the practice of medicine, discussion and possible related to computerized license certificates, executive director's report, and Executive session under the authority of the Open Meetings Act, Section 551.071 of the Government Code and the Medical Practice Act, article 4495b, Texas Revised Civil Statutes, sections 2.07(b) and 2.09(o) for private consultation and advice of counsel concerning litigation relative to pending disciplinary action.

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768–2018, (512) 305–7016

Filed: August 8, 1996, 2:40 p.m.

TRD-9611464

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Friday, August 16, 1996, 10:30 a.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Ad Hoc Committee on Non-Profit Health

AGENDA:

1. Call to order
2. Roll Call
3. Consideration and possible action on applications for certification of non-profit health organizations.
4. Consideration and possible action on Biennial applications for recertification of non-profit health organizations.
5. Consideration and possible action on compliance information for continued certification of non-profit health organizations.
6. Discussion, recommendation and possible action on rule changes to Chapter 177 of the Board Rules.

7. Adjourn

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768–2018, (512) 305–7016

Filed: August 8, 1996, 2:39 p.m.

TRD-9611461

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Friday, August 16, 1996, 1:30 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Finance Committee

AGENDA:

1. Call to order
2. Roll Call
3. Discussion of the Board's July 1996, Financial Statements
4. Presentation of the Board's Legislative Appropriations Request (LAR) as submitted to the Governor's Office of Budget and Planning and the Legislative Budget Board for the biennium beginning September 1, 1997.

5. Consideration and possible action on compliance information for continued certification of Discussion of the Document Management Center scheduled to open in the Hobby building during August 1996, to provide copying services for the state health regulatory agencies.

6. Adjourn

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768–2018, (512) 305–7016

Filed: August 8, 1996, 2:40 p.m.

TRD-9611462

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Friday, August 16, 1996, 2:00 p.m.

333 Guadalupe, Tower 2, Suite 225

Austin

Legislative Committee

AGENDA:

1. Call to order
2. Roll Call
3. Discussion, recommendation, and possible action regarding the Board's recommended statutory changes during the next legislative session.
4. Adjourn

Contact: Pat Wood, P.O. Box 2018, Austin, Texas 78768–2018, (512) 305–7016

Filed: August 8, 1996, 2:40 p.m.

TRD-9611463

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Texas Mental Health and Mental Retardation Board

Friday, August 23, 1996, 10:30 a.m.

909 West 45th Street Auditorium

Austin

AGENDA

I. Call to Order: Roll Call

II. Citizens Comments

III. Approval of Minutes of July 24, 1996 Meeting

IV. Issues to be considered : 1) Chairman's Report, 2) Commissioner's Report, 3) Quarterly Report on Workers Compensation, 4) Review and Approval of Medicaid Reimbursement Rates for Home and Community-based Services and Home and Community-based Services-OBRA, 5) Consideration of Approval of the FY97 Operating Plan

Additional items to be considered per attached agenda.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 206-4506, (voice of RELAY TEXAS), Ellen Hurst 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506

Filed: August 9, 1996, 4:14 p.m.

TRD-9611565

Texas Natural Resource Conservation Commission

August 21, 1996, 9:00 a.m.

12100 Park 35, Building A, Room 202, Second Floor

Austin

Irrigators Advisory Enforcement Committee

AGENDA

Meeting called to order; complaint files to be heard for recommendation of possible administrative penalties are as follows: Tom Blankenship, non-licensure, Michael Brennan, non-licensure, Pamela Cheatham, Licensed Irrigator and Larry Cheatham, non-licensure, David Sanders, Licensed Irrigator, Randy Collins, non-licensure and Chris Wise, Master Plumber, Don Jones, Licensed Irrigator, Michael Cook Licensed Irrigator, Garry Hardin, Licensed Irrigator; Examination dates to be announced, enforcement reports to be given, and Chairman will accept miscellaneous comments from guest and members but taking no formal action; the meeting will adjourn.

Contact: Gene Reagan, TNRCC, P.O. Box 13087, MC178, Austin, Texas 78711-3087, (512) 239-6719 or 239-6658.

Filed: August 9, 1996, 2:27 p.m.

TRD-9611538

Texas State Board of Pharmacy

Tuesday, August 20, 1996, 9:00 a.m.

333 Guadalupe Street, Suite 2-2225

Austin

Board Business Meeting

AGENDA:

1. Call to order

2. Consider approval for minutes from January 11, 1996, March 1, 1996, May 7-8, 1996

3. Consider rules §§ 281.26, 281.75, 283.10(g)(5), 291.23; 291.36, §291.73 and 295.13 for final Adoption

4. Consider Proposal amends to §§283.2-4, 283.7-9. 282.11, 291.31-291.34, and 291.36;

5. Receive reports and discuss: current financial status; FY97 Goals and Objectives and Strategic Plan; Peer Assistance Program/ LAR for FY98-99 and LBB/GB0 Staff Budget Hearing; formation of task force on contracts for pharmacy services; Health Professions Council; disciplinary action for violations of continuing education requirements; Fax Net 1 Program; possible amendments to the Texas Pharmacy Act and Dangerous Drug Act; automated dispensing systems in hospitals; rules for Class E Pharmacies; Class D (Clinic) Pharmacies and the requirements to operate with an expanded formulary: letter from Dale W. Anderson regarding "tech-in-training"; formation of a task force on Class B Regulations; Disciplinary procedures that result in Formal Administrative Hearings; upcoming audit by Texas Commission on Human Rights; quality assurance of compounded products; Governor's seminar for Board Members; release of Board Member's addresses and telephone numbers; recent and upcoming conferences and events

6. Review and approval of: FY97 Operating Budget; FY97 Contract for Peer Assistance Program; Agency Affirmative Action Plan; professional degree programs of colleges and schools of pharmacy; Texas colleges of pharmacy internships programs and receive Dean's reports

7. Report on status of active/pending complaints

8. Consideration and action on Proposed Agreed Board Orders

9. Consider Proposals for Decision in TSBP vs: Sylvan H. Cohen; William B. Roberts; Gerald D. Gay; Joe Andrew Narviz and Joe's Prescription Shop

10. Executive Session to consider the Proposals for Decision, personnel matters, Agreed Board Orders, and Possible Litigation

11. Elect Officers

12. Recognize appointments and awards

13. Receive items for November agenda

Contact: Gay Dodson, William P. Hobby Building, Suite 3-600, 333 Guadalupe Street, Austin, Texas 78701, (512) 305-8027, Filed: August 8, 1996, 2:27 p.m.

TRD-9611459



Texas State Board of Plumbing Examiners

August 19, 1996, 9:00 a.m.

929 East 41st Street,

Austin

Enforcement Committee

AGENDA

9:00 a.m. Call go order and roll call 8/19/96

Consideration of Minutes of 4/23 and 4/24/96 Enforcement Committee Meeting for Adoption as Recorded.

Review of Citation List and Possible Action.

Review of applicants with criminal background/possible action.

Complaint cases for Review: (as time allows)

Contact: Robert Maxwell, TSBPE, 929 41st Street, Austin, Texas 78751, (512) 458-2145, extension 233

Filed: August 9, 1996, 10:54 a.m.

TRD-9611497

August 20, 1996, 9:30 a.m.

City of Euless, 201 North Ector Drive, Large Conference Room, Building A

Euless

Legislative Committee

AGENDA

1. Roll Call — 9:30 a.m.
2. Recognize staff and visitors.
3. Review previous program and discuss upcoming legislative proposals.
4. Review action by the board on previous committee recommendations.
5. Prepare recommendations of proposed legislation for Board consideration.
6. Discussion and possible action on board seeking grants to further continuing education, to begin recruitment into the industry, to start plumbing classes in high schools, and how to acquire the grants.
7. Adjourn.

Contact: Mary Lou Lane, 929 41st Street, Austin, Texas 78751, (512) 458-2145, extension 222

Filed: August 9, 1996, 10:54 a.m.

TRD-9611540

Texas Polygraph Examiners Board

August 23 and 24, 1996, 8:00 a.m.

5805 North Lamar, Building C, Room B

Austin

AGENDA

Contact: Frank DiTucci, 5805 North Lamar, Building C, Room B, Austin, Texas 78752, (512) 424-2058.

Filed: August 9, 1996, 4:37 p.m.

TRD-9611568

Public Utility Commission of Texas

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

7800 Shoal Creek Boulevard

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16268, Application of DMJ Communications, Inc., for a Service Provider Certificate of Operating Authority. This application was filed on August 7, 1996. Applicant intends to provide resold local switched services. This includes 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 from the underlying incumbent local exchange carrier or other carriers authorized to do business with the designated service area as a service provider. Applicant intends to serve the geographic area of the existing service areas of the following local exchange carriers; Southwestern Bell, General Telephone of the Southwest, Centel, United Telephone and other eligible Local Exchange Companies. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by August 21, 1996.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 8, 1996, 10:30 a.m.

TRD-9611417



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

7800 Shoal Creek Boulevard

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16267, Application of Choctaw Communications, L.L.C., for a Service Provider Certificate of Operating Authority. This application was filed on August 6, 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 within the service area of Choctaw. Applicant intends to serve the geographic area of the existing service areas of the local exchange carriers, including, but not limited to the following: Southwestern Bell, General Telephone of the Southwest, Centel, United Telephone and other eligible Local Exchange Companies. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by August 21, 1996.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 7, 1996, 9:00 a.m.

TRD-9611387



Monday, August 26, 1996, 9:00 a.m. (Rescheduled from Monday, August 12, 1996, at 9:00 a.m)

7800 Shoal Creek Boulevard

Austin

Legal Administration

AGENDA:

A prehearing conference has been rescheduled for the above date and time in Docket 16242-INQUIRY OF THE GENERAL COUNSEL INTO THE REASONABLENESS OF THE RATES AND SERVICES OF CENTRAL TELEPHONE COMPANY OF TEXAS (REMAND OF DOCKET NO. 9981).

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 8, 1996, 1:43 P.m.

TRD-9611458



Tuesday, August 27, 1996, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

AGENDA:

A Hearing on the Merits will be held by the State Office of Administrative Hearings in Docket No. 16278-Application of Local Fone Service Inc., for a Service Provider Certificate of Operating Authority. This application was filed on August 8, 1996. Applicant intends to provide resold local switched services. This includes monthly recurring, flat-rate local exchange service, extended area service, extended metro services, Caller ID and any other services which are available on a resale basis from the underlying incumbent local exchange carrier or other carriers. Applicant requested SPCOA geographic area follows the boundaries of the existing service areas of the following: Southwestern Bell, General Telephone of the Southwest, Centel, United Telephone and other eligible Local Exchange Companies. Persons who wish to intervene or otherwise participate in these proceedings should make appropriate filings or comments to the Commission by August 21, 1996.

Contact: Paula Mueller, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 9, 1996, 4:13 p.m.

TRD-9611563



Texas Council on Purchasing from People with Disabilities

Thursday, August 29, 1996, 10:00 a.m.

Capitol Extension, suite E2.026, 1400 North Congress Avenue

Austin

Pricing Subcommittee

AGENDA

Approval of Minutes from June 6, 1996 Meeting

Discussion and Recommendation for Action on New Services

Discussion and Recommendation for Action on Renewal Services

Discussion and Recommendation for Action on New Products

Discussion and Recommendation for Action on Product changes and Revisions

Contact: Rose- Michel Munguia, 1711 San Jacinto, Austin, Texas 78701, (512) 463-6422.

Filed: August 9, 1996, 11:56 a.m.

TRD-9611502

Railroad Commission of Texas

Friday, August 9, 1996, 1:30 p.m.

1701 North Congress, Willa Mae Palmer Conference room, 12th Floor, Room 12-100

Austin

EMERGENCY MEETING AGENDA:

The Commission will consider extending the period of time, to the maximum time permitted by law, for considering the motion for rehearing filed in the following causes:

1. Docket No. 10-0210578, the application of CoEnergy Operating Company for an exception to Statewide Rule 38 for its Mary T. Morrison Lease, Well No. 4-182, Morrison Ranch (Morrow, Lower) Field, Roberts County, Texas.

2. Docket No. 06-0209377, the application of Oxy USA Inc. for an exception to Statewide Rule 38 for its Phillips "E" Gas Unit, Well No. 3, Gladewater (Haynesville) field, Upshur County, Texas.

REASON FOR EMERGENCY: THE COMMISSION WILL LOSE JURISDICTION OF THESE MATTERS BEFORE ITS NEXT REGULARLY SCHEDULED OPEN MEETING.

Contact: Larry Bareilly, 1701 North Congress, Austin, Texas, 78701, (512) 463-6924.

Filed: August 8, 1996, 9:44 a.m.

TRD-9611409



Friday, August 9, 1996, 1:30 p.m.

1701 North Congress, Willa Mae Palmer Conference room, 12th Floor, Room 12-100

Austin

EMERGENCY REVISED AGENDA:

The Commission will consider and may act on extending the period of time, to the maximum time permitted by law, for considering the motion for rehearing filed in the following causes:

1. Docket No. 10-0210578, the application of CoEnergy Operating Company for an exception to Statewide Rule 38 for its Mary T. Morrison Lease, Well No. 4-182, Morrison Ranch (Morrow, Lower) Field, Roberts County, Texas.

2. Docket No. 06-0209377, the application of Oxy USA Inc. for an exception to Statewide Rule 38 for its Phillips "E" Gas Unit, Well No. 3, Gladewater (Haynesville) field, Upshur County, Texas.

REASON FOR EMERGENCY: THE COMMISSION WILL LOSE JURISDICTION OF THESE MATTERS, THEREBY ABRIDGING THE DUE PROCESS RIGHTS OF THE PARTIES, BEFORE ITS NEXT RETULARLY SCHEDULED OPEN MEETING AND THERE IS NO OTHER DATE FOR WHICH REGULAR NOTICE CAN BE GIVEN, ON WHICH A QUORUM IS AVAILABLE TO CONVENE.

Contact: Larry Borella, 1701 North Congress, Austin, Texas, 78701, (512) 463-6924.

Filed: August 9, 1996, 10:54 a.m.

TRD-9611496



Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

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: Kathy Way, Oil and Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-6729.

Filed: August 9, 1996, 1:11 p.m.

TRD-9611504



Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

REVISED AGENDA:

1. To consider awarding contracts for computer hardware and software support for Fiscal Year 1997.
2. To consider awarding a contract to acquire relational database technology licensing, support, and training.
3. To consider amendments to the Biennial Operating Plan for submission to the Texas Department of Information Resources.

Contact: Debra Williams, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-7251.

Filed: August 9, 1996, 1:11 p.m.

TRD-9611505



Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

REVISED AGENDA:

1. To consider pricing issues relating to Public Information Law in terms of electronic information, including Geographic Information Systems, and provide staff with direction.

Contact: David Schieck, Director Oil & Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-6810.

Filed: August 9, 1996, 1:14 p.m.

TRD-9611506



Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the 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.

The Commission may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Lindil C. Fowler, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-7033.

Filed: August 9, 1996, 1:15 p.m.

TRD-9611507



Tuesday, August 20, 1996, 1:30 p.m.

Hyatt Regency on the Riverwalk, 123 Losoya Street

San Antonio

AGENDA:

1:30-1:40 p.m. Call to order. Introduction of Chairman Carole Keeton Rylander, Commissioner Barry Williamson, and Commissioner Charles R. Matthews.

1:40-1:50 p.m. Remarks by Chairman Rylander, Commissioner Williamson, and Commissioner Matthews

1:50-3:45 p.m. Speaker's and Presenter's Comments to the Commission

3:45-4:00 p.m. Closing remarks by Chairman Rylander, Commissioner Williamson, and Commissioner Matthews

4:00 p.m. Estimated adjournment (depending on number of speakers)

Contact: Thomas D. Petru, P.O. Box 12967, Austin, Texas, 78701, (512) 463-6949.

Filed: August 9, 1996, 1:10 p.m.

TRD-9611503



Railroad Commission of Texas

Friday, August 9, 1996, 1:30 p.m.

1701 North Congress, Willa Mae Palmer Conference room, 12th Floor, Room 12-100

Austin

EMERGENCY MEETING AGENDA:

The Commission will consider extending the period of time, to the maximum time permitted by law, for considering the motion for rehearing filed in the following causes:

1. Docket No. 10-0210578, the application of CoEnergy Operating Company for an exception to Statewide Rule 38 for its Mary T.

Morrison Lease, Well No. 4-182, Morrison Ranch (Morrow, Lower) Field, Roberts County, Texas.

2. Docket No. 06-0209377, the application of Oxy USA Inc. for an exception to Statewide Rule 38 for its Phillips "E" Gas Unit, Well No. 3, Gladewater (Haynesville) field, Upshur County, Texas.

REASON FOR EMERGENCY: THE COMMISSION WILL LOSE JURISDICTION OF THESE MATTERS BEFORE ITS NEXT REGULARLY SCHEDULED OPEN MEETING.

Contact: Larry Bareilly, 1701 North Congress, Austin, Texas, 78701, (512) 463-6924.

Filed: August 8, 1996, 9:44 a.m.

TRD-9611409

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Friday, August 9, 1996, 1:30 p.m.

1701 North Congress, Willa Mae Palmer Conference room, 12th Floor, Room 12-100

Austin

EMERGENCY REVISED AGENDA:

The Commission will consider and may act on extending the period of time, to the maximum time permitted by law, for considering the motion for rehearing filed in the following causes:

1. Docket No. 10-0210578, the application of CoEnergy Operating Company for an exception to Statewide Rule 38 for its Mary T. Morrison Lease, Well No. 4-182, Morrison Ranch (Morrow, Lower) Field, Roberts County, Texas.

2. Docket No. 06-0209377, the application of Oxy USA Inc. for an exception to Statewide Rule 38 for its Phillips "E" Gas Unit, Well No. 3, Gladewater (Haynesville) field, Upshur County, Texas.

REASON FOR EMERGENCY: THE COMMISSION WILL LOSE JURISDICTION OF THESE MATTERS, THEREBY ABRIDGING THE DUE PROCESS RIGHTS OF THE PARTIES, BEFORE ITS NEXT REGULARLY SCHEDULED OPEN MEETING AND THERE IS NO OTHER DATE FOR WHICH REGULAR NOTICE CAN BE GIVEN, ON WHICH A QUORUM IS AVAILABLE TO CONVENE.

Contact: Larry Borella, 1701 North Congress, Austin, Texas, 78701, (512) 463-6924.

Filed: August 9, 1996, 10:54 a.m.

TRD-9611496

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Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

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: Kathy Way, Oil and Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-6729.

Filed: August 9, 1996, 1:11 p.m.

TRD-9611504

◆ ◆ ◆

Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

REVISED AGENDA:

1. To consider awarding contracts for computer hardware and software support for Fiscal Year 1997.

2. To consider awarding a contract to acquire relational database technology licensing, support, and training.

3. To consider amendments to the Biennial Operating Plan for submission to the Texas Department of Information Resources.

Contact: Debra Williams, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-7251.

Filed: August 9, 1996, 1:11 p.m.

TRD-9611505

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Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

REVISED AGENDA:

1. To consider pricing issues relating to Public Information Law in terms of electronic information, including Geographic Information Systems, and provide staff with direction.

Contact: David Schieck, Director Oil & Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-6810.

Filed: August 9, 1996, 1:14 p.m.

TRD-9611506

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Tuesday, August 20, 1996, 8:30 a.m.

1701 North Congress, 1st Floor Conference Room, 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the 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.

The Commission may meet in Executive Session on any items listed above as authorized by the Open Meetings Act.

Contact: Lindil C. Fowler, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas, 78701, (512) 463-7033.

Filed: August 9, 1996, 1:15 p.m.

TRD-9611507



Tuesday, August 20, 1996, 1:30 p.m.

Hyatt Regency on the Riverwalk, 123 Losoya Street

San Antonio

AGENDA:

1:30–1:40 p.m. Call to order. Introduction of Chairman Carole Keeton Rylander, Commissioner Barry Williamson, and Commissioner Charles R. Matthews.

1:40–1:50 p.m. Remarks by Chairman Rylander, Commissioner Williamson, and Commissioner Matthews

1:50–3:45 p.m. Speaker's and Presenter's Comments to the Commission

3:45–4:00 p.m. Closing remarks by Chairman Rylander, Commissioner Williamson, and Commissioner Matthews

4:00 p.m. Estimated adjournment (depending on number of speakers)

Contact: Thomas D. Petru, P.O. Box 12967, Austin, Texas, 78701, (512) 463–6949.

Filed: August 9, 1996, 1:10 p.m.

TRD-9611503



State Board of Examiners for Speech-Language Pathology and Audiology

Friday, August 16, 1996, 10:30 a.m.

Sheraton Bayfront, 707 North Shoreline Drive

Corpus Christi

Complaint Committee

AGENDA:

The committee will meet to discuss and possibly act on complaints: (96–SA-0004, 96–SA-0006, 96–SA-0007, 96–SA-0009, 96–SA-0010, 96–SA-0011, 96–SA-0012, 96–SA-0013, 96–SA-0014, 96–SA-0015, 96–SA-0016, 96–SA-0017, 96–SA-0018, and 96–SA-0019). This information will be presented to the full board on Friday, September 20, 1996.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756 (512) 834–6627. To request ADA accommodation, please contact Lonzo Kerr, ADA Coordinator in the Office of Civil Rights at (512) 458–07627 or TDD (512) 458–7708 at least two days prior to the meeting.

Filed: August 7, 1996, 3:37 p.m.

TRD-9611390



Boards for Lease of State-owned Lands

Thursday, August 15, 1996, 3:00 p.m.

General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831

Austin

Board for Lease of Texas Parks and Wildlife Department

AGENDA:

Approval of previous board meeting minutes; consideration of nominations, terms, conditions and procedures for the October 1, 1996 oil, gas and other minerals lease sale; easement renewal applications, Bastrop State Park, Bastrop County; J.D. Murphree Wildlife Management Area, Jefferson County; Park Road 1, Bastrop County; Buescher State Park, Bastrop County; Gene Howe Wildlife Management Area, Hemphill County.

Contact: Linda K. Fisher, Stephen F. Austin Building, 1700 North Congress, Room 836, Austin, Texas 78701, (512) 463–5016.

Filed: August 7, 1996, 4:24 p.m.

TRD-9611396



The Texas A & M University System

Monday, August 12, 1996, 9:00 a.m., (Little Colony Room)
Reconvene Tuesday, August 13, 1996, 8:30 a.m., (San Jacinto Ballroom)

Four Seasons Hotel

Austin

Board of Regents

AGENDA:

The agenda for the meeting is as follows: Evaluation of the Chancellor (Closed Session), Discussion Regarding Developing a Strategic Plan for TAMUS and State of the System Presentation; Interview Candidates for the Position of General Counsel of TAMUS (Closed Session); Reports from Staff (Closed Session); Discussion with Presidents on University Related Issues; Discussion with Directors on Service Agency-Related Issues; Discussion Regarding Developing a Land-Grant System- A National Challenge; Discussion Regarding TAMUS Enrollment Management.

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

Filed: August 7, 1996, 3:00 p.m.

TRD-9611389



The Texas State Technical College System

Thursday, August 15, 1996, 10:00

Texas State Technical College Conference Room

Waco

Board of Regents Teleconference

AGENDA:

The board of Regents will discuss and act on the following Minute Orders:

Recommendations and RESOLUTIONS: 1) Authorizing the issuance of Constitutional Appropriation Bonds, Series 1996, and other procedures and matters relating to the subject; 2) Authorizing the officers and officials of TSTC to sign all necessary documents and make all filings with required State agencies for the sale and

delivery of the tax exempt revenue bonds as recommended by bond counsel; 3) Authorizing the Executive Committee to act as the pricing committee in connection with the issuance of the Board of Regents of TSTC System Constitutional Appropriations Bonds, Series 1996; and making other provisions regarding such bonds and matters related thereto.

Action Items to be adopted at the next meeting of the Board of Regents: 1. A RESOLUTION authorizing the appointment as Co-Financial Advisors, Texas Commerce Bank and Astride Hinojosa and Company to act for the College as the financial advisors in the preparation, pricing, sale, delivery, and approval by the regulatory agencies of the TSTC System Constitutional Appropriations Bonds, Series 1996; 2) A RESOLUTION by the Board of Regents of its' intention to reimburse project expenditures relating to student housing project in Marshall, Texas

Contact: Sandra Krumnow, 3801 Campus Drive, Waco, Texas (817) 867-4890

Filed: August 9, 1996, 3:42 p.m.

TRD-9611553



Thursday, August 15, 1996, 10:00 a.m.

Texas State Technical College Conference Room

Waco

Board of Regents Teleconference

REVISED AGENDA:

The board of Regents will discuss and act on the following Minute Orders:

Change wording in original posting to read:

Item VI.2 — Financing of project expenditures relating to student housing project in Marshall, Texas

Item VIII.2 — a RESOLUTION by the Board of Regents concerning project expenditures relating to student housing project in Marshall, Texas

Contact: Sandra Krumnow, 3801 Campus Drive, Waco, Texas (817) 867-4890

Filed: August 9, 1996, 4:42 p.m.

TRD-9611569



University of Houston System

Thursday, August 15, 1996, 8:00 a.m.

Shamrock Room, University Hilton Hotel, 4800 Calhoun, University of Houston

Houston

Committee

AGENDA:

Open Forum; Chancellor's Report; Executive Session: Approval of Minutes; Agency Strategic Plans; Legislative Appropriations Request (with Special Items); Organizational Structure for UH system and Universities; Merit Increases for Employees on Grants and Contracts;

Chair and Professorship Appointments; Personnel Recommendations; KUHT Quarterly Report; High Performance Research Network; Extension of Lease Agreements; Surface Use Agreement; Liquidation of Smiser; Land Acquisition- University of Houston-Downtown; Gift Acceptance Reports in Excess of \$10,000; Construction Contract for Roof Repair and Replacement; Appointment of a Performance Contractor for the Performance Contract Program; Construction Contract for the Remodeling of Parking Lot 20A; Appointment of Graphics Consultant for the Design and Updating of The University of Houston Environmental Graphics Master Plan; Carpet Services Inc., Change Order No. 73; Service Agreement with Houston Lighting and Power; Amendment to the agreement with Ovid Technologies, Inc. (formerly CD Plus); Purchase Order; Lease Agreement with Cambridge Oaks Apartments; Extension of Contracts and Agreement; Various Contracts; Governmental Entity Services Mail/Telephone Order Agreement; Insurance Premiums; Annual Write-off of Accounts and Notes Receivable; Various Baking Resolutions; Establishment of an Investment Account; State Comptroller's Resolutions- changes in Signature; UHS Internal Auditing Department Long-Range Internal Audit Plan for Fiscal Years 1997-1999; Amendment No. 2, Long-Range Internal Audit Plan, Fiscal Years 1996-1998; Executive Summaries of Internal Audit Reports; Historically Underutilized Business Report; Approval of Consent Docket; Election of Officers. (See attached Agenda).

Contact: Peggy Cervenka, 1600 Smith Street, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: August 7, 1996

TRD-9611403



Texas Water Development Board

Thursday August 15, 1996, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue
Austin

Development Board

AGENDA:

The Board will consider: minutes; executive, financial and committee reports; financial assistance to Edinburg, Crystal City, Baytown, Wichita Falls, Primera, Groves, Angelina and Neches River Authority, North Alamo Water Supply Corporation, Upper Trinity Regional Water District, Harris County Utility District #5, Live Oak Underground Water Conservation District, Lake Cities Municipal Utility Authority, Orange County Water Control and Improvement District #2 and transfer of funds; amendment to Resolution #96-60 to correctly identify H-M-W Water Supply Corporation and bonds to be issued by the Corporation; use of EDAP funding source for project costs that are ineligible for CWTAP funding; contracts with US Geological Survey for continuation of the Water Resources Investigations data collection program and approval to amend; contracts for FY 1997 environmental studies of Texas bays and estuaries and transfer of funds; FY 1997 Intended Use Plan for the State Revolving Fund Loan program; amendments to 31 TAC Chapter 375, State Water Pollution Control Revolving Fund, related to Lending Rates and Chapter 363, Financial Assistance Programs, related to the Calculation of financial Assistance; Red River County Water Supply Corporation request to incur additional debt, waiving right to first lien on improvements and authorization to amend Deed of Trust and Security Agreement, Prior

Lienholder's Agreement, and other documents as needed; Colonia Wastewater Treatment Assistance Program-State match requirements and long term view of Economically Distressed Areas Program funding; program level adjustments to the Colonia Plumbing Loan Program lien requirements for borrowers and amended implementation strategy for El Paso County; EDAP prioritization issues; extension of commitment between the Board and Franklin County Water District for purchase of Board interest in Lake Cypress Springs Reservoir; developing a proposal to access NADBANK funds; and the Board's 1998-1999 Legislative Appropriation Request.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas, 78711, (512) 463-7847

Filed: August 7, 1996, 2:40 p.m.

TRD 9611388



Regional Meetings

Meetings Filed August 7, 1996

Austin Travis County MHMR Center Human Resources Committee, met at 1700 South Lamar Boulevard, Suite 312, Austin, August 14, 1996 at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD 9611395.

Bexar-Medina-Atascosa WCID#1, Board of Directors met at 226 Highway 132, Natalia, at 8:30 a.m. Information may be obtained from John Ward, P.O. Box 170, Natalia, Texas 78059, (210) 665-2132. TRD 9611394.

Capital Area Planning Council, Executive Committee, met at 2520 IH35 South, Suite 100, Austin, August 14th, 1996, at 11:00 a.m. Information may be obtained from Betty Voights, 2520 IH35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD 9611386.

South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, August 13, 1996, at 9:00 a.m. Information may be obtained from Jerry Casstevens, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452, 3730, (806) 762-8721. TRD 9611406.

South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, August 13, 1996, at 10:00 a.m. Information may be obtained from Jerry Casstevens, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452— 3730, (806) 762-8721. TRD 9611405.

Taylor County Central Appraisal District Board of Directors met at 1534 South Treadaway, Abilene, August 14, 1996 at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381, Extension 24. TRD 9611391.

Taylor County Central Appraisal District Appraisal Review Board will meet at 1534 South Treadaway, Abilene, August 15 and 16, 1996, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381, Extension 24. TRD 9611392.

Taylor County Central Appraisal District will meet at 1534 South Treadaway, Abilene, August 22 and 23, 1996, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381, Extension 24. TRD 9611393.

Meetings Filed August 8, 1996

Austin Transportation Study, US290/Loop 1 Task Force, met at the Municipal Annex Building, 2nd and Lavaca, Room 140, August 14, 1996, at 10:00 a.m. Information may be obtained from Michael R. Aulick, 301 West 2nd Street, Austin, Texas 78701, (512) 499-2275. TRD 9611410.

MHMR Authority of Brazos Valley, Personnel/Budget Committee, met at 1504 South Texas Avenue, Bryan, August 15, 1996, at 11:30 a.m. Information may be obtained from Leon Bawcom, MHMR Authority of Brazos Valley, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD 9611422.

MHMR Authority of Brazos Valley, Board of Trustees, met at 1504 South Texas Avenue, Bryan, August 15, 1996, at 1:00 p.m. Information may be obtained from Leon Bawcom, MHMR Authority of Brazos Valley, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD 9611423.

Burnet County Appraisal District, Board of Directors met at 110 Avenue H, Suite 106, Marble Falls, on August 15, 1996, at noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E., Burnet, Texas 78611, (512) 756-7873. TRD 9611418.

Cass County Appraisal District Board of Directors met at 502 North Main Street, Linden, on August 13, 1996 at 7:00 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (904) 756-7545. TRD 9611456.

Colorado River Municipal Water District, Board of Directors, met at 400 East 24th Street, Big Spring, on August 14, 1996, at 9:00 a.m. Information may be obtained from John W. Grant, P.O. Box 869, Big Spring, Texas 79721, (915) 267-6341. TRD 9611478.

Education Service Center, Region 2, Board of Directors, met at Joe Cotton's Bar-B-Q, Highway 77, Robstown, August 14, 1996 at 5:30 p.m. Information may be obtained from Ernest Zamora, 209 North Water Street, Corpus Christi, Texas 78401, (512) 883-9288, extension 2200. TRD 9611407.

Education Service Center, Region 2, Board of Directors and Regional Advisory Committee (Combined Meeting), met at Joe Cotton's Bar-B-Q, Highway 77, Robstown, August 14, 1996 at 7:00 p.m. Information may be obtained from Ernest Zamora, 209 North Water Street, Corpus Christi, Texas 78401, (512) 883-9288, extension 2200. . TRD 9611408.

Elm Creek Water Supply Corporation Board met at 508 Avenue "E", Moody, August 12, 1996, at 7:00 p.m. Information may be obtained from Debra Williams, 508 Avenue "E", Moody, Texas 76557, (817) 853-3838. TRD 9611479.

Hansford County Appraisal District, Board of Directors, met at 709 West 7th Street, Spearman, on August 14, 1996, at 9:00 a.m. Information may be obtained from Alice Peddy, 709 West 7th Street, Spearman, Texas 79081, (806) 659-5575. TRD 9611419.

High Plains Underground Water Conservation District No. 1 Board met at 2930 Avenue Q, Board Room, Lubbock, August 12, 1996, at 10:00 a.m. (Revised agenda) Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD 9611476.

Johnson County Central Appraisal District, Appraisal Review Board, met at 109 North Main Street, Review Board Conference Room, Cleburne, August 13, 14, and 15, 1996, at 9:00 a.m. Information may

be obtained from Don Gilmore, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD 9611412.

Jones County Appraisal District Board of Directors met at 1137 East Court Plaza, Anson, August 15, 1996, at 8:30 a.m. Information may be obtained from Susan Holloway, P.O. Box 348, Anson, Texas 79501, (915) 823-2422. TRD 9611421.

Lometa Rural Water Supply Corporation, Board of Directors, met at 506 West Main Street, Lometa, on August 12, 1996, at 7:00 p.m. Information may be obtained from Levi Cash or Tina Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505, TRD 9611475.

Lower Colorado River Authority Planning and Public Policy Committee, met at 3701 Lake Austin Boulevard, Hancock Building Board Conference Room, August 13, 1996, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3304. TRD 9611477.

North Texas Regional Library System Board of Directors will meet at 1111 Foch Street, Fort Worth, August 22, 1996, at 1:30 p.m. Information may be obtained from Cynthia Brown, 1111 Foch Street, Fort Worth, Texas 76107, (817) 335-6076. TRD 9611426.

North Texas Regional Library System Board of Directors will meet at 1111 Foch Street, Fort Worth, August 22, 1996, at 2:30 p.m. Information may be obtained from Cynthia Brown, 1111 Foch Street, Fort Worth, Texas 76107, (817) 335-6076. TRD 9611425.

Palo Pinto Appraisal District Board of Directors met at the Court House, Highway 180, Palo Pinto, August 14, 1996, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD 9611424.

Red Bluff Water Power Control District, Board of Directors, met at 111 West Second Street, Pecos, August 12, 1996, at 1:00 p.m. Information may be obtained from Jim Ed Miller, 111 West 2nd Street, Pecos, Texas 79771, (915) 445-2037. TRD 9611420.

Trinity River Authority of Texas, Central Regional Wastewater System Right-of-Way Committee, met at 5300 South Collins Street, Arlington, August 15, 1996, at 10:30 a.m. Information may be obtained from James Murphy, P.O., Box 60, Arlington, Texas 76004, (817) 467-4343. TRD 9611413.

Meetings filed August 9, 1996

Archer County Appraisal District, Board of Directors, met at 101 South Center, Archer City, Wednesday, August 14, 1996, 5:00 p.m. Information can be obtained from Edward H. Trigg, P.O. Box 1141, Archer City, Texas 76351. TRD 9611522.

Bexar-Medina-Atascosa WCID#1 Board of Directors, met at 226 Highway 132, Natalia, on August 12, 1996, at 8:30 a.m. Information may be obtained from John Ward, 226 Highway 132, Natalia, Texas 78059, (210) 665-2132. TRD 9611629.

Bi-County Water Supply Corporation met at the Bi-County Office, Arch Davis Road (FM 2254), Pittsburg, on August 13, 1996, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840, TRD 9611489.

Blanco County Appraisal District Board of Directors, met at 200 North Avenue G, Johnson City, on August 13, 1996, at Noon. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD 9611493.

Brazos Valley Development Council, Audit Selection Committee, met at 1706 East 29th Street, Bryan, on August 14, 1996, at 12:45 p.m. Information may be obtained from Dorothy Walker, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD 9611491.

Brazos Valley Development Council, Executive Committee, met at 1706 East 29th Street, Bryan, on August 14, 1996, at 1:30 p.m. Information may be obtained from Mary Stevens, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD 9611492.

Brazos Valley Development Council, Personnel Committee, met at 1706 East 29th Street, Bryan, on August 14, 1996, at 2:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD 9611490.

Coleman County Water Supply Corporation, Board of Directors, met at 214 Santa Anna Avenue, Coleman, August 14, 1996, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD 9611482.

Concho Valley Council of Governments, Executive Committee, met at 5014 Knickerbocker Road, San Angelo, on August 14, 1996, 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 9611481.

Concho Valley Council of Governments, Executive Committee, (Revised agenda) met at 5014 Knickerbocker Road, San Angelo, August 14, 1996, at 7:00 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 9454-9666. TRD 9611528.

Dallas Area Rapid Transit, Legislative Ad Hoc Committee, met at 1401 Pacific Avenue, Conference Room "B", Dallas, August 13, 1996, at 11:00 a.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163, TRD 9611516.

Dallas Area Rapid Transit, Committee of the Whole, met at 1401 Pacific Avenue, Conference Room "C", Dallas, August 13, 1996, at 1:00 p.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163, TRD 9611517.

Dallas Area Rapid Transit, Legislative Ad Hoc Committee, met at 1401 Pacific Avenue, Board Room, Dallas, August 13, 1996, at 6:30 p.m. Information may be obtained from Paula J. Bailey, DART, P.O. Box 660163, Dallas, Texas 75266-0163, TRD 9611520.

DeWitt County Appraisal District, Board of Directors, will meet at 103 Bailey Street, Cuero, on August 20, 1996, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD 9611484.

East Texas Council of Governments, Private Industry Council, met at 3800 Stone Road, Kilgore, on August 15, 1996, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD 9611494.

Education Service Center, Region 1 Board, met at 200 West Expressway 83, McAllen, August 12, 1996, at 10:00 a.m. Information may be obtained from Dr. Roberto Zamora, 1900 W. Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD 9611536.

Education Service Center, Region 12, Board of Directors, met at 2101 West Loop 340, Waco, on August 15, 1996, at 11:00 a.m. Information may be obtained from Harry Beavers or Vivian McCoy,

P.O. Box 23409, Waco, Texas 76702-3409, (817) 666-0707. TRD 9611551.

Edwards Aquifer Authority Legal Committee met at 1615 N. St. Mary's Street, San Antonio, August 13, 1996, at 4:30 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD 9611549.

Edwards Aquifer Authority Board met at 1615 N. St. Mary's Street, San Antonio, August 13, 1996, at 6:00 p.m. Information may be obtained from Sally Tamez-Salas, 1615 North St. Mary's Street, San Antonio, Texas 78212, (210) 222-2204. TRD 9611550.

El Oso Water Supply Corporation, Board of Directors, met at FM99, Karnes City, August 13, 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 9611537.

Golden Crescent Private Industry Council Planning Committee met at 2401 Houston Highway, Victoria, August 13, 1996, at 6:30 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD 9611557.

Gonzales County Appraisal District Board of Directors met at 928 St. Paul, Gonzales, August 15, 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. TRD 9611555.

Hickory Underground Water Conservation District No. 1, Board and Advisors, met at 2005 South Bridge Street, Brady, August 15, 1996, at 7:00 p.m. Information may be obtained from Stan Reinhard, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD 9611548.

Hockley County Appraisal District, Board of Directors, met at 1103 Houston, Levelland, August 12, 1996, at 7:30 p.m. Information may be obtained from Nick Williams, , P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD 9611561.

Johnson County Rural Water Supply Corporation, Director's Workshop Special Board Meeting, met at 2849 171 South Office, Cleburne, August 12, 1996, at 6:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 409, Cleburne, Texas 76033, (817) 645-6646. TRD 9611488.

Lampasas County Appraisal District, Board of Directors, met at 109 East 5th Street, Lampasas, Texas August 15, 1996, at 7:00 p.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD 9611486.

Lampasas County Appraisal District, Board of Directors, met at 109 East 5th Street, Lampasas, Texas August 15, 1996, at 7:00 p.m. (Revised agenda) Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD 9611498.

Montague County Tax Appraisal District Board of Directors met at 213 Rusk Street, Montague, August 14, 1996, at 4:30 p.m. Information may be obtained from Wanda Russell- 312 Rusk Street Montague, Texas 76251, (817) 894-2081. TRD 9611500.

Montague County Tax Appraisal District Board of Directors met at 213 Rusk Street, Montague, August 14, 1996, at 5:00 p.m. Information may be obtained from Wanda Russell- 312 Rusk Street Montague, Texas 76251, (817) 894-2081. TRD 9611501.

North Texas Regional Library System Board of Directors will meet at 1111 Foch Street, Fort Worth, August 29, 1996, at 1:30 p.m.

Information may be obtained from Cynthia Brown, 1111 Foch Street, Fort Worth, Texas 76107, (817) 335-6076. TRD 9611570.

Rockwall County Central Appraisal District Board of Direction met at 106 North San Jacinto, Rockwall, August 13, 1996, at 7:30 p.m. Information may be obtained from Ray Helm, 106 N. San Jacinto, Rockwall, Texas, 75087, (214) 771-2034. TRD 9611521.

Sabine Valley Center Board of Trustees, met at 107 Woodbine Place, Judson Road, Longview, August 15, 1996, at 7:00 p.m. Information may be obtained from Inman White, or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD 9611566.

San Patricio Appraisal District Appraisal Review Board met at 1146 East Market Street, Sinton, on August 15, 1996, at 1:30 p.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD 9611485.

South Plains Association of Governments, Board of Directors, met at 1323 58th Street, Lubbock, August 13, 1996, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, Executive Director, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452-3730, (806) 762-7821. TRD 9611562.

Stephens County Rural Water Supply Corporation met at 301 West Elm, Breckenridge, August 12, 1996, at 7:30 p.m. Information may be obtained from Mary Barton, P.O. Box 1621, Breckenridge, Texas, 76424, (817) 559-6180. TRD 9611524.

Texas Municipal Power Agency ("TMPA"), Audit and Budget Committees, met at the Holiday Inn Select LBJ Northeast, First Floor Board Room, 11350 LBJ Freeway at South Jupiter, Dallas, August 15, 1996 at 2:00 p.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013, TRD 9611554.

Trinity River Authority of Texas, Legal Committee, will meet at 5300 South Collins Street, Arlington, August 16, 1996, at 10:30 a.m. Information may be obtained from James Murphy, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD 9611523.

Meetings filed August 12, 1996

Comal Independent School District, Board of Trustees, met at 20410 Highway 46 West, Spring Branch, August 15, 1996, at 7:00 p.m. Information may be obtained from Abel Campos, 20410 Highway 46 West, Spring Branch, Texas 78070, (210) 625-8081. TRD 9611649.

Jasper County Appraisal District, Board of Directors, met at 137 North Main Street, Jasper, on August 14, 1996, at 7:00 p.m. Information may be obtained from David W. Luther, 137 North Main Street, Jasper, Texas 75951, (409) 384-2544. TRD 9611575.

North Texas Municipal Water District, Board of Directors, will meet at the Administration Office, 505 E. Brown Street, Wylie, on August 22, 1996 at 4:00 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD 9611600.

Sabine Valley Center Finance Committee met at 107 Woodbine Place, Judson Road, Longview, August 15, 1996, at 6:00 p.m. Information may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas, 75608, (903) 237-2362. TRD 9611576.

Sabine Valley Center Care and Treatment Committee met at 107 Woodbine Place, Judson Road, Longview, August 15, 1996, at 6:00 p.m. Information may be obtained from Inman White or LaVerne

Moore, P.O. Box 6800, Longview, Texas, 75608, (903) 237-2362. TRD 9611577.

Sabine Valley Center Finance Committee met at 107 Woodbine Place, Judson Road, Longview, August 15, 1996, at 6:00 p.m. Information may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas, 75608, (903) 237-2362. TRD 9611578.

Sabine Valley Center Personnel Committee met at 107 Woodbine Place, Judson Road, Longview, August 15, 1996, at 6:15 p.m.

Information may be obtained from Inman White or LaVerne Moore, P.O. Box 6800, Longview, Texas, 75608, (903) 237-2362. TRD 9611580.

Taylor County Central Appraisal District Review Board will meet at 1534 South Treadaway, Abilene, on August 22 and 23, 1996, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-7877. TRD 9611581.

IN ADDITION

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

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

Texas Department of Agriculture

Nursery/Floral Administrative Penalty Matrix

The Department of Agriculture (the department) is publishing the following administrative penalty matrix to inform the regulated public. This matrix has been developed to provide consistent, uniform, and fair penalties for violators of Chapter 71, Subchapter B, Texas Agriculture Code, (the Code) and will replace the previous matrix as published in the August 12, 1994, issue of the *Texas Register*. The department's authority for the enforcement of Chapter 71 is found in the Code, §12.020 whereby the department may assess administrative penalties for each violation. Each day that a violation continues or occurs is considered a separate violation for purposes of assessing administrative penalties.

This matrix is based upon current information. As the enforcement of these types of violations continues and additional data are gathered, the matrix will be reviewed and if need be, adjusted to reflect any changes in the information upon which the current matrix is based. The penalties for violation of a quarantine have been incorporated into a separate matrix addressing quarantine violations. The minimum base penalty assessed for the first violation of the offense for operating as a florist or nursery owner without a valid registration certificate or event permit was lowered to more fairly assess penalties for small businesses.

For each type of offense there is a penalty range for initial violations. The range increases for subsequent violations. The ranges were established by considering the criteria set forth in the Code, §12.020(c): (1) the seriousness of the violation, including but not limited to the nature, circumstances, extent, and gravity of the prohibited acts, and the hazard or potential hazard created to the health or safety of the public; (2) the economic damage to property or the environment caused by the violation; (3) the history of previous violation; (4) the amount necessary to deter future violations; (5) efforts to correct the violation; and (6) any other matter that justice may require.

Due to the nature of the nursery/floral business, the potential for hazard to the health or safety of the public is unlikely.

However, the hazard or potential hazard to the horticultural or agricultural community will be applied to the violations. This factor will be considered on a case-by-case basis.

The low end of each range is the presumptive base penalty for each violation, and represents an appropriate penalty for violations which are considered "minor" with respect to the criteria set forth in the Code, §12.020(c). Penalties may be increased to the maximum within each range as the department considers the circumstances and facts of each violation in light of the criteria in the Code, §12.020(c).

The base penalty set forth in the table will be assessed for each of these violations.

The base penalty set forth in the table will be increased by 25% for a license which has been expired for more than 365 days.

The base penalty for a license which has been expired for 365 days or less will be reduced by the amount of late fee for license renewal paid prior to the issuance of the Notice of Violation.

Additional adjustments in the penalty may be allowed for extenuating circumstances as justice requires.

This penalty matrix is effective for penalties assessed on or after the date of publication.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611567

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Filed: August 9, 1996



Office of Consumer Credit Commissioner

Interpretations

Under provisions of Section (10), Article 2.02A, Title 79, Revised Statutes (Texas Civil Statutes, Article 5069-2.02A) the consumer credit commissioner may issue interpretations of Title 79, Revised Statutes (Texas Civil Statutes, Article 5069-1.01 et seq). The

consumer credit commissioner has received the following request for an interpretation:

Request Number 96-1. Request from Karen M. Neeley; Independent Bankers Association of Texas, regarding application of the Texas Banking Act §5.202 concerning loan fees in light of Subtitle 2, Title 79, Revised Statutes (Article 5069-2.01 et seq) and Chapter 15 of Title 79. This request poses the following questions:

1) If a consumer installment loan has an interest rate of 10% or less, does §5.202 therefore permit loan fees on that loan as well as late charges?

2) Since Chapter 15 prohibits fees and charges that are not authorized by other law, does §5.202 constitute the other laws and therefore authorize fees and charges if assessed by a bank?

3) Since this section of the Bank Act specifically provides that these fees and expenses are not interest, does that mean that they are not interest for purposes of the usury law as found in Article 5069-1.01 et seq.

Interested parties may submit briefs and proposals pertaining to the issue under consideration to Leslie L. Pettijohn, Commissioner, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, until September 12, 1996.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611552

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: August 9, 1996



Texas Feed and Fertilizer Control Service

Correction of Error

The Texas Feed and Fertilizer Control Service proposed an amendment to §65.21. The rule appeared in the July 19, 1996, issue of the *Texas Register* (21 TexReg 6747).

The part was incorrectly printed as "Part III. Texas Department of Agriculture" it should read "Part III. Texas Feed and Fertilizer Control Service". It was also printed in the Table of Contents as Texas Department of Agriculture.



General Services Commission, State Energy Conservation Office

Request for Proposals for Sustainable Building Work Sessions

In accordance with the Texas Government Code, Chapter 2305, the State Energy Conservation Office (SECO) of the General Services Commission (the "GSC") invites proposals from qualified firms, institutions of higher education and individuals to conduct a series of sustainable building work sessions for state agencies and political subdivisions.

Background

Sustainable building is building in a manner that suits the demands of the present without compromising the environmental needs of the future. Sustainability encompasses a variety of initiatives, including energy efficiency and renewable energy, and prudent use of water, to name a few. This series of work sessions will include: energy efficiency and renewable energy applications; sustainable building materials; water conservation and landscaping/xeriscaping; construction and office recycling; and indoor air quality. These sessions will provide technical information that can be incorporated into all building practices.

SECO, alone and in collaboration with other state and federal entities, administers a variety of federal grants and oil overcharge funds to promote energy programs throughout the state. One of these programs, the Alternative Energy Demonstration Program, is funded with oil overcharge funds appropriated by the 74th Legislature for the purpose of accelerating the use of renewable energy technologies in Texas.

Services to be Performed

The purpose of this project is to conduct a series of sustainable building work sessions for state agencies and political subdivisions. The project will be accomplished through the following: 1) market the work sessions to public agencies and political subdivisions; 2) schedule dates and locations for the work sessions; 3) recruit work session presenters; 4) compile information packets for distribution at the work sessions; 5) evaluate the effectiveness of each work session; 6) prepare and submit a final report on the overall effectiveness of the work sessions, along with suggested improvements and recommendations for future work sessions.

Proposal Format

Proposals must include the following information and must be limited to 15 pages:

1. Description of services to be performed, including understanding of scope of work and work plan, along with the anticipated time period to complete each task.
2. Qualifications and experience of the project team member(s). Include copies of resumes for key project personnel and specify the role each is expected to perform.
3. Specific budget information, itemizing costs of personnel and services to be performed.

Selection Criteria

The contractor selected will possess a comprehensive knowledge of sustainability issues as they pertain to the built environment, as well as experience in organizing and presenting workshops necessary to fulfill the criteria for this project. Proposals will be reviewed by a committee of SECO staff and other technical advisors (the "Review Panel"), and evaluation scores will be based on the following criteria:

- 1) Demonstrated Experience (20%). The proposal should describe relevant experience conducting workshops in this subject area. A statement of qualifications should include the type and purpose of the workshops and a listing of topics and presenters, as well as three references who can attest to timely completion of other projects.
- 2) Knowledge of Subject Matter (30%). The proposal should detail the qualifications, experience and expertise of the proposer in each of the five areas to be covered in the work sessions: energy efficiency and renewable energy applications; sustainable building materials;

water conservation and landscaping/xeriscaping; construction and office recycling; and indoor air quality.

3) Understanding of scope of work and work plan (40%). The proposal should effectively describe the course of action to be taken in preparing, conducting and evaluating the work sessions. At a minimum, the proposal should include detailed marketing strategies for attracting participants and presenters, tentative dates and locations.

4) Proposed budget and ability to complete the project in a timely manner (10%). The proposal should include a budget which is reasonable in relation to the services provided. If available, dollar-for-dollar and in-kind match sources should be included. Proposal must provide three references who can attest to proposers timely completion of projects.

Selection of a contractor will be based on the recommendations of the Review Panel. The Review Panel may require that finalists meet in Austin for a formal interview prior to selection of a contractor. Selection for interviews will be based on the proposer's ability to satisfy the four criteria listed above, and interviews will focus on published selection criteria.

Source of Funds

The project will be funded with state, federal and oil overcharge monies, which have been approved for this purpose by the United States 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 states for use in certain energy programs deemed to provide restitution to citizens aggrieved by the overcharges.

Funds are subject to program guidelines of DOE and the terms of the final Stripper Well Settlement Agreement. Approved projects will be funded on a cost reimbursement basis. All expenses must be properly documented and permissible under the contract and under federal guidelines, and all are subject to approval by SECO. No advance payments are allowable, and no administrative overhead or indirect costs may be paid with oil overcharge monies.

Historically Underutilized Businesses

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 Tex. Govt. Code Ann. Title 10, Subtitle D, Chapter 2161. The GSC Rules, 1 TAC §§111.11-111.24, sets forth the States 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 requires 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 in Austin beginning at 10 a.m. on Wednesday, August 28,

1996, at the State Energy Conservation Office, located at 211 East 11th Street, Suite 200, Austin, Texas. The purpose of this meeting is to answer any questions regarding the request for proposal, the required format, or the evaluation process.

Written Questions

All questions concerning this RFP that arise after the preproposal conference must be submitted in writing to Jane Pulaski, 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. Monday, September 9, 1996.

Closing Date

Seven copies of the sealed proposal should be mailed to Blanche Saldivar at the State Energy Conservation Office. For hand deliveries, SECO is located at the Insurance Annex, 221 East 11th Street, Suite 200, Austin, Texas 78701. In order to be considered, proposals must be received by one in the afternoon on Monday, September 16, 1996. Proposals received after that time and date, and proposals submitted by facsimile transmission 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.

Conflicts of Interest

Describe any existing work, potential work, or business arrangement which may give rise to potential conflict of interests with the proper execution of this project. Persons employed within the past 12 months by the GSC/SECO or its satellite energy offices are not eligible to participate in SECO contracts.

Award of Contract

SECO anticipates awarding one contract as a result of this RFP. Awards shall be made to the proposer whose proposal is most advantageous and in the best interest of the State of Texas. It is anticipated that contractor selection will be during the week of October 1, 1996. The contract period will extend from the date of execution of the contract through August 31, 1997.

SECO reserves the right to negotiate both budget and scope of work with the finalist(s). SECO also reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of this Request for Proposal.

No respondent will be reimbursed for any costs incurred in the preparation, submission or clarification of a proposal.

Cancellation

SECO reserves the right to cancel any contract resulting from this RFP, upon 30 days written notice, due to the contractors 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 are the property of SECO.

Issued in Austin, Texas on August 12, 1996.

TRD-9611646

David Ross Brown

Assistant General Counsel

Filed: August 12, 1996



Texas Health Care Information Council

Public Hearing on Proposed Rules

The Texas Health Care Information Council will conduct a public hearing on the proposed rules for the collection and release of hospital discharge data. The public hearing will be held on Monday, August 26, 1996, from 8:00 a.m. to 12:00 noon, at the Texas Department of Health, 1100 West 49th Street, in the Board of Health room (room M-739), Moreton Building, Austin, Texas. For more information, please contact Craig Jimerfield, (Telephone (512) 458-7533).

Issued in Austin, Texas, on August 8, 1996.

TRD-9611454

Susan K. Steeg

General Counsel

Texas Department of Health

Filed: August 8, 1996



Texas Department of Health

Correction of Error

The Texas Department of Health adopted new §289.258. The rules appeared in the July 16, 1996, issue of the *Texas Register* (21 TexReg 6628).

On page 6633, §289.258(r)(1), second column, the paragraph was split at a reference to another paragraph causing confusion. The paragraph should read: "...who has completed the requirements of this paragraph and paragraphs (2) and (3) of this subsection, the individual...".

On pages 6633–6634, §289.258(r)(2), the paragraph was split at a reference to another paragraph causing confusion. The paragraph should read: "...who has completed the requirements of this paragraph and paragraphs (1) and (3) of this subsection,...".

On page 6634, §289.258(r)(3), page 21 TexReg 6634, first column, the paragraph was split at a reference to another paragraph causing confusion. The paragraph should read: "...who has completed the requirements of this paragraph and paragraphs (1) and (2) of this subsection,...".

On page 6634, §289.258(s)(3)(A), second column, subparagraphs (A) and (B) run together causing confusion. The subparagraphs should be split as follows:

On page 6635, §289.258(t)(1), first column, a parentheses is missing at the end of the second sentence in paragraph. The sentence should read as follows: "...accident dose ranges (see §289.202(p)(3) of this title)."

On page 6635, §289.258(t)(2), first column, the last sentence is missing some language. The last sentence should read as follows: "Acceptable dosimeters shall read within +/- 30% of the true radiation dose."

On page 6635, §289.258(u)(3), first column, most of the language of the paragraph is missing. The paragraph should read as follows: "Portable radiation survey meters shall be calibrated at least annually to an accuracy of +/- 20% for the gamma energy of the sources in use. The calibration shall be done at two points on each scale or, for digital instruments, at one point per decade over the range that will be used. Portable radiation survey meters shall be of a type that does not saturate and read zero at high radiation dose rates."

On page 6637, §289.258(cc)(1)(E), first column, delete the letter "z" at the beginning of the word "inoperability."



Licensing Action for Radioactive Materials

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

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason

of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health

and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

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

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

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

Issued in Austin, Texas, on August 8, 1996.

TRD-9611455
Susan K. Steeg
General Counsel
Texas Department of Health
Filed: August 8, 1996



Texas Department of Housing and Community Affairs, Manufactured Housing Division

Notices of Administrative Hearings

Thursday, August 29, 1996, 1:00 p.m.

State Office of Administrative Hearing, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. Darrell Vandergriff dba Big D's Towing to hear alleged violations of Texas Manufactured Housing Standards Act, Tex. Rev. Stat. Ann. art. 5221f (Vernon 1995), regarding obtaining, maintaining or possessing a valid certificate of registration. SOAH 332-96-1347. Department MHD19960008791.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on August 12, 1996.

TRD-9611595
Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs



Thursday, August 22, 1996, 3:00 p.m.

State Office of Administrative Hearing, 300 West 15th Street, Suite 502

Austin, Texas

AGENDA

Administrative Hearing before an administrative law judge of the State Office of Administrative Hearings in the matter of Texas Department of Housing and Community Affairs vs. Luis Longoria to hear alleged violations of Texas Manufactured Housing Standards Act, Tex. Rev. Stat. Ann. art. 5221f (Vernon 1995), regarding obtaining, maintaining or possessing a valid certificate of registration. SOAH 332-96-1346. Department MHD1996001161D.

Contact: Jerry Schroeder, P.O. Box 12489, Austin, Texas 78711-2489, (512) 475-3589.

Issued in Austin, Texas, on August 12, 1996.

TRD-9611596
Larry Paul Manley
Executive Director
Texas Department of Housing and Community Affairs



Notice of Public Hearing, Texas Department of Housing and Community Affairs Single Family Mortgage Revenue Bonds 1996 Series A, B, and C and Amendments to Single Family Mortgage Revenue Refunding Commercial Paper Notes Series A and B

Notice is hereby given of a public hearing to be held by the Texas Department of Housing and Community Affairs (the "Department") at 507 Sabine, Room 436, Austin, Texas, at 10:00 a.m. on August 30, 1996, with respect to (1) an issue of single family mortgage revenue bonds to be issued in one or more series in an aggregate face amount of not more than \$15,000,000 by the Department, the proceeds of which will be used to finance an estimated 250 single family residential mortgage loans made to eligible very low, low and moderate income first-time home buyers for the purchase of homes located within the State of Texas, (2) an issue of single family mortgage revenue refunding bonds of approximately \$45,000,000 which will be issued to refund certain outstanding bonds of the Department, to facilitate recycling of prepayments and to achieve debt service savings and produce an income stream to be used to acquire special types of single family mortgage loans made to eligible low, very low, and moderate income home buyers to finance the purchase of homes located within the State of Texas and 3) amendments to the Department's Commercial Paper Notes plan of financing to provide that proceeds of the Notes may be used to refund unexpended proceeds of certain single family mortgage revenue bonds previously

issued by the Department as well as prepayments. The Department expects to make such amounts available for the purchase of mortgage loans beginning in 1996. For purposes of the Department's mortgage loan finance programs, eligible borrowers generally will include individuals and families whose family income does not exceed, (i) for families of three or more persons, 115% (140% in certain targeted areas) of the area median income, and (ii) for individuals and families of two persons, 100% (120% in certain targeted areas) of the area median income. In addition, substantially all of the borrowers under the programs will be required to be persons who have not owned a principal residence during the preceding three years. Further, residences financed with loans under the programs will be subject to certain other limitations, including limits on the purchase prices of the residence being acquired. All the limitation described in this paragraph are subject to revision and adjustment from time to time by the Department pursuant to applicable federal law and Department policy.

All interested parties are invited to attend such public hearing to express their views with respect to Department's mortgage loan finance program and the issuance of the Bonds. Questions or requests for additional information may be directed to Ms. Tammy Novak at the Texas Department of Housing and Community Affairs, 507 Sabine, 8th Floor, Austin, Texas 78701; (512) 475-4000.

Persons who intend to appear at the hearing and express their views are invited to contact Ms. Tammy Novak in writing in advance of the hearing. Any interested persons unable to attend the hearing may submit their views in writing to Ms. Tammy Novak prior to the date scheduled for the hearing.

This notice is published and the above described hearing is to be held in satisfaction of the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, regarding the public approval prerequisite to the exemption from federal income taxation of the interest on the Bonds.

Individuals who require auxiliary aids for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822, or Relay Texas at 1-800-735-2989, at least two days before the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on August 12, 1996.

TRD-9611594

Larry Paul Manley
Executive Director

Texas Department of Housing and Community Affairs



Texas Department of Human Services

Open Solicitation for Schleicher County

Pursuant to Title 2, Human Resources Code, Chapters 22 and 32, 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 an open solicitation period of 30 days, effective the date of this public notice, for *Schleicher #207*, identified as follows, where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of six months in the continuous, *January 1996-June 1996* six-month period: 90.0, 96.1, 97.4, 99.2, 96.0, 92.8. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home

beds or hospital beds in the counties identified in this public notice must submit a written reply (as described in 40 TAC §19.2324) to TDHS, Gary L. Allen, Certification, Provider Enrollment, and Billing Services, Long Term Care-Regulatory, Mail Code Y-976, Post Office Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5:00 p.m. September 16, 1996, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order that the beds which were being proposed for Medicaid certification were initially licensed. The primary selection process will be completed on September 26, 1996. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 90%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

Issued in Austin, Texas, on August 12, 1996.

TRD-9611604

Glen Scott
General Counsel, Legal Services
Texas Department of Human Services
Filed: August 12, 1996



Texas Department of Insurance

Correction of Error

The Texas Department of Insurance proposed amendments to §11.2 and §11.1402, and added new §11.1404 and §11.1605. The rules appeared in the July 5, 1996, issue of the *Texas Register* (21 TexReg 6203).

In the preamble the sections were filed as 28 TAC §§11.2, 11.1402, 11.1404, and 11.1605. The sections were printed as follows: "concerning health maintenance organizations (HMOs), by amending §11.2 and §11.1402, and adding new §1.1404 and §1.1605..."

Notices

The Commissioner of Insurance, or his designee, will consider approval of a rate filing request submitted by Hanover Insurance Company proposing rates outside the flexibility band promulgated by the Commissioner of Insurance pursuant to Texas Insurance Code Annotated, Article 5.101, §3(g). They are proposing a rate of +40% above the benchmark for all coverages, classifications and territories for commercial automobile insurance, and a rate of +40% above the benchmark for all coverages, classifications and territories for private passenger automobile insurance.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9104, extension (512) 475-1761.

This filing is subject to Department approval without a hearing unless an objection is filed with the Chief Economist, Birny Birnbaum, at the Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611585

Caroline Scott
General Counsel and Chief Clerk

Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



The Commissioner of Insurance, or his designee, will consider approval of a rate filing request submitted by TravCo Insurance Company proposing rates outside the flexibility band promulgated by the Commissioner of Insurance pursuant to Texas Insurance Code Annotated Article 5.101, §3(g). They are proposing a rate of +65% above the benchmark for all coverages, classifications and territories for private passenger automobile insurance.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78714-9014, telephone (512) 475-1761.

This filing is subject to Department approval without a hearing unless an objection is filed with the Chief Economist, Birny Birnbaum, at the Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611588
Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



The Commissioner of Insurance, or his designee, will consider approval of a rate filing request submitted by Preferred Risk Lloyds Insurance Company proposing rates outside the flexibility band promulgated by the Commissioner of Insurance pursuant to Texas Insurance Code Annotated Article 5-101, §3(g). They are proposing rates ranging from +30% to +40% above the benchmark for all classifications and territories by coverage for private passenger automobile insurance.

Copies of the filing may be obtained by contacting Gifford Ensey, at the Texas Department of Insurance, Legal and Compliance, P.O. Box 149104, Austin, Texas 78701-9104, telephone (512) 475-1761.

This filing is subject to Department approval without a hearing unless an objection is filed with the Chief Economist, Birny Birnbaum, at the Texas Department of Insurance, 333 Guadalupe, P.O. Box 149104, Austin, Texas 78701 within 30 days after publication of this notice.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611587
Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



Notice of Public Hearings

The Texas Department of Insurance (TDI), Texas Health and Human Services Commission (HHSC), Texas Department of Health (TDH) and the Texas Department of Mental Health and Mental Retardation (MHMR) will hold a public hearing on August 22, 1996 at 9:00 a.m. (8:15-8:45 a.m. sign up for those wishing to speak) concerning

Medicaid managed care rules contemporaneously proposed by HHSC, TDH and MHMR. The rules were published in the *Texas Register* on August 6, 1996. The hearing will be held at the Texas Department of Health, 1100 West 49th Street, Building G, Room K-100, Austin, Texas.

Pursuant to Insurance Code, Article 1.61, enacted by the 74th Legislature, 1995, in Senate Bill 600, TDI has worked in conjunction with TDH to establish rules for fiscal solvency standards and complaint system guidelines for managed care organizations that serve Medicaid clients. TDH proposes the rules concerning the complaint system guidelines which were published in the *Texas Register*, dated August 6, 1996. TDI will soon propose rules concerning fiscal solvency standards. A separate hearing will be held by TDI concerning fiscal solvency standards for managed care organizations that serve Medicaid clients.

Issued in Austin, Texas, on August 12, 1996.

TRD-9611647
Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



The Commissioner of Insurance will hold a public hearing under Docket Number 2248 on September 5, 1996, at 9:00 a.m. in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas. The Commissioner will consider new section 5.3700, concerning the designation of geographic areas as underserved for residential property insurance for purposes of the Insurance Code, Articles 5.35-3 and 21.49-12.

The proposed sections and the statutory authority for the proposed sections, were published in the August 6, 1996, issue of the *Texas Register* (21 TexReg 7337).

Issued in Austin, Texas, on August 9, 1996.

TRD-9611586
Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for admission to Texas of Health Partners, Inc., a foreign third party administrator. The home office is Dover, Delaware.

Application for incorporation in Texas of Alliance of Behavioral Providers, a domestic third party administrator. The home office is Arlington, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611583
Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for incorporation in Texas of Kelsey-Seybold Medical Group, P.A., (doing business under the assumed name of Kelsey-Seybold Clinic), a domestic third party administrator. The home office is Houston, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611584
Caroline Scott
General Counsel and Chief Clerk
Texas Department of Insurance
Filed: August 12, 1996, 10:03 a.m.



Texas Commission on Jail Standards

Correction of Error

The Commission on Jail Standards adopted an amendment to 37 TAC §259.138, concerning New Construction Rules, and an amendment to 37 TAC §261.138, concerning Existing Construction Rules. The rules appeared in the August 9, 1996, *Texas Register* (21 TexReg 7565, 7566).

Due to an error by the *Texas Register*, the preamble for §259.138 was printed with the heading for §261.138, and the preamble for §261.138 was printed with the heading for §259.138.

Legislative Budget Board

Legislative Budget Board and the Governor's Office of Budget and Planning REVISION to the Schedule for Joint Budget Hearings on Requests for Legislative Appropriation (for the 1998-99 biennium) for the period August 19-23, 1996, as published in the August 13, 1996, issue of the *Texas Register* (21 TexReg 7692).

The budget hearing scheduled for the Council on Sex Offender Treatment (August 22, 10:00 a.m) has been CANCELED and will be RESCHEDULED AT A LATER DATE.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611539
Judith S. King
Analyst
Legislative Budget Board
Filed: August 9, 1996



Texas Natural Resource Conservation Commission

Correction of Errors

The Texas Natural Resource Conservation Commission proposed new §§213.1–213.14. The rules appeared in the July 16, 1996, issue of the *Texas Register* (21 TexReg 6562).

On page 6564, first column, on line 23–24, the following underlined phrase should be inserted to read “relating to above ground and underground storage tank facilities, best management practice, commencement of construction, geologic or manmade feature.”

On page 6565, second column, line 39, the following underlined phrase should be inserted to read “Proposed §213.5(g) addresses on-site sewage systems and proposed §213.5(h), Exemption, clarifies that the installation of”

On page 6566, second column, line 32, §213.5(g) should be changed to read “proposed §213.5(h). Also, while the notification and inspection”

On page 6568, first column, line 53, form should be changed to from and the line should read “dence from the public on actions the commission should take”

On page 6574, second column, line 48, (g) should be (f) and should be changed to read “under subsection (f) of this section.

On page 6576, first column, line 17, (F) should be (G) and the following underlined phrase should be inserted to read “unless described under subsection (b)(4)(G) of this section. Temporary storage facilities are those used on site for less than one year. Any new”

On page 6578, Table 1 Figure 30 TAC §213.14(a) was referenced, but was omitted in the Tables and Graphics section.

The Texas Natural Resource Conservation Commission submitted a EPA Approval of Texas' Interim Federal Operating Permits Program, which appeared in the In Addition section of the July 5, 1996, issue of the *Texas Register* (21 TexReg 6271).

The end of the second paragraph should reference §122.130(c)(1)-(3), rather than §22.130(c)(1)-(3).



Enforcement Orders

An agreed enforcement order was entered regarding SHERRILL, CHARLES DBA SHERRILL'S PUMPING SERVICE, Docket Number 96-0843-SLG-E (Registration Number 20578) on July 30, 1996 assessing \$4,340 in administrative penalties with \$1,302 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-6259 or Merrilee

Mears, Enforcement Coordinator, (512) 239-4490, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BLANKINSHIP OIL COMPANY, INC., Docket Number 96-1061-PST-E (FACILITY #33382, Enforcement ID E11042) on July 30, 1996 assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Glenn Hall, Staff Attorney, at (512) 239- 0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WAYS COMPANY, Docket Number 96-0647-PST-E (Facility 24064, Enforcement ID E11537) on July 30, 1996 assessing \$1,800 in administrative penalties with \$540 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Connie Wong, Enforcement Coordinator, (512) 239-2567, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BLANKINSHIP OIL COMPANY, INC., Docket Number 96-1063-PST-E (Facility ID 33386, Enforcement ID E11044) on July 30, 1996 assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Glenn Hall, Staff Attorney, at (512) 239- 0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BLANKINSHIP OIL COMPANY, INC., Docket Number 96-1062-PST-E (Facility ID 33384, Enforcement ID E11043) on July 30, 1996 assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Glenn Hall, Staff Attorney, at (512) 239-0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BLANKINSHIP OIL COMPANY, INCORPORATED, Docket Number 96-1065-PST-E (Facility ID 33385, Enforcement ID E11048) on July 30, 1996 assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Glenn Hall, Staff Attorney, at (512) 239-0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BLANKINSHIP OIL COMPANY, INC., Docket Number 96-1064-PST-E (Facility ID 33381, Enforcement ID E11045) on July 30, 1996 assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Glenn Hall, Staff Attorney, at (512) 239- 0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding SUBEDAR, MOHAMMAD A, Docket Number 96-1058-PST-E (Facility ID 27473, Enforcement ID E11161) on July 30, 1996 assessing \$4,400 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding MCCORMICK MARKETING, INC., Docket Number 96-1059-PST-E (Facility Number 10510, Enforcement ID E11195) on July 30, 1996 assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239- 0600

or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WALKER SIMS OIL COMPANY, INC., Docket Number 96-0323-PST-E (Facility Number 3591, Enforcement ID E11441) on July 30, 1996 assessing \$1,080 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WILLARD, MR. JOHN EVANS, Docket Number 96-0629-PST-E (Facility Number 37752, Enforcement ID E11345) on July 30, 1996 assessing \$600 in administrative penalties with \$180 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239- 0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding PAINT ROCK INDEPENDENT SCHOOL DISTRICT, Docket Number 96-0717-PST-E (Facility Number 35526, Enforcement ID E11326) on July 30, 1996 assessing \$1,800 in administrative penalties with \$540 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239- 0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WALKER SIMS OIL COMPANY, INC., Docket Number 96-0324-PST-E (Facility Number 511, Enforcement ID E11442) on July 30, 1996 assessing \$720 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding KELLER, MESSRS. RICHARD J. AND EDWARD R., Docket Number 96-0632-PST-E (Facility Number 11151, Enforcement ID E11371) on July 30, 1996 assessing \$2,400 in administrative penalties with \$720 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Srinu Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding LOVE'S COUNTRY STORES, INC., Docket Number 96-0686-PST-E (Facility Number 55504, Enforcement ID E11331) on July 30, 1996 assessing \$600 in administrative penalties with \$180 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239- 0600

or Sрни Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding ST. JOHN DEVELOPMENT COMPANY, Docket Number 96-0630-PST-E (Facility Number 63399, Enforcement ID E11354) on July 30, 1996 assessing \$3,200 in administrative penalties with \$2,600 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Sрни Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WIGGINTON OIL COMPANY, Docket Number 96-1057-PST-E (Facility ID Nos. 42523 & 42522, Enforcement ID Numbers E11054 & E1055) on July 30, 1996 assessing \$3,240 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Sрни Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding RODRIGUEZ, MR. GILBERTO, Docket Number 96-1060-PST-E (Facility Number 47159, Enforcement ID E11447) on July 30, 1996 assessing \$500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Sрни Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BILL HEAD ENTERPRISE, Docket Number 96-0718-PST-E (Facility Number 20001, Enforcement ID E11381) on July 30, 1996 assessing \$600 in administrative penalties with \$180 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Sрни Kusumanchi, Enforcement Coordinator, (512) 239-2126, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding KTC, INCORPORATED, Docket Number 96-0385-PST-E (Facility Number 2527, Enforcement ID E11492) on July 30, 1996 assessing \$1,800 in administrative penalties with \$540 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Jaime Lopez, Enforcement Coordinator, (512) 239-5868, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding UVALDE, CITY OF, Docket Number 96-0770-PST-E (Facility Number 12740, Enforcement ID E11298) on July 30, 1996 assessing \$1,200 in administrative penalties with \$360 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Jaime Lopez, Enforcement Coordinator, (512) 239-5868, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding KTC, INCORPORATED, Docket Number 96-0384-PST-E (Facility Number 37736, Enforcement ID E11493) on July 30, 1996 assessing \$1,200 in administrative penalties with \$360 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Jaime Lopez, Enforcement Coordinator, (512) 239-5868, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding CANON, MR. C.B., Docket Number 96-0780-PST-E (Facility Nos. 1872 & 41327, Enforcement ID Nos. E11438 & E11439) on July 30, 1996 assessing \$2,500 in administrative penalties with \$750 deferred.

Information concerning any aspect of this order may be obtained by contacting Ray Winter, Staff Attorney, at (512) 239-0600 or Mick Wilson, Enforcement Coordinator, (512) 239-2228, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding KENNETH SWAIM DBA MOORELAND WATER COMPANY, Docket Number 96-0585-PWS-E (PWS Number 1110006, CCN Number 11603) on July 30, 1996 assessing \$930 in administrative penalties with \$279 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding MICHELETTI, RICHARD DBA PALO DURA SERVICE COMPANY DBA GLIDER BASE ESTATES, Docket Number 96-0803-PWS-E (PWS Number 2490028, CCN Number 12200) on July 30, 1996 assessing \$930 in administrative penalties with \$279 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WHITHARRAL UTILITIES SUPPLY CORPORATION, Docket Number 95-1448-PWS-E (PWS Number 1100011, CCN Number 12505) on July 30, 1996 assessing \$1,030 in administrative penalties with \$309 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding GOODLOW WATER SUPPLY CORPORATION, Docket Number 96-0764-PWS-E (PWS Number 1750032, CCN Number 99171) on July 30, 1996 assessing \$930 in administrative penalties with \$279 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WORRELL, LARRY DBA MONTEBELLO ESTATES WATER WORKS, Docket Number 96-0583-PWS-E (PWS Number 1330067, CCN Number 12153) on July 30, 1996 assessing \$630 in administrative penalties with \$189 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding HARTLEY COMMUNITY WATER SUPPLY CORPORATION, Docket Number 96-0565-PWS-E (PWS Number 1030010, CCN Number 11122) on July 30, 1996 assessing \$930 in administrative penalties with \$279 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding FLAT FORK WATER SUPPLY CORPORATION, Docket Number 95-1450-PWS-E (PWS Number 2100007, CCN Number 11711) on July 30, 1996 assessing \$1,380 in administrative penalties with \$414 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Katharine Wheatley, Enforcement Coordinator, (512) 239-4466, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding WHITIS, TOM, Docket Number 96-0371-AGR-E (NO PERMIT) on July 30, 1996 assessing \$2,960 in administrative penalties with \$2,960 deferred.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Claudia Chaffin, Enforcement Coordinator, (512) 239-4717, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

An agreed enforcement order was entered regarding BOURBON, TERRY DBA GREEN ACRES MOBILE HOME PARK AND DBA RIVERVIEW ESTATES, Docket Number 94-0757-PWS-E (PWS Nos. 0710066 & 0710067, CCN Number 11785) on July 30, 1996 assessing \$2,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Guy Henry, Staff Attorney, at (512) 239-3400 or Tom Napier, Enforcement Coordinator, (512) 239-6063, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611511
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission



Notice of Application for Amendments to Certificates of Adjudication Pursuant to Texas Water Code, §11.122 requiring notice to interjacent appropriators

Notice was mailed August 8, 1996 on Application Number 14-1025A to amend Certificate of Adjudication Number 14-1025. Certificate of Adjudication 14-1025 was issued on August 19, 1977 and includes authorization for SANCO Materials Company to divert 309 acre-feet of water per annum, with a consumptive use not to exceed 35 acre-feet of water per annum, from the Colorado River, Colorado River Basin, for mining (sand and gravel washing) purposes. Water may

be diverted at a maximum rate of 2.22 cfs (1000 gpm) from a point on the south bank of the Colorado River in Coke County, Texas.

Applicant is requesting to amend this certificate by changing the place of use and adding a diversion point 6.5 straight line miles downstream to a point approximately 9 miles east southeast of Robert Lee, Texas.

The Executive Director may issue an amendment to the Certificate of Adjudication on or after September 6, 1996, unless a written hearing request is filed in the Chief Clerk's Office of the TNRCC on or before August 30, 1996. To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the applicant and the permit number; (3) the statement I/we request a public hearing; (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; and (5) the location of your property relative to the applicant's operations.

If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court.

Requests for hearing must be submitted in writing to the Chief Clerk's Office, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3315. Written public comments may also be submitted to the Chief Clerk's Office on or before August 30, 1996. For information concerning technical aspects of the permit, contact Allison Woodall, MC 160, at the same P.O. Box address, (512) 239-4728. For information concerning hearing procedures or citizen participation, contact the Public Interest Counsel, MC 103, at the same P. O. Box address, (512) 239-6363.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611513
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation Commission



Notice Of Application For Municipal Solid Waste Management Facility Permits For The Week Ending August 9, 1996

APPLICATION BY BRAZOS VALLEY SOLID WASTE MANAGEMENT FACILITY, Proposed Permit Amendment No. MSW1444-B, authorizing an amendment to their Type I (Landfill) municipal solid waste management facility permit. The proposed permit amendment authorizes a vertical expansion of their existing solid waste management facility. The existing site covers about 119.53 acres of land. The average waste acceptance rate is projected to be about 650 tons of municipal solid waste per day. The facility is located about 2.7 miles southeast of the intersection of State Highway 6 and Loop 507, south of Rock Prairie Road, southeast of College Station, in Brazos County, Texas

The Executive Director will issue the permit unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of this notice. If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the application number, TNRCC docket number

or other recognizable reference to the application; (3) the statement I/we request an evidentiary public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and (5) a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests and/or requests for hearing are filed on an application, the Executive Director will approve the application. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the TNRCC, Chief Clerk's Office, P.O. Box 13087, Mail Code 105, Building F, Room 1101, Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611515

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission



Notices of Application for Temporary Permits to Appropriate Public Waters of the State of Texas

Application Number TA-7687 submitted by David Kirkham for a temporary permit to appropriate Public Waters of the State of Texas was issued on August 7, 1996 to divert and use not to exceed 65 acre-feet of water within a one year period from the Trinity River, Trinity River Basin. Water will be diverted for irrigation purposes at a maximum diversion rate of 1,500 gallons per minute from the Trinity River at a location approximately one mile south of the FM 787 river crossing near Romayor in Liberty County, Texas. The temporary permit, if issued, would be secondary to senior and superior water rights and instream needs.

The Executive Director may issue the permit unless a written hearing request is filed within 20 days after issuance of this notice. To request a hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number and fax number, if any; (2) the application number and applicant's name; (3) the statement "I/we request an evidentiary public hearing;" (4) a brief description of how you would be adversely affected by the granting of the application in a way not common to the general public; and (5) the location of your property relative to the applicant's operations. If a hearing request is filed, the Executive Director will not issue the permit and will forward the application and hearing request to the TNRCC Commissioners for their consideration at a scheduled Commission meeting. If a hearing is held, it will be a legal proceeding similar to civil trials in state district court.

Requests for hearing on this application must be submitted in writing during the 20-day notice period to the Chief Clerk's Office, MC 105, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3315. Written public comments may also be submitted to

the Chief Clerk's Office during the notice period. For information concerning technical aspects of the application contact Mike Howard, MC 160, at the same TNRCC P.O. Box address above, or telephone (512) 239-6155. For information concerning hearing procedures or citizen participation contact the Public Interest Counsel, MC 103, at the same TNRCC P.O. Box address above, or telephone (512) 239-6363.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611518

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission



Applications for Waste Disposal Permits Attached are Notices of Applications for waste disposal permits issued during the period of June 22nd thru August 9, 1996.

The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after newspaper publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the permit number or other recognizable reference to this application; (3) the statement "I/we request a public hearing;" (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; (5) a description of the location of your property relative to the applicant's operations; and (6) your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, Chief Clerks Office-MC105, P.O. Box 13087, Austin, Texas 78711, Telephone (512) 239-3300.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number and type of application-new permit, amendment, or renewal.

CITY OF THE COLONY, 5151 North Colony Boulevard, The Colony, Texas 75056, The Stewart Creek Wastewater Treatment Facilities are approximately 0.2 mile east and 2.7 miles north of the intersection of State Highway 121 and Farm-to-Market Road 423, near Stewart Creek in the City of The Colony in Denton County, Texas, amendment, 11570-01

CITY OF CORRIGAN, 101 West Ben Franklin, Corrigan, Texas 75939, The wastewater treatment facilities are approximately 2,900

feet northeast of the intersection of U.S. Highway 59 and State Highway 352 in Polk County, Texas, renewal, 10787-01

CITY OF GIDDINGS, 118 East Richmond, Giddings, Texas 78942, The North Wastewater Treatment Facilities are approximately 1.5 miles west of the intersection of .S. Highway 77 and Farm-to-Market Road 2440, on the south side of Farm-to-Market Road 2440, in Lee County, Texas, amendment, 10456-01

HARRIS COUNTY, 1001 Preston Avenue, 7th Floor, Houston, Texas 77002-1893, The wastewater treatment facilities are within the grounds of the Harris County Detention Center, 500 feet south of Atascocita Road, approximately one mile southeast of the intersection of Atascocita Road and Wilson Road in Harris County, Texas, renewal, 13561-01

CITY OF MEGARGEL, P.O. Box 31, Megargel, Texas 76370-0031, The wastewater treatment facilities are on the west side of Farm-to-Market Road 210 (Symank Road), approximately 4,000 feet north of the intersection of State Highway 114 and Farm-to-Market Road 210 in Archer County, Texas, renewal, 12389-01

ROLLING FORK PUBLIC UTILITY DISTRICT, c/o Schweinle, Parish, Lowerre & Strawn, P.C., 3800 First City Tower, 1001 Fannin, Houston, Texas 77002, The wastewater treatment facilities are at 8202 Leticia Street on the west bank of Rolling Fork Creek, approximately two miles north of U.S. Highway 90 in Harris County, Texas, renewal, 11188-01

SCOTT HALBERT AND WILLIAM HARGIS, HC 74, Box 36C3, Bastrop, Texas 78602, The wastewater treatment plant is approximately 400 feet north of State Route 71, and approximately 4000 feet west of the intersection of State Route 71 and State Route 21 in Bastrop County, Texas, new, 13843-01

TEXAS UTILITIES MINING COMPANY, Energy Plaza, 1601 Bryan Street, Dallas, Texas 75201-3411, The Monticello-Thermo L.M.A. Wastewater Treatment Facilities are approximately 2.2 miles southeast of the intersection of Interstate Highway 30 and Farm-to-Market Road 1870 in Hopkins County, Texas, renewal, 12275-01

CITY OF WOLFFORTH, 328 East Highway 62-82, Wolfforth, Texas 79382, The wastewater treatment facilities and the disposal site are approximately 2,600 feet southwest of the intersection of Farm-to-Market Roads 179 and 1585, approximately 3 miles east of the intersection of U.S. Highway 82 and Farm-to-Market 1585 in Lubbock County, Texas, amendment, 10321-02

CITY OF WILLOW PARK, 101 Stagecoach Trail, Willow Park, Texas 76087, The wastewater treatment plant is on the southwest corner of the Clear Fork Trinity River crossing of Crown Road, approximately 3,000 feet east of Willow Springs Road, in the City of Willow Park, Parker County, Texas, new, 13834-01

WIMBLEDON CHAMPIONS ESTATES, LTD., c/o Intercontinental United Investors Corporation, 3621 W. Alabama, Suite 200, Houston, Texas 77027, The wastewater treatment facilities are 0.67 mile east of Veterans Memorial Drive and approximately 1.3 miles south of Louetta Road along Cypress Creek in Harris County, Texas, renewal, 13562-01

CELANESE ENGINEERING RESINS, INC., P.O. Box 428, Highway 77 South, Bishop, Texas 78343, The applicant currently operates a chemical manufacturing facility which produces plastics and pharmaceuticals, The facility is located about 12,000 feet southwest of the intersection of State Highway No. 70 and U.S. Highway No.

77 (Business) on approximately 1,379 acres near Bishop, Nueces County, Texas, amendment, HW-50123-03, 45 day notice

DIAMOND SHAMROCK REFINING COMPANY, L.P., 301 Leroy Street, Three Rivers, Texas 78071, The applicant currently operates a petroleum refinery and generates hazardous wastes as part of the refinery process, The facility is located on a 200.5-acre tract of land two blocks south and three blocks west of the intersection of .S. Highway 281 and State Highway 72 in Three Rivers, Live Oak County, Texas, major amendment, HW-50100, 45 day notice

OCCIDENTAL CHEMICAL CORPORATION, P. O. BOX 10940, Corpus Christi, Texas 78460-0940, authorizes the operation of two underground injection wells for the disposal of industrial non-hazardous and hazardous wastes generated by the permittees facility during the manufacture of organic chemicals, The facility is located approximately two miles north of the intersection of State Highway 44 and McKenzie Road, west of Corpus Christi, Nueces County, Texas, renew and amend Permit Nos. WDW-152 and WDW-153, 45 day notice

Issued in Austin, Texas, on August 9, 1996.

TRD-9611512

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission



Notice of Opportunity to Comment Permitting Actions Ending August 9, 1996

The following applications will be signed by the Executive Director in accordance with 30 TAC 263.2, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain uncontested permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 10 days of the date notice concerning the application(s) is published in the Texas Register.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the permit number or other recognizable reference to this application; (3) the statement "I/we request a public hearing"; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; (5) a description of the location of your property relative to the applicant's operations; and (6) your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Commissioners who will determine whether or not to send the matter to the State Office of Administrative Hearings. If no protests or requests for hearing are filed, the Executive Director will sign the permit 10 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to the Chief Clerk's Office (Mailcode 105), Texas Natural

Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Consideration of the application of ChampCo Water Supply Corporation to Transfer Water and Sewer CCN Numbers 11310 and 20518 from Glenwood Home Corporation doing business as Champions Glen Utility Company in Montgomery County, Texas. (Application # 31075-S, Mary Jane Ford).

SIGNATURE OF A PROPOSED ORDER APPROVING AN APPLICATION BY FERN BLUFF MUNICIPAL UTILITY DISTRICT OF WILLIAMSON COUNTY FOR APPROVAL OF \$4,350,000 UNLIMITED TAX AND REVENUE BONDS, SECOND ISSUE, 6.70% NET EFFECTIVE INTEREST RATE, SERIES 1996. The District's application requests approval of a bond issue to finance water mains, wastewater mains, water distribution repairs and water, wastewater and drainage facilities for Fern Bluff, Section 2, Phase 2 and Oak Brook Section 1. (TNRCC Internal Control Number 2796-D01, Robert Cummins) 1.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611510

Gloria A. Vasquez
Chief Clerk

Texas Natural Resource Conservation Commission



Notice Of Receipt Of Application And Declaration Of Administrative Completeness For Municipal Solid Waste Management Facility For The Week Ending August 9, 1996

APPLICATION BY BROWNING-FERRIS, INC.; Proposed Permit Amendment Number MSW241-C, authorizing a lateral expansion and allowing the acceptance of Class I nonhazardous industrial solid waste as well as municipal solid waste. This amendment to the existing Type I municipal solid waste management facility permit proposes a site covering about 426 acres which is to daily receive about 525 tons of solid waste. The existing site is located adjacent to and northwest of the intersection of County Road 4421 and Farm to Market Road 66, about three miles northeast of Itasca, in Hill County, Texas.

If you wish to request a public hearing, you must submit your request in writing. You must state (1) your name, mailing address and daytime phone number; (2) the application number, TNRCC docket number or other recognizable reference to the application; (3) the statement I/we request an evidentiary public hearing; (4) a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and (5) a description of the location of your property relative to the applicant's operations.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 1101, Texas Natural Resource Conservation Commission, Mail Code 105, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300

Issued in Austin, Texas, on August 9, 1996.

TRD-9611514

Gloria A. Vasquez
Chief Clerk

Texas Natural Resource Conservation Commission



Provisionally- Issued Temporary Permits to Appropriate State Water Listed below are permits issued during the period of August 9, 1996

Application Number TA-7701 by D.L. Lennon, Inc. for diversion of 1 acre-foot in a 1-year period for industrial (road construction) use. Water may be diverted from the public right-of-way at the US 69 stream crossing of the Sabine River, approximately 10 miles southeast of Greenville in Hunt County, Texas, Sabine River Basin.

Application Number TA-TA-7702 by Tennessee Gas Pipeline for diversion of 1 acre-foot in a one year period for industrial use. Water may be diverted from the Tennessee Gas Pipeline Right-Of-Way, near FM 1127, approximately 16 miles southeast of Coldspring in San Jacinto County, Texas, Trinity River Basin.

Application Number TA-7703 by Tennessee Gas Pipeline for diversion of 1 acre-foot in a one year period for industrial use. Water may be diverted from the Tennessee Gas Pipeline Right-Of-Way, near Highway 190, approximately 16 miles northeast of Woodville in Tyler County, Texas, Neches River Basin.

Application Number TA-7704 by Harris County Flood Control District for diversion of 8 acre-feet in a 1-year period for irrigation use. Water may be diverted from the Beltway 8 crossing of Brays Bayou, approximately 12.5 miles west-southwest of Houston, Harris County, Texas, San Jacinto River Basin.

Application Number TA-7705 by Harris County Flood Control District for diversion of 8 acre-feet in a 1-year period for irrigation use. Water may be diverted from the Telephone Road crossing of Sims Bayou, approximately 7.3 miles southeast of Houston, Harris County, Texas, San Jacinto River Basin.

Application Number TA-7706 by Harris County Flood Control District for diversion of 8 acre-feet in a 1-year period for irrigation use. Water may be diverted from the Franklin Street crossing of Buffalo Bayou, approximately .25 miles north of Houston, Harris County, Texas, San Jacinto River Basin.

Application Number TA-7707 by Harris County Flood Control District for diversion of 8 acre-feet in a 1-year period for irrigation use. Water may be diverted from the 20th Street crossing of White Oak Bayou, approximately 4.75 miles northwest of Houston, Harris County, Texas, San Jacinto River Basin.

Application Number TA-7708 by Union Pacific Resources for diversion of 1 acre-foot in a 3-month period for industrial use. Water may be diverted from the Highway 87 crossing of Bear Branch, approximately 20 miles north of Newton, Newton County, Texas, Sabin River Basin.

The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation

determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in Section 295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78731, (512) 239-3300.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611509

Gloria A. Vasquez

Chief Clerk

Texas Natural Resource Conservation Commission



Public Utility Commission of Texas

Notice of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on July 31, 1996, to amend a certificate of convenience and necessity pursuant to §§1.101, 3.051(b), 3.251, 3.253, and 3.254 of the Public Utility Regulatory Act of 1995 (PURA), Tex. Rev. Civ. Stat. Ann. art. 1446c-0 (Vernon Supp. 1996). A summary of the application follows.

Docket Title and Number. Application of Fort Bend Telephone Company to Amend Certificate of Convenience and Necessity Within Fort Bend County. Docket Number 16238.

The Application. In Docket Number 16238, Fort Bend Telephone Company seeks approval to amend the exchange area boundary between its Beasley exchange and GTE Southwest Inc.'s East Benard exchange to provide telephone service to a single customer without 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 October 7, 1996.

Issued in Austin, Texas, on August 7, 1996.

TRD-9611372

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: August 7, 1996



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

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for MHMR Abilene in Abilene, Texas.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for PLEXAR-Custom Service for MHMR Abilene in Abilene, Texas. Pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 16253.

The Application. Southwestern Bell Telephone Company is requesting approval for a new PLEXAR-Custom service for MHMR Abilene. The geographic service market for this specific service is the Abilene, 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 August 7, 1996.

TRD-9611371

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: August 7, 1996



Public Notice

On July 29, 1996, Southwestern Bell Telephone Company (SWB) and Texas Communications South, Inc. collectively referred to as Applicants filed a joint application for approval of an interconnection agreement under the federal Telecommunications Act of 1996 (FTA) (Pub. L. No. 104-104, 110 Stat. 56 (1996), (to be codified at 47 U.S.C. §§151 et. seq.) and the Public Utility Regulatory Act of 1995 (PURA 95) (Tex. Rev. Civ. Stat. Ann. art 1446c-0 Vernons Supp. 1996). The joint application has been designated Docket Number 16227. The joint application and the underlying interconnection agreement are available for public inspection at the Commission's offices in Austin, Texas.

The FTA authorizes the Commission to review and approve any interconnection agreement adopted by negotiation of the parties. Pursuant to FTA §252(e)(2) the Commission may reject any agreement if it finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement, or any portion thereof, is not consistent with the public interest, convenience, and necessity. Additionally, under FTA §252(e)(3), the Commission may establish or enforce other requirements of state law in its review of the agreement, including requiring compliance with intrastate telecommunications service quality standards or requirements. The Commission must act to approve the agreement within 90 days after it is submitted by the parties.

The Commission finds that additional public comment should be allowed before the Commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the joint application by filing 18 copies of the comments with the Commission's Filing Clerk. Additionally, a copy of the comments should be served on each of the Applicants. The comments should specifically refer to Docket Number 16227. As a part of the comments, an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 5, 1996, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

After reviewing any comments, an Administrative Law Judge (ALJ) of the Commission will determine whether to conduct further proceedings concerning the joint application. The ALJ shall have the authority given to a presiding officer pursuant to Public Utility Commission PROC. R. §22.202. The ALJ may identify issues raised by the joint application and comments and establish a schedule for addressing those issues, including the submission of evidence by the Applicants, if necessary, and briefing and oral argument. The ALJ may conduct a public hearing. Interested persons who file comments are not entitled to participate as intervenors in the public hearing.

Persons with questions about this docket or who wish to comment on the application should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256, or (512) 458-0221 for the text telephone. All correspondence should refer to Docket Number 16227.

Issued in Austin, Texas, on August 7, 1996.

TRD-9611370

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas

Filed: August 7, 1996



Requests Comments on an Investigation into Southwestern Bell Telephone Company's Entry into the Interlata Telecommunications Market in Texas

The Public Utility Commission of Texas (Commission) has established a proceeding, designated Docket Number 16251, to conduct an investigation into Southwestern Bell Telephone Company's (SWBT) entry into the interLATA telecommunications market in Texas.

Prior to February 8, 1996, SWBT had been prohibited from providing interexchange telecommunications service between Local Access and Transport Areas (i.e., interLATA telecommunications) as the result of the Modification of Final Judgment (MFJ) issued by the United States District Court for the District of Columbia in *United States v. Western Electric*, 552 F.Supp. 131 (D.D.C. 1982). On February 8, 1996, the federal Telecommunications Act of 1996, Public Law Number 104-104, 110 Statutes 56 (1996) (to be codified at 47 U.S.C. §§151 et seq) (FTA96) was signed. FTA96 eliminated the MFJ restriction on interLATA service and established a procedure by which SWBT, and other Bell operating companies, could obtain authority to provide interLATA services in its in-region states. Section 271 of FTA96 requires the Federal Communications Commission (FCC) to rule upon a request to provide in-region

interLATA services within 90 days after receipt of an application from the Bell operating company. As a part of the review procedure established by §271, the FCC is required to consult with the U. S. Attorney General and the relevant state regulatory commission to verify that the Bell operating company has complied with the requirements for market entry contained in FTA96.

Because of the limited time for the FCC to consult with the Commission and issue a final decision in a §271 proceeding, it may be appropriate to establish Commission procedures for a §271 proceeding and to begin gathering information that could be used in evaluation of SWBT's compliance with the federal act. The Commission, therefore, seeks public comment by interested persons on the scope of an investigation into relevant matters under §271 and the appropriate procedures to use in the investigation. Accordingly, any interested person may file responses to the following questions by submitting written comments (18 copies) to Paula Mueller, Secretary of the Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757. Such comments should refer to Docket Number 16251 and should be filed by August 30, 1996.

1. Should the Commission begin its investigation into SWBT's entry into interLATA telecommunications at this time, or should it wait until SWBT files an application with the FCC?
2. Should SWBT be required to provide advance notification to the Commission prior to filing its §271 application with the FCC? If so, how much advance notice should be required and what material should SWBT be required to file with the Commission? If not, what legal or policy reasons prevent the Commission from requiring such action?
3. What schedule and procedures should the Commission follow to assure that it has sufficient information to provide a thorough, yet timely, evaluation to the FCC?
4. Should the investigation be conducted as a contested case proceeding, or is a less formal information gathering proceeding more effective? Why?

In evaluating its responsibilities under the FTA96, the U. S. Department of Justice has developed a nine-page draft document (DOJ Working Draft #1) outlining the issues and information that it believes should be considered in evaluating §271 applications. Although this is only a draft document, and does not necessarily represent the DOJ's position on the issues, the Commission believes that it is an acceptable starting point for a discussion of the issues involved in §271 applications. Copies of the DOJ Working Draft #1 are available for review or copying in the Commission's Central Records.

5. Which, if any, of the issues and information described in DOJ Working Draft #1 should the Commission consider in its investigation into SWBT's entry into the interLATA telecommunications market in Texas?
6. Which issues and information should the Commission omit and why?
7. What additional issues and information should the Commission consider and why?

Issued in Austin, Texas, on August 9, 1996.

TRD-9611541

Paula Mueller

Secretary of the Commission

Public Utility Commission of Texas
Filed: August 9, 1996



Railroad Commission of Texas

Correction of Errors

The Railroad Commission of Texas adopted an amendment to §11.221. The rule appeared in the July 26, 1996, issue of the *Texas Register* (21 TexReg 7042).

On page 7042 the part was published incorrectly as "Part II. Public Utility Commission of Texas" it should read "Part I. Railroad Commission of Texas."

The Railroad Commission of Texas proposed new §9.34. The rule appeared in the July 26, 1996, issue of the *Texas Register* (21 TexReg 6932).

On page 6932, paragraph four, fourth sentence, the comment period should be 14 days instead of 30 days.



Texas Water Development

Notice of Hearing

An attorney with the Texas Water Development Board will conduct a public hearing beginning at

10:00 a.m., September 30, 1996, Room 118, Stephen F. Austin, 1700 North Congress Avenue, Austin, Texas 78711.

on a proposed amendment to the Project Priority List for the State Water Pollution Control Fund (SRF). The Project Priority List is an alphabetical listing of wastewater treatment projects which will be considered for funding during FY 1996-2000 through the State Revolving Fund program. The amendment will add several projects to the Project Priority List so that they may receive SRF assistance in accordance with §603(g) of the Clean Water Act of 1987.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the proposed amendment to the Project Priority List. In addition, persons may participate in the hearing by mailing written comments before the above date to Frank R. Forsyth, Jr., Chief, Project Support Section, Engineering Division, Texas Water Development Board, P.O. Box 13231, Capitol Station, Austin, Texas 78711. Copies of the proposed amendment to the Project Priority List will be available on or about September 15, 1996 from the above address.

The hearing is being conducted pursuant to 31 TAC Chapter 363 (Rules of the Texas Water Development Board) and 40 Code of Federal Regulations, §25.5.

Issued in Austin, Texas, on August 9, 1996.

TRD-9611499
Craig D. Pedersen
Executive Administrator
Texas Water Development
Filed: August 9, 1996



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