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# Texas Register

Volume 17, Number 13, February 18, 1992

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## Texas Register

The *Texas Register* (ISSN 362-4781) is published semi-weekly 100 times a year except February 28, November 6, December 1, December 29, 1992. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

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

**Secretary of State** - opinions based on the election laws

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

**Proposed Sections** - sections proposed for adoption

**Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

**Open Meetings** - notices of open meetings

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

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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

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

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

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

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

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## Texas Register Publications



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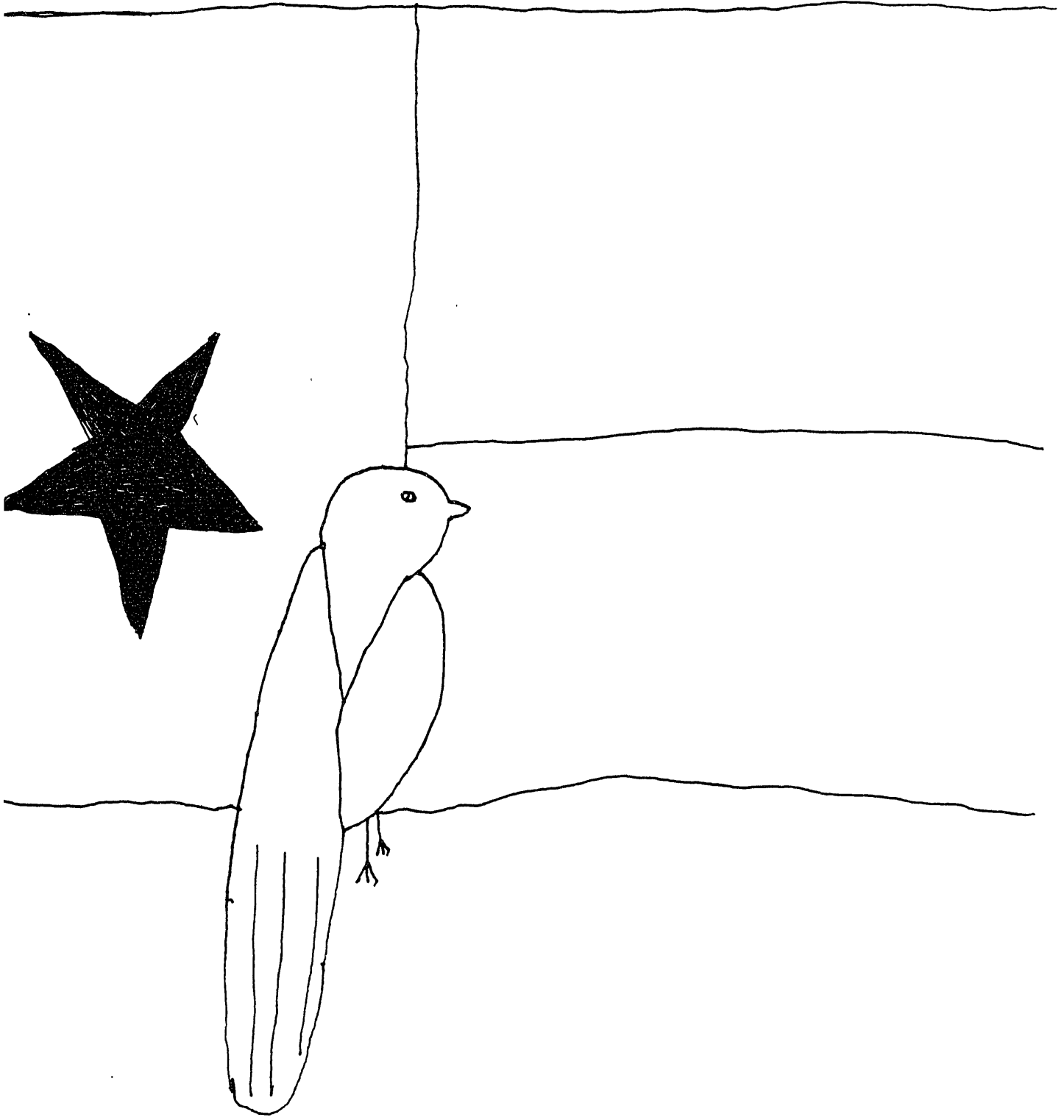
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Name: Mary Jane Chapman

Grade: 4

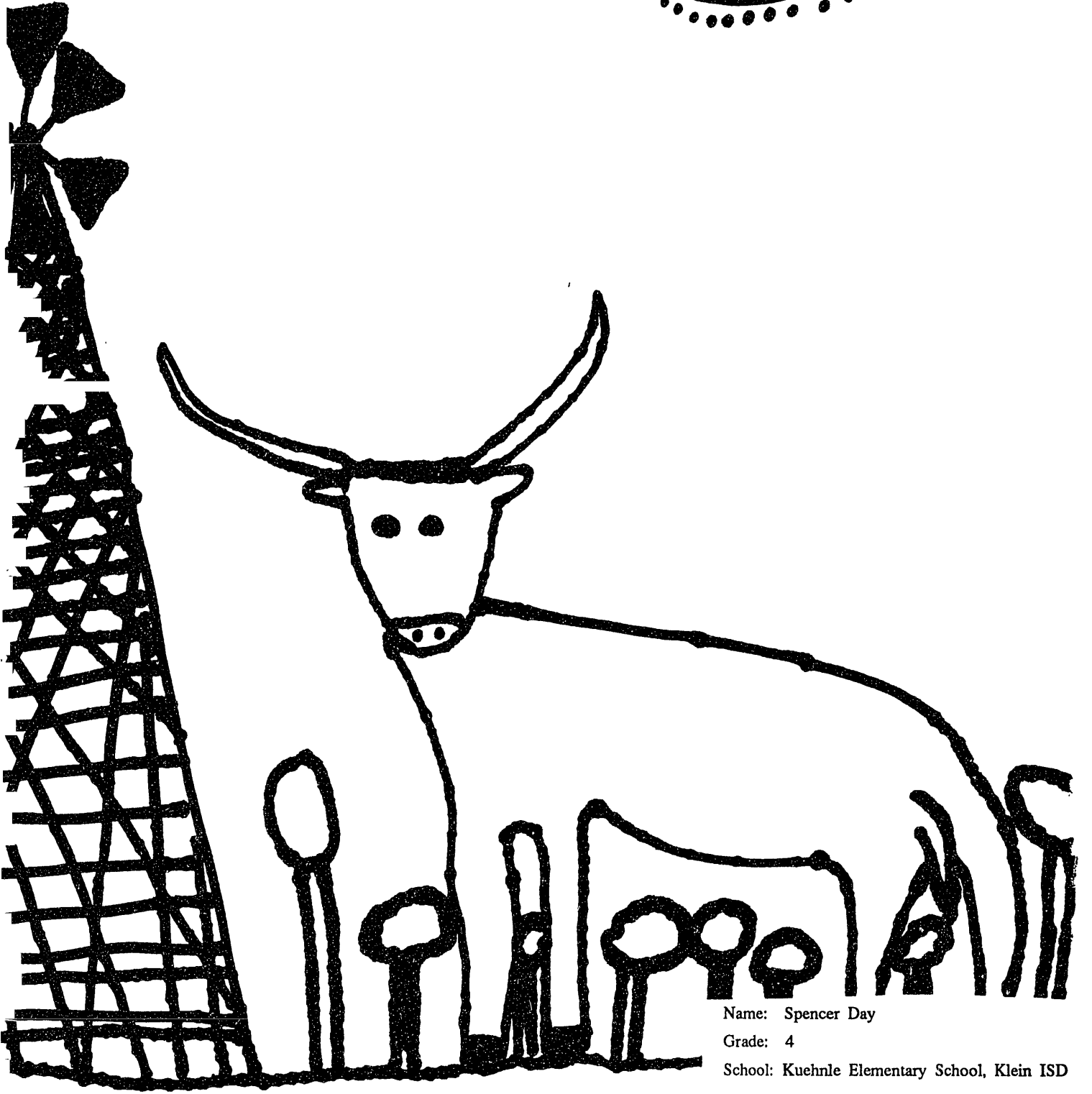
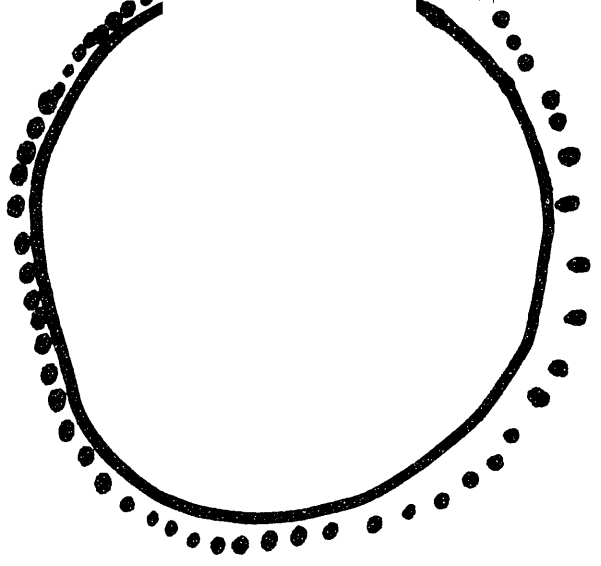
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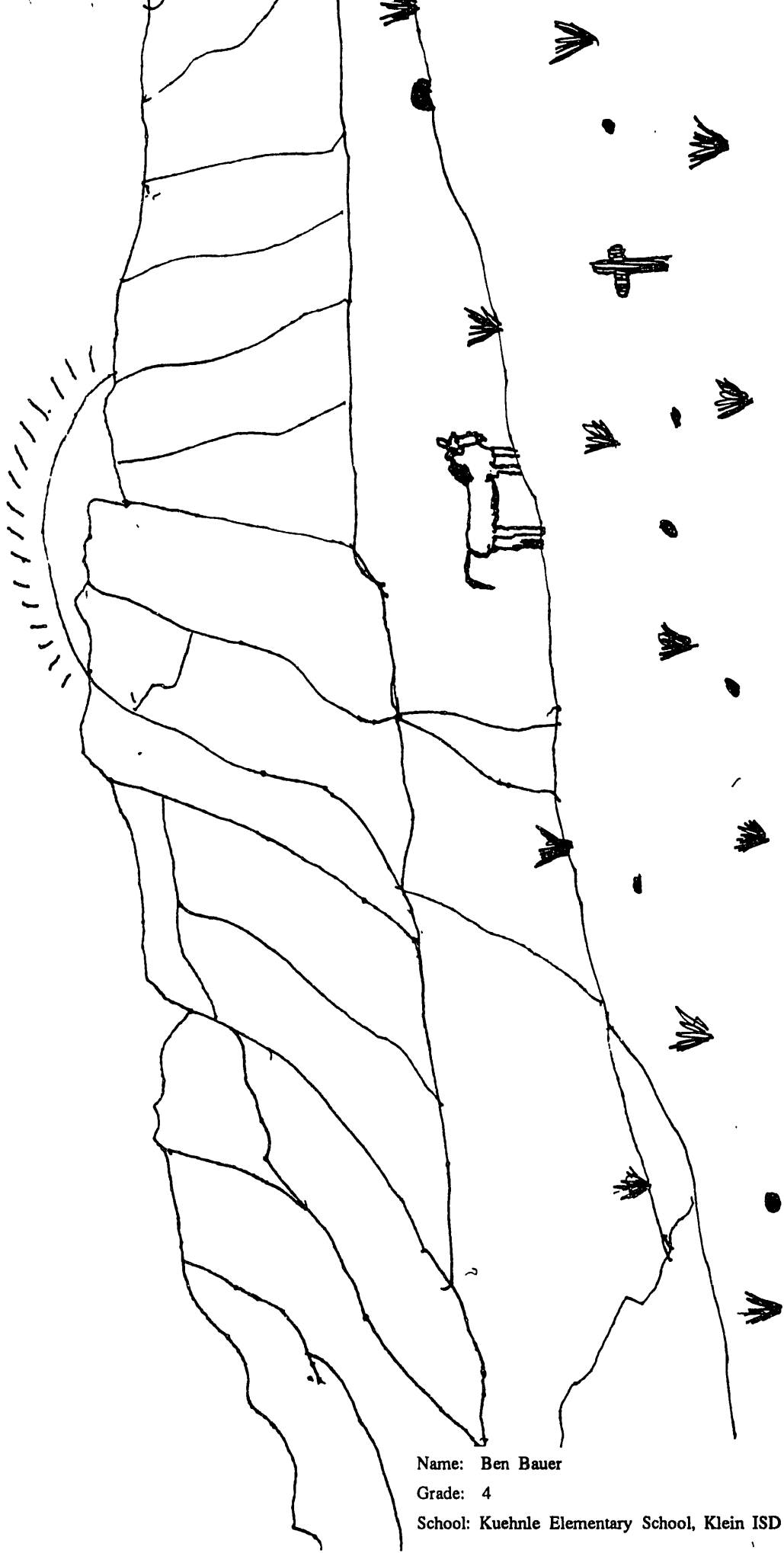
Name: Andrew Schott

Grade: 4

School: Kuehnle Elementary School, Klein ISD

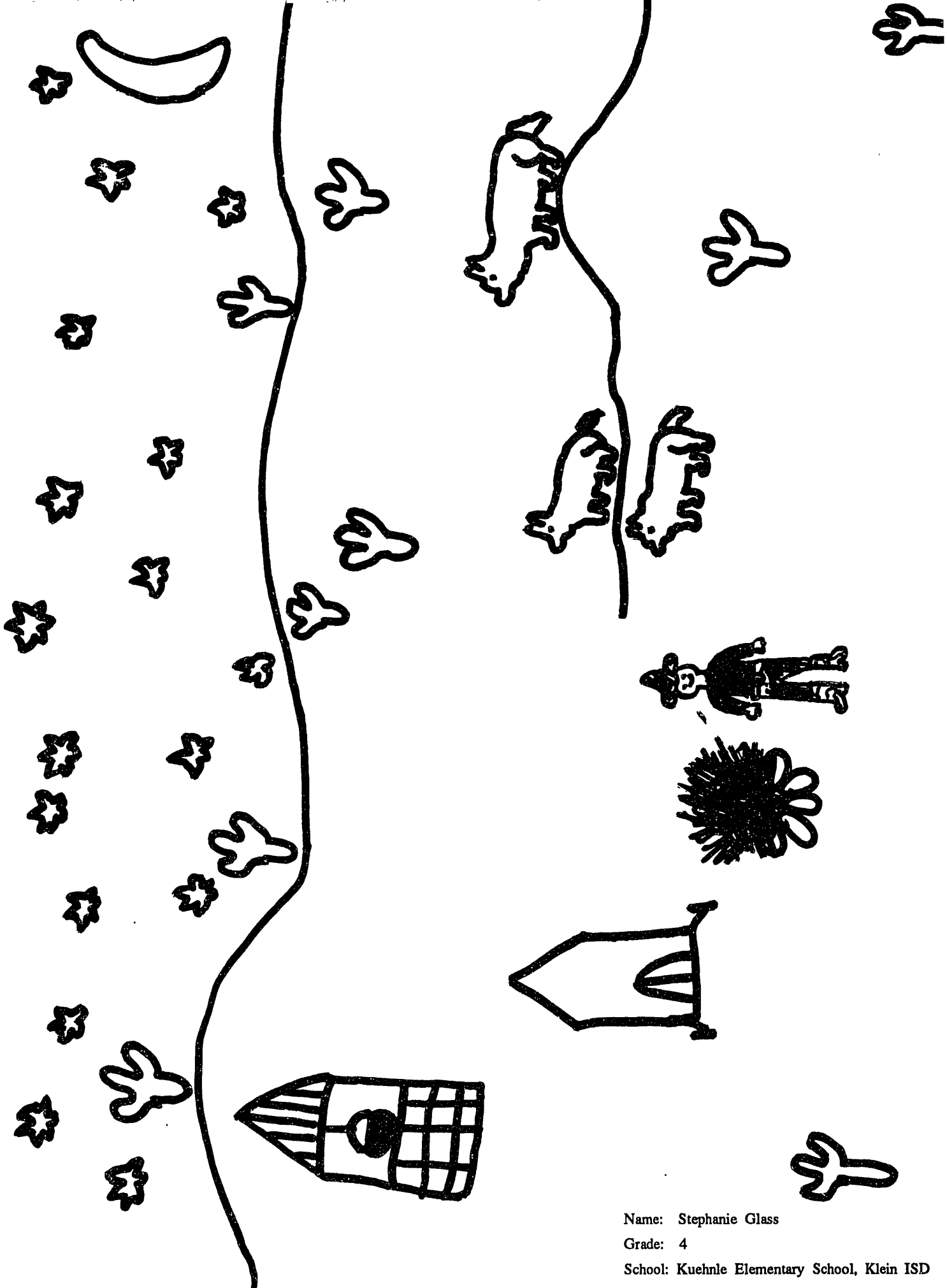


Name: Spencer Day  
Grade: 4  
School: Kuehnle Elementary School, Klein ISD



Name: Ben Bauer  
Grade: 4  
School: Kuehnle Elementary School, Klein ISD

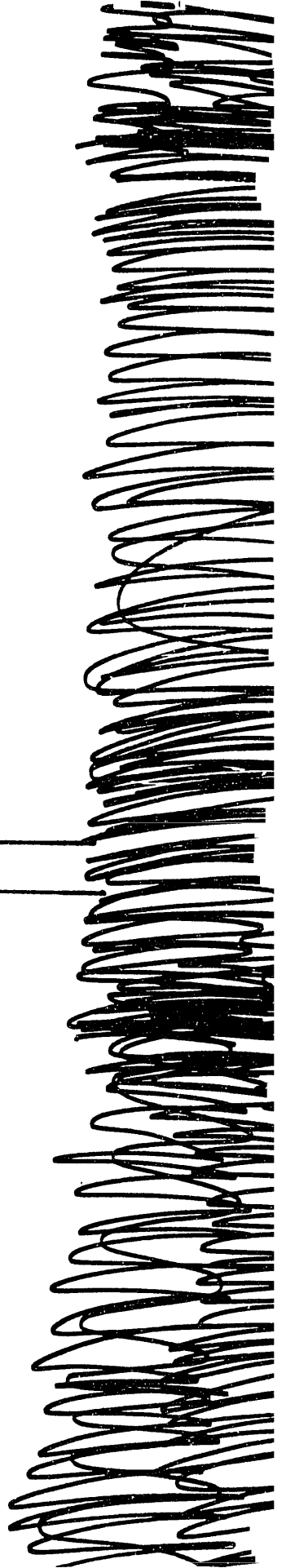
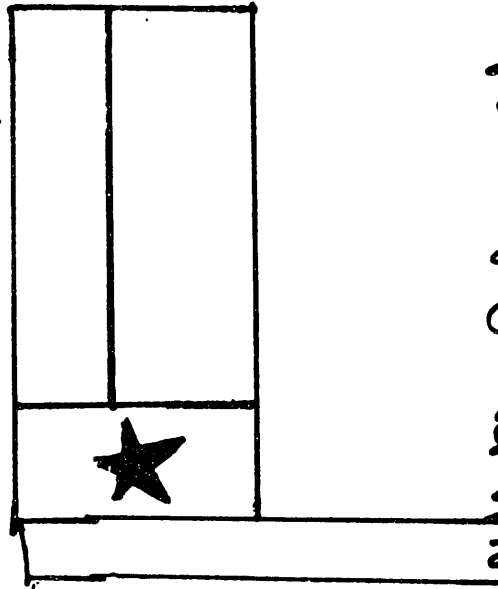
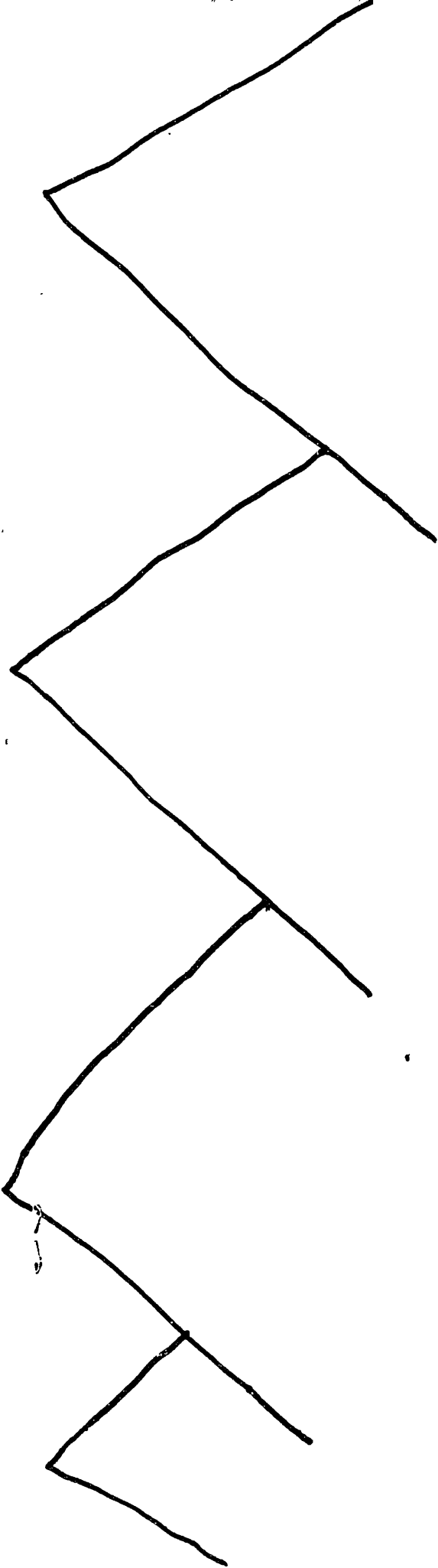




Name: Stephanie Glass

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Name: Paige Hincker

Grade: 4

School: Kuehne Elementary School, Klein IS

# Proposed Sections

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

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

## TITLE 1. ADMINISTRATION

### Part III. Office of the Attorney General

#### Chapter 59. Crime Victims Compensation

##### • 1 TAC §§59.1-59.34

The Office of the Attorney General proposes new §§59.1-59.34, concerning crime victims compensation. Proposed new §59.1 limits the application of the rules to the administration of the Crime Victims Compensation Act (the Act) and instructs the parties to comply with the rules. Proposed new §59.2 defines certain words and phrases appearing in the Act. Proposed new §59.3 requires that all papers filed in a claim contain the claimant's Social Security number. Proposed new §59.4 instructs all parties to file documents in Austin. Proposed new §59.5 states when the time for reporting a crime begins. Proposed new §59.6 states when the time for filing an application begins and provides for an extension of the filing time. Proposed new §59.7 explains the method of determining loss of earnings. Proposed new §59.8 identifies the information required in a medical report. Proposed new §59.9 explains what information is required when submitting medical bills. Proposed new §59.10 limits the items to be considered in funeral bills. Proposed new §59.11 requires the filing of autopsy reports in death claims. Proposed new §59.12 states who is responsible for filing certificates of death. Proposed new §59.13 advises claimants what information is required when requesting lump sum payments. Proposed new §59.14 sets priorities for payment of benefits. Proposed new §59.15 informs the parties of information needed when applying for emergency grants. Proposed new §59.16 provides for notice of suspension of proceedings. Proposed new §59.17 directs the claimant to notify the agency of receipt of additional benefits and the procedures to be taken by the agency for failure to comply. Proposed new §59.18 provides for the suspension of, and credit for, payments if a suit is filed. Proposed new §59.19 directs the claimant to notify the agency if a suit to recover damages is filed. Proposed new §59.20 provides for payment of attorney fees if the attorney acts as an authorized trustee in a civil suit. Proposed new §59.21 states what information is needed from an attorney for consideration of attorney's fee. Proposed new §59.22 describes the process of investigating allega-

tions of misconduct. Proposed new §59.23 identifies persons who are not presumed to be residents of Texas. Proposed §59.24 requires the claimant or agent to provide information requested by the agency. Proposed §59.25 instructs medical providers to determine medicaid eligibility and file bills accordingly. Proposed new §59.26 defines compensable psychiatric care or counseling and the requirements of counselors and hospitals. Proposed new §59.27 stipulates that victims under 14 years of age may not be disqualified because of consent of the child in certain crimes and situations. Proposed new §59.28 declares the application to be confidential. Proposed new §59.29 states the time that medical records be retained and requires the provider to furnish them upon request. Proposed new §59.30 identifies certain acts committed by health providers which constitute unethical or fraudulent practices. Proposed new §59.31 provides for limits of counseling sessions and maximum fees for certain psychiatric care. Proposed new §59.32 provides for limited time and benefits for inpatient psychiatric care and requirements for admissions. Proposed new §59.33 limits the benefits available for counseling of family members but does provide for additional counseling in certain situations. Proposed new §59.34 provides for financial contributions from certain programs and designates the agency as the duly authorized recipient of the contributions.

Jerry Belcher, director of indemnity awards and records, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering §§59.1-59.30. Mr. Belcher has determined that there will be fiscal implications as a result of enforcing or administering §59.31-59.34. The effect on state government for the first five-year period §59.31 is in effect will be an estimated reduction in cost of \$344,015 per year. The effect on state government for the first five-year period §59.32 is in effect will be an estimated reduction in cost of \$315,000 per year. The effect on state government for the first five-year period §59.33 is in effect will be an estimated reduction in cost of \$283,000 per year. The effect on state government for the first five-year period §59.34 is in effect will be an estimated increase in revenue of \$150,000 per year. There will be no revenue effect on local government for the first five-year period as a result of enforcing or administering §§59.1-59.34.

Mr. Belcher 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 having information to assist the public in making application for benefits and maintaining the integrity of the fund without economic cost to individuals. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jerry Belcher, Crime Victims Compensation, Office of the Attorney General, P.O. Box 12548, Austin, Texas 78711-2548.

The new sections are proposed under Crime Victims Compensation Act, Article 8309-1, §10(a), which provide the Office of the Attorney General with the authority to promulgate and adopt rules consistent with the Act governing its administration, including rules relating to the method of filing claims and the proof of entitlement to compensation.

*§59.1. Compliance and Suspension of Rules.* These rules apply solely to the administration of the Crime Victims Compensation Act (Chapter 189, 66th Legislature). All parties seeking any action shall comply with these rules, unless the chief determines that compliance with any of the rules under particular circumstance will result in injustice to any party. Accordingly, rules may be suspended at the discretion of the chief.

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

**Accomplice**—A person who is criminally responsible as a party to an offense under the Texas Penal Code, Chapter 7, as amended or as may hereafter be amended.

**Chief**—The administrative head of the Crime Victims Compensation Division.

**Interested person**—The term as used in the Crime Victims Compensation Act (the Act), §5(c) does not include the accused criminal offender or nonclaimant creditors.

**Lacked capacity to commit the crime**—The term as used in the Act, §3(4)(C) only to those persons who by reason of minority or lack of mental capacity are not held liable for their criminal acts.

**Other persons**—The term as used in the Act, §6(d)(3) does not include persons related to the claimant within the third de-

gree of affinity or consanguinity; nor does it include purely donative contributors, such as community, civic, or religious organizations.

**Pecuniary loss**—Includes eyeglasses, corrective lenses, dental devices, and prosthetic devices. It does not include lost, damaged or stolen property.

**Reports**—The term as used in the Act, §4(b) includes both written and oral reports.

**State**—A state of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, or any possession or territory of the United States.

**§59.3. Social Security Number.** All forms, reports, and other documents which pertain to a claim filed under the Crime Victims Compensation Act shall include the social security number of the victim and/or claimant.

**§59.4. General Communications.** All applications and communications concerning the Crime Victims Compensation Act shall be filed with the Office of the Attorney General in Austin.

**§59.5. Reporting the Crime.** In determining the time period for the victim's reporting the crime, the chief will consider the 72 hours to begin with the last known event which constituted the criminally injurious conduct for which compensation is sought.

**§59.6. Filing of Application.** In determining the time period for the claimant's filing of an application, the chief will consider the one year to begin with the last known event which constituted the criminally injurious conduct for which compensation is sought. For crimes or incidents occurring on or after September 1, 1985, the limitation period will not include that period of physical incapacity which reasonably prevented the claimant from filing an application for compensation according to §4(c). It is the claimant's responsibility to provide written, medically documented evidence of such physical incapacity.

**§59.7. Loss of Earnings.** In computing the actual loss of past earnings and the anticipated loss of future earnings, the chief will consider the net weekly earnings, including all other remuneration resulting from the employment agreement at the time of the crime. Neither the award for actual loss of past earnings nor the award for anticipated loss of future earnings shall exceed the statutory limit effective on the date of crime. The net weekly earnings are the gross earnings less income tax and social security.

**§59.8. Medical Reports.** The victim shall file current medical reports outlining treatment, diagnosis, and prognosis, including estimate of any disability or physical impairment setting forth the victim's ability to be gainfully employed. The chief may require reports for psychiatric care or counseling as deemed necessary to verify treatment and reasonableness thereof.

**§59.9. Payment of Bills.** All bills rendered for medical care, chiropractic care, psychiatric and psychological care, and all bills rendered by duly licensed practitioners rendering remedial treatment to the victim/claimant for the condition resulting from the crime, must provide a clear itemization of all prescriptions and incidentals, prescribing same on items furnished. The chief may require that all bills be submitted on approved forms.

**§59.10. Funeral Bills.** Regarding funeral and burial expenses submitted for approval, the chief will consider only those items deemed reasonable and necessary.

**§59.11. Autopsy Report.** If the cause of death is material to the claim, an autopsy report may be required.

**§59.12. Certificate of Death.** It is the responsibility of the claimant to provide a certificate of death.

**§59.13. Lump Sum Payments.** The claimant may apply for lump sum payment of anticipated loss of future earnings by filing with the Office of the Attorney General an affidavit setting forth the specific reasons why payment in a lump sum would be beneficial and why the failure to lump sum the payments would be detrimental. Allowable expenses incurred after the award will be paid in installments.

**§59.14. Insufficient Funds.** In order to assure the solvency of the fund, the chief shall award available funds for emergency grants, loss of wages, and loss of support. Other allowable benefits will be adjusted and awarded for any amount not to exceed the anticipated available funds.

**§59.15. Emergency Awards.** All requests for emergency awards will be accompanied by a statement setting forth the reasons why a denial of an emergency award would create a hardship.

**§59.16. Suspended Proceedings.** The chief may suspend the proceedings pending disposition of a criminal prosecution and shall notify the claimant of the suspension.

**§59.17. Review of Award.** A claimant who is receiving installment payments under the Crime Victims Compensation (the Act) Act must notify the chief immediately upon employment, receipt of unemployment compensation, social security, or any other change of circumstance. Willful misrepresentation of fact or failure to notify the chief of change of circumstance will be considered just cause for reconsideration of the award and implementation of other action as authorized under the Act, §9(a). The award is subject to review by the chief at any time.

**§59.18. Suspended Payments.** Payments to claimants will be suspended immediately upon notification that suit to set aside the award has been filed. The chief will notify the parties of the suspension. All payments prior to said notification will be credited against the maximum allowable.

**§59.19. Subrogation.** Under the subrogation provision of the Crime Victims Compensation Act, §11, failure to notify the Office of the Attorney General in writing prior to filing suit to recover damages related to criminally injurious conduct will be just cause for reconsideration of the award.

**§59.20. Compensation Recovered.** If the claimant brings action as trustee and recovers compensation awarded by the Office of the Attorney General, the amount deducted for reasonable expenses of the suit, including attorney's fee, is subject to the chief's approval and may not exceed the state's proportionate share (pro rata).

**§59.21. Attorney's Fee.** Any attorney representing a claimant and requesting a fee shall file with the chief a written power of attorney with itemization of time and expenses. The amount awarded will be based on the services being reasonable and necessary.

**§59.22. Practicing Before the Office of the Attorney General.** Whenever the Office of the Attorney General receives evidence that a person practicing before the Office of the Attorney General is guilty of unethical or fraudulent conduct, such person shall be cited by certified mail to appear before the Office of the Attorney General because of such conduct. In all such cases the Office of the Attorney General's citation shall contain a detailed description of charges to be considered at such hearing and a reasonable time to secure and prepare evidence shall be given any such person as cited.

**§59.23. Texas Residents.** The following persons are presumptively not "Texas res-

idents" within the meaning of the Crime Victims Compensation Act:

(1) persons who are in Texas for less than 30 days;

(2) persons who are in Texas for the pursuit of temporary business or recreational opportunities who do not intend at the time of the crime to make Texas their residence;

(3) all other persons whose presence in Texas is of a transient nature and who do not intend at the time of the crime to make Texas their residence. The rule applies only to claims for compensation for crimes or incidents occurring from January 1, 1980-August 31, 1985.

**§59.24. Compliance Necessary.** All information requested by the Office of the Attorney General shall be promptly furnished by the victim/claimant, his or her attorney, agent, or provider of services. Any delay or refusal to promptly furnish the requested information may result in a denial or delay in the processing of the claim.

**§59.25. Medicaid Eligibility.** A provider must determine immediately if a victim is Medicaid eligible. If Medicaid is available, the provider must file all bills with Medicaid per Medicaid guidelines. Should a provider fail to identify Medicaid eligibility or fail to file bills with Medicaid within Medicaid guidelines, the attorney general may deny or reduce bills submitted. This does not pertain to services not covered by Medicaid.

**§59.26. Psychiatric Care or Counseling Defined.** Compensable psychiatric care or counseling is defined as that performed by licensed practitioners including psychiatrists, psychologists, and licensed counselors. Licensed counselors must work under the supervision of a licensed medical doctor. Psychiatric hospitals must be licensed by the proper state licensing authority and residential treatment centers must be licensed by the proper state licensing authority.

**§59.27. Related Offenses; Victim Under 14 Years of Age.** For sex related offenses involving children under 14 years of age, the "consent" of the child, as that term is defined in the Texas Penal Code, as amended, may not be considered to deny or reduce an award under §6(d)(2), which is otherwise payable.

**§59.28. Application Confidential.** Any application filed for benefits shall be deemed confidential.

**§59.29. Retention of Records.** Any person or facility providing a service to a victim or residing family member for whom an application for assistance has been made must maintain all records necessary to fully disclose the services provided. These records must be retained for a period of three years from the date of service, or until all audit questions are resolved, whichever is longer. Records and supporting information must be made available upon request, regarding any request for payment or payment of claims for services or supplies by the person or facility to the Office of the Attorney General or its designated agent.

**§59.30. Unethical or Fraudulent Practices.**

(a) Section A-The following acts by a health care provider, if undertaken intentionally, constitute violations and are subject to subsection (b) of this section:

(1) submitting charges for health care that was not furnished;

(2) administering improper, unreasonable, or medically unnecessary treatment or service;

(3) failing or refusing to timely file upon request required reports or records;

(4) making unnecessary referrals;

(5) violating the fee and treatment guidelines as established by the Texas Workers Compensation Commission; or

(6) failure to comply with any provision of the Crime Victims Compensation Act.

(b) Section B-A health care provider having been determined to be in violation of subsection (a) of this section is subject to a reduction or denial of fees.

**§59.31. Counseling Expenses.** Counseling expenses are limited to 40 sessions or an amount not to exceed \$3,000 for licensed counselors, psychologist, and psychiatrist. Fees and billing procedures per session are to be determined as established by the Office of the Attorney General. Under unusual facts and circumstances, additional sessions may be allowed, but limited to those which are preauthorized and approved.

**§59.32. Inpatient Psychiatric Care.** Inpatient psychiatric hospitalization care is limited to \$400 per day with a maximum 30-day stay and shall include room, board, medications, and therapeutic modalities. Only admissions made at the direction of a licensed medical doctor will be payable. Under unusual fact and circumstances, additional hospitalization exceeding 30 days may be allowed, but limited to those which are preauthorized and approved.

**§59.33. Counseling for Residing Family Members.** Outpatient counseling for residing family members is limited to \$1,000 per family member. Under unusual facts and circumstances, additional counseling may be allowed, but limited to those which are preauthorized and approved.

**§59.34. Authority to Collect and Provide Financial Contributions.** A municipality or county or its operator/manager of a corrections facility has the authority to collect and provide financial contributions to crime victims assistance programs or crime victims compensation programs. These financial contributions as a part of work programs, work release programs, community service programs, or other work oriented programs may be a deduction from inmate wages, a "cost" item of production (overhead), a distribution from the participating industry's gross earnings, or any other means. The duly authorized recipient of these contributions designated for crime victims compensation shall be the Office of the Attorney General as the statutorily authorized administrator of the crime victims compensation fund.

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 February 10, 1992.

TRD-9202075

Larry Bales  
Assistant Attorney General  
Office of the Attorney  
General

Earliest possible date of adoption: March 20, 1992

For further information, please call: (512) 462-6400

## Part IV. Office of the Secretary of State

### Chapter 81. Elections

#### Voter Education

##### • 1 TAC §81.301

The Office of the Secretary State proposes new §81.301 concerning procedures necessary to implement and ensure that the conduct of a student mock election does not affect the proper and efficient conduct of a general, special, or primary election.

Audrey Selden, assistant secretary of state, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Selden also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result

of enforcing the section will be expenses incurred in the conduct of a student election, involving any personnel expenses, may be paid only from private grant funds or donations. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Audrey Selden, Assistant Secretary of State, P.O. Box 12697, Austin, Texas 78711-2697.

The new section is proposed under the Texas Election Code, §276.007(h), which provides the Office of the Secretary of State with the authority to prescribe any procedures necessary to implement this section and ensure that the conduct of a student election does not affect the proper and efficient conduct of a general, special, or primary election.

*§81.301. Ordered Student Mock Elections.* The Secretary of State shall prescribe any procedures necessary to implement this section and ensure that the conduct of a student mock election does not affect the proper and efficient conduct of a general, special, or primary election.

(1) A student mock election may be ordered by:

(A) the commissioners court, for a student mock election held in conjunction with an election ordered by the governor or a county authority;

(B) the governing body of a political subdivision, for a student mock election held in conjunction with an election of the political subdivision;

(C) the county executive committee, for a student mock election held in conjunction with a primary election.

(2) If a student mock election is ordered by the commissioners court, governing body of a political subdivision, or the county executive committee to be held in the adult polling place, it may only be held on election day or the day before the election, pursuant to the Election Code, §276.007. The restrictions set forth in §276.007 only apply to student mock elections held in conjunction with a general, special, or primary election.

(3) The authority ordering a student mock election shall specify in the order each grade that may participate in the election. A student in a specified grade may enter a designated polling place or specified locale for the purpose of casting an unofficial ballot in the student election on the same offices and measures that appear on the official ballot.

(4) The student mock election, if held in conjunction with a general, special, or primary election, shall not be dis-

ruptive nor infringe upon any rights provided a legal registered voter.

(A) The student mock election, shall be implemented and conducted in accordance with the Election Code and laws of the State of Texas (whether or not conducted in the adult polling place), insofar as they are applicable, except as otherwise provided by these rules, or any directive from the Secretary of State's office.

(B) An official polling place may be used to conduct a student mock election by an entity, provided that the entity has submitted an application to the Secretary of State's office pursuant to the rules and guidelines hereby prescribed and has secured final approval from the local authority and the Secretary of State before the 60th day before the day of the student election. (The application is available through the Secretary of State's office.)

(C) A student mock election voting booth (or other voting system) shall not be within 50 feet of an adult voting booth that is located in the same room. The regular election judge may exercise his or her statutory authority to maintain order in the polling place to ensure that the mock election is not disruptive. Nothing in these rules shall be construed to lessen the authority of the regular election judge. Note: An exception to the distance requirement may be obtained with written permission from the Secretary of State's office no later than 60 days before the day of the student election.

(5) If it is not feasible to hold the student mock election in the same polling area as the regular election, an alternate location may be selected. The authority ordering the election shall determine the polling locations. The alternate sites should be selected to serve the convenience of the students and accompanying adults, without disrupting the adult voters. Recommended sites include the schools or other locations within the same building as the regular polling place.

(A) The student mock election may be held at any time during the hours of 7 a.m. to 7 p.m., but the mock election is not required to remain open the entire time.

(B) The student mock election is not required to use the same number of polling places, or the same locations as the regular election.

(6) As practicable, the student mock election should adopt the voting system most prevalent in the students' community. If such a voting system is not available, any other voting system authorized by the election code may be used.

(7) Regardless of the location of the student mock election polling area, no unauthorized persons, telephones, or any type of mechanical or electronic recording equipment, are allowed within the mock polling area.

(8) The election officers serving in the official election may not serve in the student mock election. The authority ordering the election shall appoint a separate set of election officers to conduct the student mock election. All student mock election officers and organizers must be community volunteers. No county or state funds may be used for payment of election judges and clerks.

(9) A student mock election may not be used to endorse, support, or oppose a candidate or an issue. Local groups may raise private funds to defray expenses incurred in conducting a student mock election; but in no instance may fundraising efforts or donations be used to support or oppose a candidate or an issue.

(A) Political advertising or other campaign communications, as defined by the Election Code, §251.001 or any other by campaign activity that supports or opposes a candidate or an issue may not occur in connection with a student mock election. For example, neither candidates seeking public offices that appear on the mock election ballot nor their representatives may appear on school property in connection with the election.

(B) Public property may not be used to support or oppose a candidate or an issue in a student mock election. This includes the use of a school's public address system to support or oppose a candidate or issue or the holding of campaign rallies, the posting of political advertising signs, or the distribution of campaign leaflets or other political advertising on school grounds. Utilizing government-owned voting systems with permission of the governing body is not considered a donation of public property for the purpose of this provision.

(10) Tabulation of the results may begin at the time specified by the Election Code for the voting system used. Student mock election results may not be announced until after the adult polling places are closed on election day (7 p.m.).

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 February 10, 1992.

TRD-9202119

Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: March 20, 1992

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

◆ ◆ ◆  
**TITLE 16. ECONOMIC  
REGULATION**  
**Part I. Railroad**  
**Commission of Texas**  
**Chapter 5. Transportation**  
**Division**

**Subchapter W. Registration of  
Commercial Carriers**

• **16 TAC §5.502**

The Railroad Commission of Texas proposes an amendment to §5.502, concerning applications for registration of commercial motor vehicles. The proposed amendment is a result of House Bill 1, adopted by the Second Called Session of the 72nd Legislature, which became effective on September 1, 1991. The amendment sets the commercial motor vehicle registration at \$10 per vehicle when a supplemental equipment report is required to be filed.

Jackye Greenlee, assistant director-central operations, has determined that for the first five year period the proposed section will be in effect, there will be fiscal implications for state government as a result of the proposed amendment. The effect on state government for the first five years the amendment is in effect is an increase in revenue of \$60,000 per year for 1992-1996. There are no changes in cost to state government. There are no projected fiscal implications for local government as a result of the proposed amendments.

Barbara H. Owens, hearings examiner, has determined that for each year of the first five years the amendment is in effect the public benefit anticipated as a result of administering the section is a closer relationship between the cost of providing registration and filing services and the fees charged for such services. There will be no effect on small businesses. The anticipated increased cost to persons who are required to comply with the proposed amendment is \$9.00 per vehicle for persons registering additional commercial motor vehicles during the year.

Public comments is invited and may be submitted within 30 days to Barbara H. Owens, Hearings Examiner, Legal Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, Texas 78711-2967.

The amendment is proposed under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b, §4(a)(13), which requires all commercial motor vehicles to be registered with the commission, and which requires a registration fee of \$10 per vehicle.

*§5.502. Applications for Registration of Commercial Motor Vehicles.*

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

(h) Supplemental equipment report. Before a commercial carrier which has commercial vehicles registered with the commission begins operating any commercial vehicle not currently registered, the carrier shall file with the commission a supplemental equipment report. The supplemental equipment report shall be accompanied by a registration fee of \$10 [\$1.00] per vehicle. The director will issue a cab card with the carrier's existing registration number for each additional unit.

(i) (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 February 11, 1992.

TRD-9202183

Nolan Ward  
Hearings Examiner, Legal  
Division-General Law  
Railroad Commission of  
Texas

Earliest possible date of adoption: March 20, 1992

For further information, please call: (512) 463-7095

◆ ◆ ◆  
**Part II. Public Utility**  
**Commission of Texas**  
**Chapter 21. Practice and**  
**Procedure**

**Examiner's Report and Pro-  
posal For Decision**

• **16 TAC §21.144**

The Public Utility Commission of Texas proposes new §21.144, concerning deadlines for filing documents before the commission in regard to cases noticed for consideration at a commission final order meeting. The new section would establish a deadline for filing documents to be considered by the commissioners. The rule provides that except for good cause all documents relating to a case must be filed with the commission by 9 a.m. two business days prior to the final order meeting at which the case will be considered. The rule also provides for an exception where the parties are in settlement negotiations or where the documents are specifically requested by the commission.

Thomas L. Brocato, assistant general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Brocato also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide each of the commissioners with ample time to consider all documents filed with the commission. There will be no effect on small

businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Brocato has also determined that for each year of the first five years the first five years the section is in effect, there will be no impact on employment in the geographical areas affected by implementing the requirements of the section.

Comments on the proposal (13 copies) may be submitted to Mary Ross McDonald, Secretary of the Commission, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 232S, Austin, Texas 78757. Comments should be submitted within 30 days after publication of the proposed section and should refer to Project Number 10866.

The new section is proposed under the Public Utility Regulatory Act, §16(a), which provides the Public Utility Commission of Texas with the authority to make and enforce the rules reasonably required in the exercise of its powers and jurisdiction.

*§21.144. Filing Deadlines.*

(a) Except as provided in subsection (b) of this section, all documents addressed to the commissioners relating to any proceeding that has been placed on the agenda of a final order meeting shall be filed with the director of hearings no later than 9 a.m. two business days prior to the final order meeting at which the proceeding will be considered. Documents that are not filed before the deadline and do not meet one of the exceptions in subsection (b) of this section, will be considered to have not been timely filed.

(b) The deadline set out in subsection (a) of this section does not apply if one of the following situations exists:

(1) where documents have been specifically requested by one of the commissioners; or

(2) the parties are in the process of negotiating and such negotiation requires the filing of documents subsequent to the deadline set out in subsection (a) of this section;

(3) good cause for the filing exists. Good cause must clearly appear from specific facts shown by written pleading that compliance with the deadline was not reasonably possible and that failure to meet the deadline was not the result of the negligence of the party. The finding of the existence of good cause lies in the discretion of the commission.

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 February 10, 1992.

Earliest possible date of adoption: March 20, 1992

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

◆ ◆ ◆  
**Chapter 23. Substantive Rules  
Rates**

• **16 TAC §23.21**

The Public Utility Commission of Texas proposes an amendment to §23.21, concerning the cost of service component of nuclear decommissioning funds. The proposed amendment makes two changes to the current rules. The amendment establishes a contingency factor of 25% to be used in establishing an electric utility's cost of service. The commission's intent in adopting a 25% contingency factor is to decide the issue through rulemaking so that the issue will not be litigated in future proceedings. Furthermore, the commission intends for the 25% contingency factor to be controlling in all prospective proceedings involving nuclear decommissioning trusts. In addition, the amendment requires a utility to provide a copy of the decommissioning study and any redeterminations to the commission's Electric Division.

DeAnn Walker, assistant general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Walker also has determined that for each year of the first five years the section in effect the public benefit anticipated as a result of enforcing the section will be less litigation on the issue of decommissioning funds and administrative efficiency. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ms. Walker also has determined that for each year of the first five years the proposed section is in effect, there will be no impact on employment in the geographical area affected by implementing the requirements of the section.

Comments on the proposal (13 copies) may be submitted to Mary Ross McDonald, Secretary of the Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757, within 30 days after publication. Persons should refer to Project Number 10805 when filing comments.

The amendment is proposed under Texas Civil Statutes, Article 1446(c), 16(a), which provide the Public Utility Commission of Texas with authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

**§23.21. Cost of Service.**

(a) (No change.)

(b) Allowable expenses. Only those expenses which are reasonable and necessary to provide service to the public shall be included in allowable expenses. In computing a utility's allowable expenses, only the utility's historical test year expenses as adjusted for known and measurable changes will be considered, except as provided for in any section of these rules dealing with fuel expenses.

(1) Components of allowable expenses. Allowable expenses, to the extent they are reasonable and necessary, and subject to the rules in this section, may include, but are not limited to, the following general categories.

(A)-(E) (No change.)

(F) Nuclear decommissioning expense. The following restrictions shall apply to the inclusion of nuclear decommissioning costs that are placed in a utility's cost of service.

(i) An electric utility owning or leasing an interest in a nuclear-fueled generating unit shall include its cost of nuclear decommissioning in its cost of service. Funds collected from ratepayers for decommissioning shall be deposited monthly in irrevocable trusts external to the utility, in accordance with §23.59 of this title (relating to Nuclear Decommissioning Trusts). All funds held in short-term investments must bear interest. The level of the annual cost of decommissioning for ratemaking purposes will be determined in each rate case based on an allowance for contingencies of 25% of the cost of decommissioning, the most current information reasonably available regarding the cost of decommissioning, the balance of funds in the decommissioning trust, anticipated escalation rates, the anticipated return on the funds in the decommissioning trust, and other relevant factors. The annual amount for the cost of decommissioning determined pursuant to the preceding sentence shall be expressly included in the cost of service established by the commission's order.

(ii)-(iii) (No change.)

(iv) An electric utility shall perform, or cause to be performed, a study of the decommissioning costs of each nuclear generating unit that it owns or in which it leases an interest. A study or a redetermination of the previous study shall be performed at least every five years. The study or redetermination should consider the most current information reasonably available on the cost of decommissioning. A copy of the study or redetermination shall be filed with the Commission and copies provided to the commission's general counsel and Electric Division and the Office of

Public Utility Counsel. A utility's most recent decommissioning study or redeterminations shall be filed with the commission within 30 days of the effective date of this subsection. The five-year requirement for a new study or redetermination shall begin from the date of the last study or redetermination.

(G) (No change.)

(2) (No change.)

(c)-(d) (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 February 10, 1992.

TRD-9202085

Mary Ross McDonald  
Secretary of the  
Commission  
Public Utility Commission  
of Texas

Earliest possible date of adoption: March 20, 1992

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

◆ ◆ ◆  
**Customer Service and Protection**

• **16 TAC §23.59**

The Public Utility Commission of Texas proposes an amendment to §23.59, concerning the investments of nuclear decommissioning funds. The amendment addresses the investment of funds into qualified and nonqualified funds. The amendment clarifies that a utility does not need to seek a good cause exception for funds deemed by the Internal Revenue Service to be nonqualified. In addition, the amendment requires a utility to provide a copy of the trust agreement, investment management agreement, and/or any amendments to the commission's general counsel and Operations Review Division and the Office of Public Counsel.

DeAnn Walker, assistant general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Walker also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be fewer proceedings and litigation involving good cause exceptions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Walker has also determined that for each year of the first five years the proposed section is in effect, there will be no impact on employment in the geographical area affected by implementing the requirements of the section.



Comments on the proposal (13 copies) may be submitted to Mary Ross McDoanld, Secretary of the Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757, within 30 days after publication. Persons should refer to Project Number 10805 when filing comments.

The amendment is proposed under Texas Civil Statutes, Article 1446(c), 16(a), which provide the Public Utility Commission of Texas with authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.59. Nuclear Decommissioning Trust.

(a) (No change.)

(b) Agreements between the electric utility and the institutional trustee or investment manager.

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

(3) A copy of the trust agreement, any investment management agreement, and any amendments shall be filed with the commission within 30 days after the execution or modification of the agreement, and copies provided to the commission's general counsel and Operations Review Division and the Office of Public Utility Counsel. All previously executed agreements and amendments must be filed within 30 days of the effective date of this section.

(4) (No change.)

(c) Trust investments.

(1) Decommissioning trust agreements shall comply with all requirements of the Nuclear Regulatory Commission. The utility may invest the decommissioning funds by means of a qualified or unqualified nuclear decommissioning trusts; however, the utility shall, to the extent permitted by the Internal Revenue Service, invest its decommissioning funds in "qualified" nuclear decommissioning trusts, in accordance with the Internal Revenue Service Code, §468A. The utility may request from the commission a good cause waiver to invest funds in nonqualified trusts[,] for those amounts determined by the Internal Revenue Service to be eligible for investment in "qualified" funds. The utility need not request a good cause waiver for amounts that the Internal Revenue Service determines are "nonqualified".

(2) (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 February 10, 1992.

TRD-9202086 Mary Ross McDonald Secretary of the Commission Public Utility Commission of Texas

Earliest possible date of adoption: March 20, 1992

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

TITLE 22. EXAMINING BOARDS Part I. Texas Board of Architectural Examiners Chapter 3. Landscape Architects Subchapter B. Registration • 22 TAC §3.21

The Texas Board of Architectural Examiners proposes an amendment to §3.21, concerning eligibility of applicants for examination. The amendment will clarify the professional degree required of examination applicants by the board.

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

Mr. Norris also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide eligibility requirements for persons submitting applications for examinations. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, #107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

§3.21. Eligibility. An applicant for registration by examination as a landscape architect in Texas shall have received a professional degree from a recognized school whose study of landscape architecture is accredited [approved] by the Landscape Architectural Accreditation Board (LAAB) [board] prior to submittal of an application, or shall have had not less than seven years actual experience in the office of a licensed landscape architect.

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 February 11, 1992.

TRD-9202206 Robert H. Norris Executive Director Texas Board of Architectural Examiners

Earliest possible date of adoption: March 20, 1992

For further information, please call: (512) 458-4126

TITLE 34. PUBLIC FINANCE Part I. Comptroller of Public Accounts Chapter 3. Tax Administration Subchapter O. State Sales and Use Tax • 34 TAC §3.329

The Comptroller Public Accounts proposes an amendment to §3.329, concerning enterprise projects. Changes were made to the Tax Code, Chapter 151, by the 72nd Legislature, 1991, Second Called Session, that requires jobs created in enterprise projects to be permanent before a refund of taxes is allowed. Enterprise projects are subject to an assessment of a portion of the refunded amount, plus penalty and interest, if the correct level of employment is not maintained. Additionally, enterprise projects receiving their designation as a qualified project after August 31, 1991, may not apply for a refund until after August 31, 1993.

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

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

Comments on the proposal may be submitted to Lucy Glover, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.329. Enterprise Projects.

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

(1) (No change.)

(2) New permanent job-A job that meets the criteria of a new permanent

job as defined by the Texas Department of Commerce for enterprise projects.

(3)-(4) (No change.)

(b) An enterprise project qualifies for a refund of state sales and use tax of \$2,000 for each new permanent job the enterprise project creates for a qualified employee during its designation as an enterprise project. A qualified business receiving its designation as an enterprise project after August 31, 1991, may not apply for a refund of taxes until after August 31, 1993.

(c)-(f) (No change.)

(g) Subject to the limitations prescribed in this section, refunds will be paid directly to the project.

(1) (No change.)

(2) Claims for refund must be in writing and must indicate the period for which the refund is claimed and must reflect the written approval of the Texas Department of Commerce with respect to the number of new permanent jobs created during the period. A claim for refund may be made annually or semiannually. Annual claims cover the period from September-August of each fiscal year. Semiannual claims cover the period from September-February and from March-August of each fiscal year.

(h) For refunds applied for after August 31, 1991:

(1) the qualified business must maintain the same level of employment of qualified employees for three years as existed at the time it qualified for a refund;

(2) annually, the Texas Department of Commerce shall certify that the correct level of employment has been maintained; and

(3) the comptroller shall assess the qualified business that portion of the refund attributable to any decrease in employment, plus penalty and interest from the date of the refund.

(i) [(h)] An enterprise project must retain records substantiating each claim for refund. The records must be verifiable by audit and include copies of invoices showing the item purchased, the date of purchase, amount of purchase, the amount of tax paid, and the identity of the seller. The records must also show that the machinery and equipment and building materials purchased are for use within the zone. Employment records must also be kept verifying the number of new jobs created.

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 February 11, 1992.

TRD-9202150  
Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 20, 1992

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

## Subchapter Q. Franchise Tax

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

The Comptroller of Public Accounts proposes the repeal of §§3.406, 3.410, and 3.416, concerning doing business in Texas, extensions for annual reports, and title insurance holding company tax credits. These sections are being repealed in order that they can be adopted under the Texas Administrative Code, Title 34, Part I, Chapter 3, Subchapter V. Section 3.406 will be replaced with a new §3.546, concerning nexus standards for the taxable capital component of the franchise tax, §3.410 will be replaced with new §3.545, concerning extensions for annual reports, and §3.416 will be replaced with new §3.566, concerning title insurance holding companies.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the repeals are in effect that the repeals and subsequent re-adoption of these sections will have no significant revenue impact on the state or local government.

Dr. Plaut also has determined that each year of the first five years the repeals are in effect the public will benefit from the clarification of comptroller rules. These repeals are promulgated under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the repeals may be submitted to Lucy Glover, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

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

### • 34 TAC §3.406

*§3.406. Foreign Corporations Doing Business in Texas: Liability for Franchise Tax.*

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 February 11, 1992.

TRD-9202149  
Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 20, 1992

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

## Subchapter Q. Franchise Tax

### • 34 TAC §3.410

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

### *§3.410. Extensions for Annual Reports.*

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 February 11, 1992.

TRD-9202148  
Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 20, 1992

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

### • 34 TAC §3.416

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

### *§3.416. Title Insurance Holding Company Tax Credits.*

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 February 11, 1992.

TRD-9202147  
Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 20, 1992

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

◆ ◆ ◆  
Subchapter W. Amusement  
Machine Regulation and Tax

• 34 TAC §3.602

The Comptroller of Public Accounts proposes an amendment to §3.602, concerning tax rates. The amendment reflects legislative changes required by House Bill 11, 72nd Legislature, 1991, First Called Session, increasing the tax rates applicable to machines first exhibited or displayed or permitted to be exhibited or displayed in this state in any quarter of the calendar year. The changes made by House Bill 11 are effective January 1, 1992.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the

section is in effect there will be no significant revenue impact on the state or local government as a result of enforcing the section.

Dr. Plaut also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in providing new information regarding tax responsibilities. There will be no effect on small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed section.

Comments on the proposal may be submitted to Lucy Glover, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 8807(1), which provide the comptroller with the authority to prescribe,

adopt, and enforce rules relating to the administration and enforcement of the Coin-Operated Services Law, Texas Civil Statutes, Article 8801-8817.

§3.602. License and Registration Certificate Renewal and Occupation Tax Permit Renewal Due Dates.

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

(c) Quarterly occupation tax.

(1) (No change.)

(2) The following rate schedule will be applicable to machines first exhibited or displayed or permitted to be exhibited or displayed in this state in any quarter of the calendar year:

TAX RATE SCHEDULE - ALL COIN-OPERATED MACHINES FOR  
MUSIC, SKILL OR PLEASURE

1st Quarter - January 1 to March 31	.....\$60.00	[\$30.00]
2nd Quarter - April 1 to June 30	.....\$45.00	[\$22.50]
3rd Quarter - July 1 to September 30	.....\$30.00	[\$15.00]
4th Quarter - October 1 to December 31	.....\$15.00	[\$ 7.50]

[graphic]

(3) (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 February 11, 1992.

TRD-9202146

Martin Cherry  
Chief, General Law  
Section  
Comptroller of Public  
Accounts

Earliest possible date of adoption: March 20, 1992

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

TITLE 37. PUBLIC  
SAFETY AND CORREC-  
TIONS

Part I. Texas Department  
of Public Safety

Chapter 1. Organization and  
Administration

Inscription on Vehicles

• 37 TAC §1.151

The Texas Department of Public Safety proposes an amendment to §1.151, concerning exemption of inscription. The amendment adds and deletes language concerning exemption of inscription on vehicles because of their use in police and administrative activity as authorized by the director of the department.

Melvin C. Peeples, assistant chief of fiscal affairs, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Dudley M. Thomas, assistant director, has determined that for each year of the first five years the section is in effect the public benefit

anticipated as a result of enforcing the section will be to more clearly define the process used by the department to exempt vehicles from the application of Texas Civil Statutes, Article 6701m-1. In addition, this will enable the department to better protect its members from identification in situations where their safety may be compromised or the legitimate law enforcement activity which they are performing could be undermined. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The amendment is proposed under Texas Civil Statutes, Article 6701m-1 and the Texas Government Code, §411.006(4), which provide the Texas Department of Public Safety with authority to adopt rules and to specify the primary use to which vehicles exempt from the requirements of this Act are devoted and the purpose to be served by not printing on them the inscriptions required by this Act.

§1.151. Exemption of Inscription. The director of the Texas Department of Public Safety is authorized to exempt certain

[The following] vehicles [are exempt] from having printed on them the inscription set out in Texas Civil Statutes, Article 6701m-1, because of their use in police and administrative activity. Such exempted vehicles will be routinely involved in [that often involves] confidential, legal, and personnel investigations which require[, on many occasions,] that they be able to accomplish the task undetected[:].

[(1) Vehicles assigned to and used by the director, assistant director, and Internal Affairs captain and sergeants.

[(2) Vehicles assigned to and used by commissioned Criminal Law En-

forcement personnel including all Rangers, narcotics agents, intelligence agents, Motor Vehicle Theft investigators and their supervisors, up to and including the chief of Criminal Law Enforcement.

[(3) Vehicles assigned to and used by the chief of Traffic Law Enforcement; Regional Commanders; Service Captains; Lieutenants and Sergeants; Capitol and Mansion Security Detail; and special quality control vehicles assigned to the Vehicle Inspection Service.]

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 February 11, 1992.

TRD-9202211

James R. Wilson  
Director  
Texas Department of  
Public Safety

Earliest possible date of adoption: March 20, 1992

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



# Withdrawn Sections

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

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## TITLE 7. BANKING AND SECURITIES

### Part VII. State Securities Board

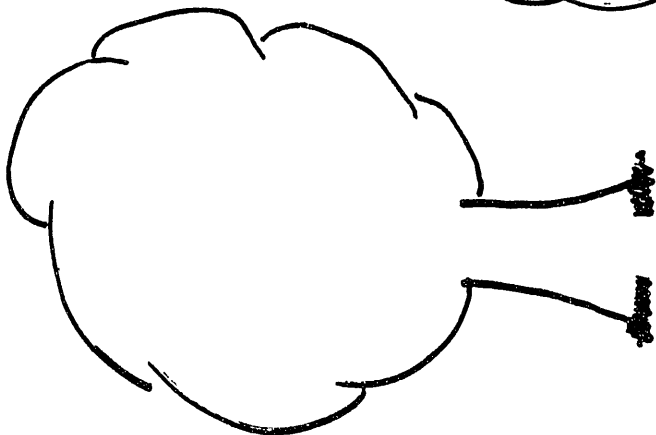
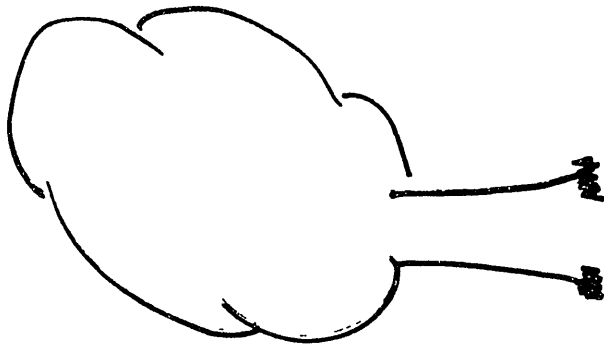
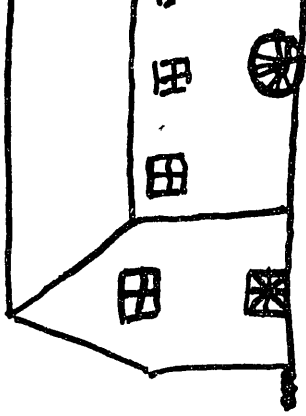
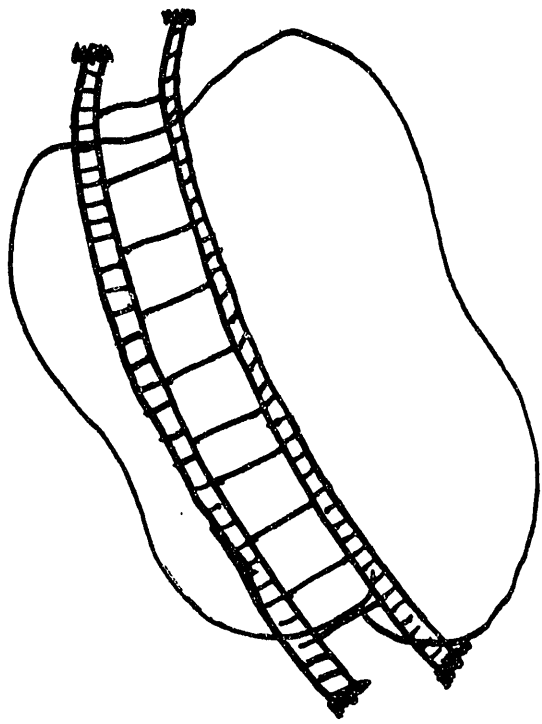
#### Chapter 109. Transactions Exempt from Registration

##### • 7 TAC §109.5

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed new §109.5, submitted by the State Securities Board has been automatically withdrawn, effective February 11, 1992. The new section as proposed appeared in the August 9, 1991, issue of the *Texas Register* (16 TexReg 4321).

TRD-9202187





Name: Monique Wilson

Grade: 4

School: Kuehne Elementary School, Klein I.

# Adopted Sections

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

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

## TITLE 7. BANKING AND SECURITIES

### Part V. Office of Consumer Credit Commissioner

#### Chapter 85. Rules of Operation for Pawnshops

- 7 TAC §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, 85.58

The Office of Consumer Credit Commissioner adopts the repeal of §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, and 85.58 concerning rules of operation for pawn shops, without changes to the proposed text as published in the August 13, 1991, issue of the *Texas Register* (16 TexReg 4389).

No comments were received regarding adoption of the repeals.

The repeals are adopted under provisions of the Texas Pawnshop Act, Texas Civil Statutes, Article 5069-51.09(b), which provides the Office of Consumer Credit Commissioner with the authority to make regulations necessary for the enforcement of the Texas Pawnshop Act.

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

Issued in Austin, Texas, on February 11, 1992.

TRD-9202144 Al Endsley  
Commissioner

Effective date: March 3, 1992

Proposal publication date: August 13, 1991

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

## TITLE 16. ECONOMIC REGULATION

### Part III. Texas Alcoholic Beverage Commission

#### Chapter 55. Bingo Regulations

##### Bingo Regulation and Tax

- 16 TAC §55.550

The Texas Alcoholic Beverage Commission adopts an amendment to §55.550 concerning

bingo reports, without changes to the proposed text as published in the December 27, 1991, issue of the *Texas Register* (16 TexReg 7688). The amendment amends subsections (a) and (b), adds a new subsection (c), reletters and amends the present subsections (c) and (e), and reletters the present subsection (d). The amendment provides for a quarterly statistical report and a monthly bingo gross receipts tax report, provides for monthly payment of the bingo gross receipts tax and bingo prize fee, provides for monthly reporting of the bingo prize fee, makes returns and reports due on the 25th day of the applicable month rather than the 15th day, and specifies an effective date of March 1, 1992.

The amendment provides needed relief to licensed authorized organizations to allow them to continue conducting bingo thus preventing the loss of revenue to the state which would result if they ceased conducting bingo and preventing the increased burden on state and local government which would result if these organizations no longer were receiving bingo proceeds to use in their charitable activities.

Written comments were received from a large number of organizations licensed to conduct bingo, two distributors, a commercial lessor, and three attorneys. The attorneys expressed their opinion that the commission is authorized by Texas Civil Statutes, Article 179d, §23(e), to change reporting periods for licensed organizations by class based on gross receipts.

Twelve licensed organizations agreed with the rule as proposed. Seventy organizations and one distributor recommended a shorter licensing period either semi-monthly (sometimes mistakenly described as bi-monthly) or bi-weekly, either for all classes or for Class J. Two organizations (one of which sent 11 letters) recommended reporting bi-weekly or at least once a month. Twenty-nine organizations and one commercial lessor recommended different reporting periods by class varying generally from quarterly to semi-monthly. One organization requested reporting quarterly or monthly. Eleven organizations (one of which sent 30 letters) and one distributor were not specific in their recommendations, referring to reducing taxes, referring to the shortest possible reporting period, or stating that the rule did not go far enough. The President of the Texas Association of Bingo Newspaper Publishers indicated that monthly reporting will not be sufficient to save bingo.

A petition supporting semi-monthly reporting was received. The petition contained 501 signatures.

Other written comments recommended such changes as reducing the tax to 4.0%, taxing adjusted gross receipts, reporting quarterly but increasing the exemption amount, making the rule change retroactive, and waiving the prize fee on prizes under \$15.

Fifteen persons spoke at the commission meeting at which adoption of the rule was considered. A member of the Texas House of Representatives recommended changing the reporting period to bi-weekly.

Seven persons representing licensed organizations recommended semi-monthly or bi-weekly reporting periods; as did representatives of the Texas Bingo TV Network, the state headquarters of the V.F.W., LULAC, and the Bingo Operators of Texas. The representative of BINGO, an association of licensed organizations, recommended different reporting periods based on license class. One speaker urged the need for radical action by the commission.

The representative of the Texas Association of Bingo Licensees contended that the Bingo Gross Receipts Tax is unconstitutional. The executive director of the law clinic which is representing the plaintiffs in a lawsuit challenging the constitutionality of the bingo gross receipts tax urged the commission to ask to be dismissed as defendants and to join the plaintiffs in that suit.

The commission cannot change the \$15,000 amount of the exemption per reporting period since that amount is set by law. Similarly it cannot change the tax rate, levy the tax on adjusted gross receipts, waive the tax on small prizes, or make any rule change retroactive.

The issue of the constitutionality of the bingo gross receipts tax is in litigation. The commission, as an administrative agency, cannot determine the constitutionality of the tax. The commission did not, as requested, shorten the reporting period from quarterly to monthly because it needed to balance the need of the licensed organizations to reduce their taxes in order to stay in operation on the one hand with the revenue needs of the State on the other hand. The commission indicated that the situation would be closely monitored and that the rule could be amended if experience under this amendment shows that such action is required.

The amendment is adopted under Texas Civil Statutes, Article 179d, §16(a) and §23(e), which provide the commission with the authority to adopt rules relating to the enforcement and administration of the Bingo Enabling Act.

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

Issued in Austin, Texas, on February 7, 1992.

TRD-9202012 Joe Damall  
General Counsel  
Texas Alcoholic Beverage  
Commission

Effective date: February 29, 1992

Proposal publication date: December 27, 1991

For further information, please call: (512) 465-4904

◆ ◆ ◆  
**TITLE 22. EXAMINING  
BOARDS**  
**Part XI. Board of Nurse  
Examiners**  
**Chapter 213. Practice and  
Procedure**

◆ ◆ ◆  
**• 22 TAC §§213.19, 213.21, 213.22**

The Board of Nurse Examiners adopts the amendment to §213.19, and new §213.21, and §213.22 concerning practice and procedure, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5809).

The Board of Nurse Examiners adopts amendments to §213.19 to further clarify procedures used in determining a candidate's eligibility to write the licensure examination; §213.21 outlines procedures for a candidate requesting eligibility status prior to or presently enrolled in a nursing program and §213.22 regarding representation was renumbering action only.

A candidate and/or prospective candidate requesting verification of eligibility to write the licensure examination who has previously had a conviction or been treated for mental illness or a chemical dependence may request a review of documents prior to graduation from an accredited nursing program.

No comments were received regarding adoption of the amendment and new section.

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

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

Issued in Austin, Texas, on February 7, 1992.

TRD-9202082 Louise Waddill, Ph.D., R.N.  
Executive Director  
Board of Nurse Examiners

Effective date: March 2, 1992

Proposal publication date: October 18, 1991

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

◆ ◆ ◆  
**• 22 TAC §213.21**

The Board of Nurse Examiners adopts the repeal of §213.21 concerning representation, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5809).

The Board of Nurse Examiners is adopting the repeal of this section to allow the addition of a new section for declaratory order of eligibility. The representation section is being renumbered as §213.22 so that the chapter may flow in a sequential order.

The adoption of the repeal merely permits the addition of a new section for declaratory orders of eligibility.

No comments were received regarding adoption of the repeal.

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

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

Issued in Austin, Texas, on February 7, 1992.

TRD-9202089 Louise Waddill, Ph.D., R.N.  
Executive Director  
Board of Nurse Examiners

Effective date: March 2, 1992

Proposal publication date: October 18, 1991

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

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**Chapter 215. Nurse Education**

◆ ◆ ◆  
**• 22 TAC §215.1, §215.3**

The Board of Nurse Examiners adopts amendments to §215.1 and §215.3 concerning nurse education, without changes to the proposed text as published in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7152).

The Board of Nurse Examiners is adopting the amendments to the definitions and accreditation rules for education regarding the accreditation procedure used to evaluate a program of professional nursing education. An accreditation task force was convened to study the education rules and to recommend possible changes to eliminate on-site visits to those programs also being visited and accredited by the National League for Nursing (NLN).

Staff members of the Board of Nurse Examiners will not duplicate the accreditation pro-

cesses and thus will allow the consultants to devote more time to those programs not meeting the criteria of the board.

No comments were received regarding adoption of the amendments.

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

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

Issued in Austin, Texas, on February 7, 1992.

TRD-9202090 Louise Waddill, Ph.D., R.N.  
Executive Director  
Board of Nurse Examiners

Effective date: March 2, 1992

Proposal publication date: December 13, 1991

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

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**Chapter 217. Licensure and  
Practice**

◆ ◆ ◆  
**• 22 TAC §§217.6-217.8**

The Board of Nurse Examiners adopts amendments to §§217.6-217.8 concerning licensure and practice, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5809).

The Board of Nurse Examiners is adopting these amendments to provide for the issuance of a temporary permit for an RN who has been out of practice for four or more years; and to include requirements for the recently adopted continuing education rules for registered nurses.

A registered nurse who has been out of practice for a period of four or more years may obtain a temporary permit to enable the RN to work under the supervision of another RN for the purpose of completing an extensive orientation and/or refresher course and also require these RNs to meet the continuing education requirements, thus better protecting the public.

No comments were received regarding adoption of the amendments.

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

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



Issued in Austin, Texas, on February 7, 1992.

TRD-9202091 Louise Waddill, Ph.D., R.N.  
Executive Director  
Board of Nurse Examiners

Effective date: March 2, 1992

Proposal publication date: October 18, 1991

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

◆ ◆ ◆  
• **22 TAC §217.13**

The Board of Nurse Examiners adopts an amendment to §217.13 concerning unprofessional conduct, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5810).

The Board of Nurse Examiners is adopting the amendment to the Unprofessional Conduct rule to include a provision for failure to repay a loan received through the Guaranteed Student Loan Corporation as mandated by the Texas Education Code, §57.491.

The adoption of this rule will only affect those registered nurses who are negligent on repayment of a loan received through the Guaranteed Student Loan Corporation.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on February 7, 1992.

TRD-9202081 Louise Waddill, Ph.D., R.N.  
Executive Director  
Board of Nurse Examiners

Effective date: March 2, 1992

Proposal publication date: October 18, 1991

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

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**Chapter 223. Fees**

• **22 TAC §223.1**

The Board of Nurse Examiners adopts an amendment to §223.1 concerning fees, without changes to the proposed text as published in the October 18, 1991, issue of the *Texas Register* (16 TexReg 5810).

The amendment is necessary because legislative action during the 72nd Legislative Session provided for the Board of Nurse Examiners to charge for evaluating and issuing Declaratory Orders of Eligibility for licensure for applicants who have had a criminal conviction and for an applicant who has been hospitalized and/or treated for mental illness or chemical dependency. The legislature also

provided for the licensure renewal fee to be increased.

The renewal fee increase will cause an RN's license renewal fee to increase by \$8.00 from \$22 to \$30 for a two year period; a candidate/applicant seeking an Order of Eligibility to write the licensure examination may submit documents together with the \$25 fee for staff of the agency to review for eligibility.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on February 7, 1992.

TRD-9202083 Louise Waddill, Ph.D., R.N.  
Executive Director  
Board of Nurse Examiners

Effective date: March 2, 1992

Proposal publication date: October 18, 1991

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

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**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

**Part IX. Texas Water Commission**

**Chapter 334. Underground and Aboveground Storage Tanks**

**Subchapter H. Interim Reimbursement Program**

• **31 TAC §§334.301, 334.302, 334.304-334.306, 334.308, 334.310, 334.312-334.316, 334.319, 334.322**

The Texas Water Commission adopts amendments to §§334.301, 334.302, 334.304-334.306, 334.308, 334.310, 334.319, and 334.322, and new §§334.312-316, and the repeal of §§334.312-334.316, concerning the interim reimbursement program. Sections 334.305, 334.310, 334.319 and 334.322 are adopted with changes to the proposed text as published in the January 3, 1992, issue of the *Texas Register* (17 TexReg 32). Sections 334.301, 334.302, 334.304, 334.306, 334.308 and new §§334.312-334.316 are adopted without changes and will not be republished.

The amendments will implement provisions of House Bill 1214 which expanded the uses of the petroleum storage tank remediation fund, and the new sections will make changes in current fund reimbursement protest procedures. These rules are adopted with changes

to the rules as proposed on January 3, 1992. The changes are necessary because certain sections of the rules, namely portions of §§334.310, 334.319, and 334.322 were not published as implemented in the emergency version of the rules, and because of punctuation corrections in §§35.305. As explained in the January 3rd preamble, the rules as proposed and as adopted today are identical to the versions which were issued in two packages in August and October of 1991, and which have been in place on an emergency basis.

Several law firms commented on the rules. Comments fell into one of three categories. First, a number of entities indicated their support for the rules and had no additional comments. Second, several comments were made on the differences between the rules printed on January 3rd and the emergency versions of the rules, as noted previously. As stated, this is being resolved by adopting the rules with changes to correct the printing error. The third category of comments questioned the reason for requiring an indemnification agreement from an adjacent landowner who chooses to remediate a site under §334.310(a)(1)(F)(ii)(III). The commenters expressed a concern that this requirement could have a chilling effect, discouraging adjacent landowners from undertaking such a cleanup, and possibly exposing the adjacent landowner to liability for the release itself.

There are two reasons for the indemnification requirement. First, the rule clearly states that the indemnification is to be effective from the date of the agreement between the adjacent landowner and the tank owner, and so should not expose the adjacent landowner to liability resulting from the original release and contamination. This provision, along with the site assessment required under §334.310(a)(1)(F)(ii)(II), creates a benchmark for determining the responsibilities of the parties before and after the agreement. This contract clause ensures that the adjacent landowner will be liable if any subsequent remedial action results in exacerbation of the contamination or additional property damage. Second, although not intended to have a "chilling effect," the indemnification provision holds adjacent landowner to the same cleanup obligations as a tank owner.

The amendments and new sections are adopted under House Bill 1588 (71st Legislature, 1989) and House Bill 1214 (72nd Legislature, 1991), which require the Texas Water Commission to establish a groundwater protection program, and to implement a reimbursement program for responsible parties who clean-up sites on their own initiative; and §5.103 and §5.105, which provide the Texas Water Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

*§334.305. Where and How Documents Must be Filed-Interim Period.*

(a) Any application for reimbursement or claim for payment filed pursuant to this subchapter shall be filed as follows:

(1) the original application and one complete copy, plus any fees and registration information required pursuant to §334.310(a) of this title (relating to Requirements for Eligibility-Interim Period) submitted to: Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, Attention: Petroleum Storage Tank Claims;

(2) one complete copy of the application and attachments submitted to the Texas Water Commission District Office in the district where the tanks covered by the application are located.

(b) All documents to be filed under this subchapter shall be filed with the executive director using one of the following:

(1) certified mail, return receipt requested;

(2) express mail or other overnight delivery service, return receipt requested;

(3) hand delivered to the appropriate offices; or

(4) any other method approved by the executive director.

(c) The date of filing of any document required to be filed with the executive director under this subchapter shall be the date postmarked on the return receipt in the case of mailing or courier services, and the receipt date stamped on the document by the executive director in the case of hand delivery.

(d) The date of filing documents with the chief clerk or the commission on protested claims for payment shall be controlled by Chapters 261, 263, 265, 267, 269, and 273 of this title (relating to Introductory Provisions; General Rules; Procedures Before Public Hearing; Procedures During Public Hearing; Procedures After Public Hearing Before a Hearings Examiner; Procedures After Public Hearing Before the Full Commission; and Procedures After Final Decision), to the extent applicable.

*§334.310. Requirements for Eligibility-Interim Period.*

(a) In order for a person to be an eligible owner or operator under this subchapter, the following requirements must be met.

(1) The person must meet the other requirements of this chapter and must be:

(A) an owner or an operator of a petroleum storage tank, a hydraulic lift

system, or a spent oil tank which is subject to the requirements of Subchapter D of this chapter (relating to Release Reporting and Corrective Action);

(B) any past owner or operator of a tank described in subparagraph (A) of this paragraph who performed corrective action on or after September 1, 1987, in response to a release of petroleum products from such tank;

(C) an owner of land who can clearly prove that the land has been contaminated by a release of petroleum products from a tank described in subparagraph (A) of this paragraph which is or was located on said land and who performed corrective action in response to a release of petroleum products from such tank;

(D) a lender who has a bona fide security or lienhold interest in or mortgage lien on any property where a tank described in subparagraph (A) of this paragraph is or was located and who performed corrective action in response to a release of petroleum products from such tank;

(E) a lender who forecloses and becomes the owner of property contaminated by a release of petroleum products from a tank described in subparagraph (A) of this paragraph, and who performed corrective action in response to a release of petroleum products from such tank;

(F) an adjacent landowner who can clearly prove that the land has been contaminated by a release of petroleum products from a tank described in subparagraph (A) of this paragraph which is not located on said land, and who performed corrective action in response to a release of petroleum products from such tank, and either:

(i) performed emergency abatement actions by completing all the following:

(I) notifying the executive director within 24 hours of discovery that the emergency condition exists;

(II) notifying the local fire marshal (or state fire marshal if no local authority is available) within 24 hours;

(III) taking actions necessary to protect against imminent danger to human health and safety by mitigating fire, explosion, and vapor hazards, by removing free product from structures,

basements, sumps, etc., or performing other actions as deemed necessary by the executive director. Restoration of site to pre-existing conditions, cost of relocating utility structures, site assessment and remediation are not considered part of emergency abatement activities. Any expenses incurred after 48 hours from commencement of the action must be approved by the executive director in writing, and;

(IV) having the release and threat ultimately confirmed by the executive director; or

(ii) committed to undertake the entire cleanup of the leak and contamination from the tank on his property and on all other property by:

(I) obtaining prior approval in writing from the executive director;

(II) performing a site assessment to define the extent of the vertical and horizontal contamination at the time of the agreement;

(III) entering into a legal agreement with the owner of the tank whereby the adjacent landowner agrees to indemnify and hold harmless the owner, operator, and other affected landowners for any corrective action or third party liability effective from the date of the agreement; and

(IV) performing all corrective action in conformance with this chapter, and all other applicable rules and regulations. The applicable deductible for reimbursement under §334.312 of this title (relating to Owner/Operator Contribution) for cleanups undertaken by adjacent landowners under this subsection shall be the same as that applicable to the registered owner of the tank.

(2) All underground and above-ground storage tanks which the person owns or operates and which are required to be registered pursuant §334.7 of this title relating to (Underground Storage Tanks) or §334.123 of this title (relating to Above-ground Storage Tanks) must be registered with the executive director on or before the date on which the application for reimbursement is filed except for those tanks which the owner or operator, upon reasonable inquiry, could not have known existed.

(3) All annual facility fees due since September 1, 1987, pursuant to §334.21 (relating to Fee Assessment), and since September 1, 1989, pursuant to §334.124 of this title (relating to Above-ground Storage Tank Fees) for all under-

ground and aboveground storage tanks which the person owns or operates must be paid to the executive director, except for those tanks which the owner or operator, upon reasonable inquiry, could not have known existed. All fees which come due up until the time that reimbursement funds are released to the claimant must be paid.

(4) Any release on which a claim under this subchapter is based must be reported to and confirmed by the executive director.

(b) Satisfaction of the eligibility criteria set forth in subsection (a) of this section shall constitute compliance for purposes of the Texas Water Code, §26.357(b)(2) for the purposes of this subchapter.

(c) The executive director may determine other persons to be eligible owners or operators in accordance with the standards of the Texas Water Code, §26.3571.

(d) Compliance with the Texas Water Code, Chapter 26, Subchapter I, for the purposes of determining eligibility under this subchapter and the Texas Water Code, §26.3571 does not mean that an eligible owner or operator has not violated a statute or a rule or order of the commission. Eligibility of an owner or operator under this subchapter does not preclude the issuance of an enforcement order or the assessment of administrative penalties against an eligible owner or operator.

(e) In no case will reimbursement be made under subsection (a)(1)(F) of this section for duplication of assessment and remediation activities involving the same contamination plume. There will be no reimbursement for adjacent landowner cleanup allowed under subsection (a)(1)(F) of this section for activities at a site which occur after the site has been designated for state lead cleanup under §334.84 of this title (relating to Corrective Action by the Commission).

#### §334.319. Administrative Penalties and Other Actions-Initial Period.

(a) Nothing in this subchapter precludes the commission from issuing orders, assessing administrative penalties, or taking any other action permitted by law against any person for violation of any statute, any rule of the commission, or any order of the commission.

(b) Notwithstanding subsection (a) of this section, a lender, as defined in §334.322 of this title (relating to Subchapter H Definitions), is not liable as an owner or operator under this subchapter solely because the lender holds indicia of ownership to protect a security or lienhold interest in property. A lender is not liable under this subsection if:

(1) he or she has a security or lienhold interest as security for a loan to finance the acquisition or development of property, to finance the removal, repair, replacement, or upgrading of a regulated tank, or to finance the performance of corrective action in response to a release of a regulated substance from a tank, and the security or lienhold interest is in:

(A) an underground or aboveground storage tank;

(B) real property on which an underground or aboveground storage tank is located; or

(C) in any other personal property attached to or located on property on which an underground or aboveground storage tank is located; or

(2) the real or personal property described in paragraph (1)(A)-(C) of this subsection constitutes collateral for a commercial loan.

(c) A lender that exercises control over property described under subsection (b) of this section before foreclosure to preserve the collateral or to retain revenues from the property for the payment of debt, or that otherwise exercises the control of a mortgagee in possession is not liable as an owner or operator under this subchapter unless that control leads to action that the executive director finds is causing or exacerbating contamination associated with the release of a regulated substance from a tank located on the property.

(d) A lender that has a bona fide security or lienhold interest in any real or personal property as described under subsection (b) of this section and that forecloses on or receives an assignment or deed in lieu of foreclosure and becomes the owner of that real or personal property is not liable as an owner or operator under this subchapter if the lender:

(1) removes from service any underground or aboveground storage tanks on the property. A tank is removed from service when the actions defined in §334.55(b) of this title (relating to Permanent Removal from Service) have been properly completed;

(2) undertakes, and with due diligence in a timely and persistent manner completes, corrective action in response to any release from those tanks. A lender acts with due diligence when the lender executes the corrective action in conformance with Subchapter D of this chapter (relating to Release Reporting and Corrective Action), or as otherwise directed by the executive director; and

(3) performs the removal and corrective action in accordance with all applicable commission rules.

(e) A lender acting under subsection (d) of this section must begin removal of the tank from service or corrective action within 90 days after the date on which the lender becomes the owner of the property.

(f) A corporate fiduciary or its agent is not liable in an individual capacity as an owner or operator under this chapter solely because:

(1) the corporate fiduciary or its agent has legal title to real or personal property for purposes of administering a trust or estate of which the property is a part; or

(2) the corporate fiduciary or its agent does not have legal title to the real or personal property but operates or manages the property under the terms of an estate or trust of which the property is a part.

(g) Subsection (f) of this section does not relieve a trust, estate, or beneficiary of any liability the trust, estate, or beneficiary may have as an owner or operator under this chapter.

§334.322. *Subchapter H Definitions.* The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Adjacent landowner—A person who owns legal title to land which is within reasonably close proximity to property where a regulated UST or AST is located whether or not the land is contiguous to the property containing the tank.

House Bill 1214—House Bill 1214 (72nd Legislature, Regular Session, effective June 16, 1991).

Hydraulic fluid—Any regulated substance that is normally used in a hydraulic lift system.

Lender—

(A) a state or national bank;

(B) a state or federal savings and loan association or savings bank;

(C) a credit union;

(D) a state or federal government agency that customarily provides financing; or

(E) an entity that is registered with the Office of Consumer Credit Commissioner pursuant to Chapter 7, Title 79, Revised Statutes (Texas Civil Statutes, Article 5069-7.01, et seq) if the entity is

regularly engaged in the business of extending credit and if extending credit represents the majority of the entity's total business activity.

Spent oil—A regulated substance that is a lubricating oil or similar petroleum substance which has been refined from crude oil, used for its designed or intended purposes, and contaminated as a result of that use by physical or chemical impurities, including spent motor vehicle lubricating oils, transmission fluid, or brake fluid.

Vehicle service and fueling facility—A facility where motor vehicles are serviced or repaired and where petroleum products are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

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

Issued in Austin, Texas, on February 12, 1992.

TRD-9202217 Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission

Effective date: March 4, 1992

Proposal publication date: January 3, 1992

For further information, please call: (512) 463-8069

◆ ◆ ◆  
• 31 TAC §§334.312-334.316

The repeals are adopted under House Bill 1588 (71st Legislature, 1989) and House Bill 1214 (72nd Legislature, 1991), which require the Texas Water Commission to establish a groundwater protection program, and to implement a reimbursement program for responsible parties who clean-up sites on their own initiative; and §§5.103 and §5.105, which provide the Texas Water Commission with the authority to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

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

Issued in Austin, Texas, on February 12, 1992.

TRD-9202216 Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission

Effective date: March 4, 1992

Proposal publication date: January 3, 1992

For further information, please call: (512) 463-8069  
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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part VIII. Children's Trust Fund

#### Chapter 201. Child Abuse and Neglect Prevention

*(EDITOR'S NOTE: House Bill 961, 72nd Legislature, transferred the administration of Children's Trust Fund from the Texas Department of Human Services to the new agency Children's Trust Fund. The Texas Register is administratively moving these rules from Title 40, Part I, Texas Department of Human Services to Title 40, Part VIII, Children's Trust Fund. The following tables illustrates the rule numbers under Title 40, Part I, and the new corresponding numbers under Title 40, Part VIII. The text is being reprinted under Title 40, Part VIII.)*

Old Numbers	New Numbers
Chapter 49.	Chapter 201.
40 TAC §49.201	40 TAC §201.1
40 TAC §49.202	40 TAC §201.2
40 TAC §49.203	40 TAC §201.3
40 TAC §49.204	40 TAC §201.4
40 TAC §49.205	40 TAC §201.5
40 TAC §49.206	40 TAC §201.6
40 TAC §49.207	40 TAC §201.7
40 TAC §49.208	40 TAC §201.8

##### §201.1 Children's Trust Fund Council

(a) The children's trust fund (CTF) council must establish its own annual administrative budget within the requirements of the law.

(b) If a position on the council becomes vacant, the presiding officer (hereafter called the chair) may submit recommendations to the governor for his approval; the council must approve all recommendations before they are submitted.

(c) The council may recommend to the governor that any member who misses two consecutive council meetings without notifying the chair beforehand may be asked to resign.

##### §201.2 Applicant Eligibility

(a) CTF grant funds must be used only in Texas and only for the benefit of Texas children.

(b) Applicants must have a Texas office where financial records and documentation of services are available for review.

(c) Programs receiving CTF monies must develop procedures for meeting legal requirements for reporting suspected child abuse or neglect.

##### §201.3 Grant Applications Procedures

(a) The council must establish a procedure for accepting applications and the criteria for reviewing the applications. Each applicant must follow the procedures described in the request for proposal and published in the Texas Register.

(b) The council must publicize the application procedures and criteria.

##### §201.4 Selection Procedures

All proposed programs to prevent child abuse and neglect must be directed toward primary and/or secondary prevention. Funds may not be expended for treatment programs.

##### §201.5 Payment Method

(a) The grant payment procedures must meet DHS and state comptroller requirements; they must be negotiated by the applicant, DHS, and the council.

(b) The state vendor identification number assigned by the Texas Comptroller's Office is required.

##### §201.6 Payment Procedures

To receive payment, contracting organizations must comply with the payment schedule specified in the grant document. All required forms and reports specified in the grant document must be submitted.

##### §201.7 Council/DHS Special Reports

The council must submit an annual report to the governor, the legislature, and the DHS board. DHS must provide council staff with monthly financial reports. Council staff must submit quarterly financial reports to the council.

##### §201.8. Evaluation

(a) The council must establish procedures for an annual evaluation of funded programs.

(b) The chair must be responsible for evaluating staff performance semiannually.

##### §201.9 Confidentiality

DHS staff, service providers, or council members may not disclose information that identifies clients served by CTF programs. Fiscal and statistical information that does not identify clients is not confidential.  
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# Open Meetings

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

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

**Posting of open meeting notices.** All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

## Texas Commission on the Arts

**Monday, March 2, 1992, 4 p.m.** The Administrative Committee of the Texas Commission on the Arts will meet at the Hilton Hotel, Grand Ballroom, 2355 I-10 South, Beaumont. According to the agenda summary, the committee will call the meeting to order; introduce guests; hold a public hearing; discuss approval of minutes for June 4, 1991 committee meeting; financial review; policy for acceptance/acknowledgment of contributions and sponsorships; discuss administrative rules; agency strategic plan; other business; and adjourn.

**Contact:** Connie Green, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** February 12, 1992, 9:35 a.m.

TRD-9202208

**Tuesday, March 3, 1992, 8 a.m.** The Media Task Force of the Texas Commission on the Arts will meet at the Hilton Hotel, Grand Ballroom, 2355 I-10 South, Beaumont. According to the complete agenda, the task force will call the meeting to order; introduce guests; hold a public hearing; task force report; review and approval of content; budget approval; discuss other business; and adjourn.

**Contact:** Connie Green, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** February 12, 1992, 9:35 a.m.

TRD-9202209

**Tuesday, March 3, 1992, 9:15 a.m.** The Texas Commission on the Arts will meet at the Hilton Hotel, Grand Ballroom, 2355 I-10 South, Beaumont. According to the agenda summary, the commission will call the meeting to order; introduce guests; hold a public hearing; items for commission consent; items for individual consideration; items for information only; meet in executive session; and adjourn.

**Contact:** Connie Green, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** February 12, 1992, 9:36 a.m.

TRD-9202210

## Texas Bond Review Board

**Thursday, February 20, 1992, 10 a.m.** The Texas Bond Review Board will meet at the Reagan Building, 105 West 15th Street, Room 106, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; consider proposed issues; discuss other business; and adjourn.

**Contact:** Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

**Filed:** February 12, 1992, 4:43 p.m.

TRD-9202248

## Texas Department of Commerce

**Thursday, February 20, 1992, 2 p.m.** The International Trade Commission of the Texas Department of Commerce will meet at the First City Centre Building, 816 Congress Avenue, 11th Floor Board Room, Austin. According to the agenda summary, the commission will call the meeting to order; make brief remarks; introduce commission members; commerce staff; review and discuss International Trade Commission's relationship to other Commerce department boards; international trade issues; overview-Department of Commerce perspective; Commerce Department foreign offices and Japan External Trade Organization; International Business Opportunities Task Force and other task forces; foreign nationals representing the Commerce Department; report on legislation and sunset process; discussion on future agendas; and adjourn.

**Contact:** Sol Villasana, Suite 1200, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9640.

**Filed:** February 12, 1992, 1:22 p.m.

TRD-9202230

## Texas Commission for the Deaf and Hearing Impaired

**Saturday, February 22, 1992, 8:30 a.m.** The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf and Hearing Impaired will meet at the Attorney General's Office, Conference Room, 1524 South IH-35, Austin. According to the complete agenda, the board will welcome visitors and guests; review and discuss travel procedures/forms; trouble shooting/profile sheets; JUST DO IT!: What do you look for in Level I interpreter, why is scoring that way, what do you look for in a Level V interpreter?; what do you look for in a Level III interpreter?; what is the role of interpreter in the evaluation; intermediary evaluation; and questions and wrap up.

**Contact:** Larry Evans, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

**Filed:** February 11, 1992, 11:40 a.m.

TRD-9202145

## Interagency Council on Early Childhood Intervention

**Wednesday, February 19, 1992, 9 a.m.** The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, Room M-653, 1100 West 49th Street, Austin. According to the agenda summary, the council will discuss annual evaluation of executive secretary; hear public comments; approve minutes of December 18, 1991; discuss and possibly act on: activities related to House Bill 7, 72nd Legislature, First Called Session, and the creation of the Commission on Health and Human Services (strategic plan draft; review of legislative appropriation request);

amendment to Texas Mental Health and Mental Retardation budget for fiscal year 1992; fifth year funding under Public Law 102-119 in fiscal year 1993; allocation of additional funds for Public Law 89-313, Chapter 1, for fiscal year 1992; calendar and plan for fiscal year 1993 request for proposal; contact for assessment training; Texas Department of Health's (TDH) targeted case management projects integrated client encounter system (ICES); policy related to age of eligibility; medicaid project; updates from advisory committee, executive director, and Texas Commission on Alcohol and Drug Abuse project; status of rules; and costs and budget of TDH move.

**Contact:** Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673.

**Filed:** February 11, 1992, 4 p.m.

TRD-9202176

## Texas Education Agency

**Wednesday, February 19, 1992, 2 p.m.** The Committee on Student Learning of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will make introductions and comments; review proposal for changes in the student assessment system; summary of key reports relating to student outcomes; and consideration of additional outcome report summaries.

**Contact:** Marvin Veselka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9533.

**Filed:** February 11, 1992, 4:23 p.m.

TRD-9202181

## Texas Commission on Fire Protection

**Monday-Wednesday, February 24-26, 1992, 8 a.m.** The Fire Protection Personnel Advisory Committee of the Texas Commission on Fire Protection will meet at the Howard Johnson Plaza Hotel North, 7800 IH-35, Austin. According to the agenda summary, the committee will discuss approval of the minutes of January 29-31, meeting; overview staff briefing of agenda items; discuss and possibly act on: proposed rules concerning inspections; approval of NFPA self-contained breathing apparatus standard; applicable NFPA standard for protective hoods; discuss and input on the development of standards for fire officers, drivers and equipment operators, and safety officers; discuss and possibly act on continuing education enforcement policies; re-

port of testing committee; discuss and possibly act on proposed rules relating to minimum standards/curricula for fire protection personnel certification.

**Contact:** Jack Woods, P.O. Box 2286, Austin, Texas 78768-2286, (512) 322-3550.

**Filed:** February 12, 1992, 8:06 a.m.

TRD-9202195

## Office of the Governor-Criminal Justice Division

**Friday, February 21, 1992, 9 a.m.** The Automobile Theft Prevention Authority of the Office of the Governor-Criminal Justice Division will meet at 105 West 15th Street, Room 101, Austin. According to the agenda summary, the authority will elect a chairperson; presentation regarding Texas Open Records Act and Open Meetings Act; review the Act establishing the Automobile Theft Prevention Authority and discuss legislative intent; discuss and/or adopt rules to implement authority's powers; discuss the Michigan Automobile Theft Prevention Authority and review their annual revenue; discuss assessment fee for auto theft prevention fund; discuss the Department of Public Safety auto registration program mandated by the Act; discuss required "Report of Activities"; discuss personnel requirements; discussion regarding the development process and implementation of a plan; discussion and/or approval of authority travel budget and procedures; and scheduling of 1992 authority meetings.

**Contact:** Glenn Brooks, 201 East 14th Street, Austin, Texas 78701, (512) 463-1919.

**Filed:** February 13, 1992, 9:36 a.m.

TRD-9202254

## Governor's Health Policy Task Force

**Thursday, February 20, 1992, 5 p.m.** The Governor's Health Policy Task Force will meet at the Smith County Courthouse, Central Jury Room, 100 North Broadway, Tyler. According to the complete agenda, the task force will be taking public testimony from persons wishing to address the members with regard to health care issues.

**Contact:** Pamela Crail, P.O. Box 149133, Austin, Texas 78714-9133, (512) 463-6473.

**Filed:** February 11, 1992, 3:33 p.m.

TRD-9202175

## Texas Department of Health

**Friday, February 21, 1992, 8:45 a.m.** The Municipal Solid Waste Management and

Resource Recovery Advisory Council of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the council will make introductions and announcements; approve minutes of meeting of December 6, 1991 and January 9, 1992; discuss and possibly act on: the transition to the Texas Water Commission (new organizational structure and management team); reports on the used oil recycling meeting held January 15, 1992, and use tire recycling meeting to be held March 4, 1992; oil filter rules; reports of budget committee, regulatory oversight committee, education committee, composting committee, annual conference committee; and final draft of the strategic plan.

**Contact:** Gary W. Trim, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6625.

**Filed:** February 11, 1992, 4 p.m.

TRD-9202177

## Texas Commission on Human Rights

**Thursday, February 27, 1992, 10:30 a.m.** The Texas Commission on Human Rights will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin. According to the agenda summary, the commission will discuss and vote on agenda item(s) covered in executive session as necessary or required; welcome guests; discuss approval of minutes; chairman's appointment of task force to assist in the preparation of the amendments to the TCHR Act relating to the Civil Rights Act of 1991; administrative reports; discuss discriminatory comments by public officials in Japan against United States workers based on national origin; discuss Texas Fair Housing Summit; discuss Southern Regional IAOHRA/NAHRW conference and the Civil Rights Executive Council; initial planning on the commission's EEO Law Conference; status of EEO compliance training; report on commission activities relating to Article V, Section 105; discuss agency strategic plan required under the 1992-1993 biennium budget; commissioner issues; and unfinished business.

**Contact:** William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

**Filed:** February 12, 1992, 10:55 a.m.

TRD-9202220

## Texas Department of Human Services

**Friday, January 21, 1992, 10 a.m.** The Texas Board of Human Services of the Texas Department of Human Services met at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board considered action on approval of January 17, 1992 minutes; heard comments and announcements by the chairman; San Antonio's regional administrator's report; advisory committee report on county indigent health care; federally mandated amendments for long term care nursing facility requirements; proposed rate for vendor drug program; adoption of Texas Medicaid reimbursement methodology for physicians and certain other practitioners; proposed reimbursement rates for the 24-hour child care facility program; proposed rule changes for implementation of CPS risk assessment; amendments to policies and procedures; presentation by Dr. Red Duke on Crisis in Trauma Care; commissioner's report; board met in closed executive session to meet with its attorney concerning the following pending litigation: Texas Hospital Association, et al versus NHIC, et al; Irma Villarreal, et al versus Rob Mosbacher, et al; Christian Care Centers, Inc. versus TDHS; et al; ARA Living Centers of Texas, Inc. versus TDHS; Westgate Care Center versus TDHS; Lalla Convalescent Center versus TDHS; and Willow Bend Care Center versus TDHS; the board convened in open session to take action, if necessary, resulting from discussion in executive session. Persons who are deaf or hearing-impaired and require interpreter services were asked to call the department's civil rights office ((512) 450-4313 voice or TDD) by Tuesday, February 18, 1992, so that arrangements for interpreters could be made.

**Contact:** Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030.

**Filed:** February 13, 1992, 9:35 a.m.

TRD-9202253

**Thursday, February 20, 1992, 10 a.m.** The Indigent Health Care Advisory Committee of the Texas Department of Human Services will meet at the Winters Center, 701 West 51st Street, Public Hearing Room #125E, Austin. According to the complete agenda, the committee will call the meeting to order; introduce visiting DHS board member; discuss approval of minutes; indigent health care committee report to DHS board; introduction of new indigent health care staff member; goals of Health and Human Services Commission and their relation to the County Indigent Health Care Pro-

gram; report on progress with 1992 statewide workshop; subcommittee report on 1991 statewide workshop issues; report on vendor drug reimbursement issue; feedback on prior recommendations; and other items from the committee.

**Contact:** Jane Jaggar, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6461.

**Filed:** February 12, 1992, 11:11 a.m.

TRD-9202227

## Texas Incentive and Productivity Commission

**Tuesday, February 25, 1992, 1:30 p.m.** The Texas Incentive and Productivity Commission will meet at the Reagan Building, 15th and Congress Avenue, Room 106, Austin. According to the complete agenda, the commission will call the meeting to order; take roll call of members present; discuss approval of minutes of previous meeting; consider employee suggestions for approval; consider productivity plans for approval; discuss possible changes to productivity bonus program rules; discuss agency strategic plan; report on administrative matters; and adjourn.

**Contact:** Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

**Filed:** February 12, 1992, 4:04 p.m.

TRD-9202246

## Texas Department of Insurance

**Tuesday, February 5, 1992, 9 a.m.** The State Board of Insurance of the Texas Department of Insurance met at the Sheraton Crest Hotel, Creekside Room, First Street at Congress Avenue, Austin. According to the complete agenda, the board attended a seminar regarding Total Quality Management.

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

**Filed:** February 12, 1992, 2:52 p.m.

TRD-9202244

**Thursday, February 20, 1992, 8:30 a.m.** The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will review and discuss pending board orders on personnel; solvency; commissioner's order; planning calendar; consider appointment of employer representative to the Utilization Review Advisory Committee; consider request from Truck Insurance Exchange and Mid-Century Insurance Company to cease accep-

tion of small premium policies; consider request to transfer designated insurer status from Reliance Insurance Company to Planet Insurance Company; consider possible adoption of Texas Workers' Compensation Insurance Facility work specifications and standards of performance and/or contract; consider final action on 28 TAC §5.6701 concerning bid process for awarding servicing company contracts for the facility; consider continued use of current rules, rates and forms by insurers writing commercial property and/or general liability insurance; consider designating members of the agency to hear rulemaking cases on behalf of the board.

**Contact:** Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

**Filed:** February 12, 1992, 11:11 a.m.

TRD-9202226

**Monday, February 24, 1992, 9 a.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment of the Articles of Incorporation of American Hallmark Insurance Company of Texas, Dallas, increasing the authorized capital stock. Docket Number 11411.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

**Filed:** February 11, 1992, 2:53 p.m.

TRD-9202172

**Friday, February 28, 1992, 1:30 p.m.** The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Mary K. Arias, San Antonio, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Variable Contract Agent's license. Docket Number 11420.

**Contact:** Kelly Townsell, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

**Filed:** February 11, 1992, 2:53 p.m.

TRD-9202171

## Texas Juvenile Probation Commission

**Friday, February 21, 1992, 8 a.m.** The Internal Audit Committee of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the

complete agenda, the committee will call the meeting to order; discuss recommendations to be made to the commission members concerning an internal audit; and adjourn.

**Contact:** Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** February 12, 1992, 8:52 a.m.

TRD-9202197

**Friday, February 21, 1992, 9 a.m.** The Board of the Texas Juvenile Probation Commission will meet at a 2015 South IH-35, Austin. According to the complete agenda, the board will make introductions; discuss excused absences; discuss approval of minutes of December 16, 1991; hear public comments-limited to 90 seconds; community corrections plan for FY 1993; TJPC strategic plan; update on health and human services; resolution committee report; internal audit committee report; line item transfers; rule action-37 TAC §341.7-Advisory Councils, 37 TAC §341.21 MOU on service delivery for runaways, and 37 TAC §341.23-MOU on service delivery for dysfunctional families; state aid match for CJD 421 computer equipment; report on Senate Bill 3; report on Senate Interim Committee on Health and Human Services; update on memorandum of understanding on services for dysfunctional families; proposal for residential treatment center in South Texas; update on FY 1992 diversionary placement program; set date for next meeting; and adjourn.

**Contact:** Bernard Licarione, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

**Filed:** February 12, 1992, 8:52 a.m.

TRD-9202196

### Lamar University System

**Thursday, February 13, 1992, 9:30 a.m.** The Committees of the Board of Regents of Lamar University System met at the John Gray Institute, Map Room, 855 Florida, Beaumont. According to the complete emergency revised agenda, the personnel committee considered approval of summer development leave at Lamar-Beaumont; and considered approval of long-term development leave at Lamar-Beaumont. The emergency status was necessary as faculty matters could not be delayed until the next regularly scheduled meeting of the Board of Regents in April, 1992.

**Contact:** George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

**Filed:** February 12, 1992, 4:50 p.m.

TRD-9202250

### Texas Board of Professional Land Surveying

**Monday, February 24, 1992, 9 a.m.** The Texas Board of Professional Land Surveying will meet at the Texas Department of Health, 1100 West 49th Street, Main Auditorium, Austin. According to the complete agenda, the board will hold a public hearing to receive comments concerning proposed rules 663. 13-663.19.

**Contact:** Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

**Filed:** February 11, 1992, 2:08 p.m.

TRD-9202162

**Monday, February 24, 1992, 1 p.m.** The Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will consider proposed rules 663. 13-663.19; discuss approval of the minutes of the previous meeting; hear committee reports; consider new business; and schedule future board meetings.

**Contact:** Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

**Filed:** February 12, 1992, 1:58 p.m.

TRD-9202236

### Midwestern State University

**Thursday, February 13, 1992, 3:30 p.m.** The Board of Regents Executive Committee of Midwestern State University held an emergency meeting at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the committee presented the recruitment and outreach effort report; recommendations made concerning employee holidays 1991-1992; university mission statement/purpose; long-range building plan; residence hall construction; architect selection for Vinson Health Center, Bolin Fountain and naming of MSU facilities; and information concerning an energy distribution and consumption study was presented. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:19 p.m.

TRD-9202170

**Thursday, February 13, 1992, 4:15 p.m.** The Board of Regents Finance and Audit Committee of Midwestern State University

held an emergency meeting at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the committee made recommendations concerning the 1992 summer school budget and the radiological science 1991-1992 budget. Additionally, items \$15,000 and under approved by the president per board authorization, will be ratified. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:19 p.m.

TRD-9202169

**Thursday, February 13, 1992, 4:30 p.m.** The Board of Regents Personnel and Curriculum Committee of Midwestern State University will meet at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the committee made recommendations concerning the position changes in the FY 1991-1992 budget; information concerning enrollment reports and small class reports for Spring 1992, and last enrollment reports for Fall 1991 were presented; recommendations were made concerning funding of Dean of Students position; new positions (in career planning and placement, Bureau of Business and Government Research, Small Business Development Center and Biology); benefits coordinator position change, Master of Education degree with a major in teaching; information processing technologies I (endorsement to certificate), Associate of Applied Science in Radiography and policy manual changes and additions. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:19 p.m.

TRD-9202168

**Thursday, February 13, 1992, 5 p.m.** The Board of Regents Student Affairs Committee of Midwestern State University held an emergency meeting at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the committee made recommendations concerning a student rights statement and room and board rates for summer 1992 and FY 1992-1993; and information concerning housing occupancy was presented. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.



**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:19 p.m.

TRD-9202167

**Thursday, February 13, 1992, 5:15 p.m.** The Board of Regents University Development Committee of Midwestern State University held an emergency meeting at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the committee gave a summary of gifts, grants, and pledges, September 1, 1991-January 27, 1992 was presented as information only; and resolutions of appreciation was recommended for approval to Mr. and Mrs. Marvin McCullough and Mr. Bruce Redwine. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:19 p.m.

TRD-9202160

**Thursday, February 13, 1992, 5:30 p.m.** The Board of Regents Athletics Committee of Midwestern State University held an emergency meeting at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the committee gave an up-to-date status reports of athletics team activities were provided. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:19 p.m.

TRD-9202165

**Friday, February 14, 1992, 9 a.m.** The Board of Regents of Midwestern State University held an emergency meeting at Midwestern State University, Hardin Administration Building, Wichita Falls. According to the complete agenda, the board discussed approval of prior minutes and accepted financial reports (October, November and December 1991); accepted recommendations and reports from executive, finance and audit, personnel and curriculum, student affairs and university development committees; and reports were presented by the athletics committee and the president. The MSU board reserves the right to discuss any items in executive session whenever legally justified under the Texas Open

Meetings Act. The emergency status was necessary in order to have a quorum present at this meeting, it could not be postponed. Illness caused the delay in scheduling and posting.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

**Filed:** February 11, 1992, 2:20 p.m.

TRD-9202163

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**Texas Parks and Wildlife Department**

**Tuesday, February 25, 1992, 9 a.m.** The Land Acquisition and Development Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Judges' Courtroom, Galveston County Building, FM 646, Galveston. According to the agenda summary, the commission will meet in executive session; read and approve minutes from January 22, 1992, meeting; review strategic land acquisition plan; and site visit-Galveston County.

**Contact:** Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

**Filed:** February 11, 1992, 2:01 p.m.

TRD-9202158

**Tuesday, February 25, 1992, 9 a.m.** The Land Acquisition and Development Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Judges' Courtroom, Galveston County Building, FM 646, Galveston. According to the agenda summary, the commission will read and approve minutes from January 22, 1992 meeting; review mission statement; strategic acquisition and development planning process; South Texas briefing; Washington-on-the-Brazos update; Parks Advisory Board update; Lake Houston briefing; and meet in executive session.

**Contact:** Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

**Filed:** February 11, 1992, 2:01 p.m.

TRD-9202159

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**Public Utility Commission of Texas**

**Wednesday, February 19, 1992, 9 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets: 10524, 10585,

10648, 10476, 10525, 10353, 10374, 9728, 10076, 10545, 10592, 10101, P-9942, P-10487, and P-10511; and Administrative matters: the commissioners will set the Public Utility Regulatory Act §78 assessment rate.

**Contact:** Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** February 11, 1992, 3:59 p.m.

TRD-9202179

**Wednesday, February 19, 1992, 9:05 a.m.** The Administrative Committee of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the committee will discuss reports; discuss and act on budget and fiscal matters; presentation of monthly financial statements; overview of strategic planning process; presentation of internal audit report on fiscal internal controls; sunset process update; adjourn into executive session to consider litigation and personnel matters; reconvene in open session for discussion and decisions on matters considered in executive session; set time and place for next meeting; and adjourn.

**Contact:** Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** February 11, 1992, 3:59 p.m.

TRD-9202180

**Thursday, March 12, 1992, 10 a.m. (rescheduled from February 27, 1992, 10 a.m.)** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10612-application of Southwestern Bell Telephone Company to revise Sections 1 and 5 of the Cellular Mobile Interconnection Tariff (Cellular Tariff).

**Contact:** Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

**Filed:** February 11, 1992, 4:25 p.m.

TRD-9202192

**Friday, March 20, 1992, 10 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 10916-application of Central Telephone Company of Texas for temporary waiver from requirements of Substantive Rule 23.55(e)(1) and (2).

**Contact:** Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 11, 1992, 4:25 p.m.

TRD-9202194

Friday, March 20, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 10923-application of Colorado Valley Telephone Cooperative, Inc. from requirements of Substantive Rule 23.55(e)(1) and (2).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 11, 1992, 4:25 p.m.

TRD-9202193

Friday, March 20, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10896-joint petition of Big Bend Telephone Company, Inc. et. al for temporary waiver of PUC Substantive Rule 23.55(e)(1) and (2).

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: February 12, 1992, 2:44 p.m.

TRD-9202241

### Railroad Commission of Texas

Wednesday, February 19, 1992, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 12-126, Austin. According to the complete agenda, the commission will consider and act on budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consideration of appointment, reassignment and/or termination of various positions including division directors, and reorganization of various sections. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: February 11, 1992, 4:33 p.m.

TRD-9202182

Wednesday, February 26, 1992, 1:30 p.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 12-126, Austin. According to the complete agenda, the commission will consider and act on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consideration of appointment, reassignment and/or termination of various positions including division directors, and reorganization of various sections. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7274.

Filed: February 12, 1992, 4:29 p.m.

TRD-9202252

### Texas Municipal Retirement System

Friday, February 28, 1992, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North IH-35, Austin. According to the complete agenda, the board will consider and act upon personnel matters related to the potential recruitment or selection of a director for the system; to consider and act upon establishment of policies relating to the system's employees and adoption of a manual setting forth these policies.

Contact: Jimmie L. Mormon, 1200 North IH-35, Austin, Texas 78701, (512) 476-7577.

Filed: February 12, 1992, 11:33 a.m.

TRD-9202228

### Texas Hospital Equipment Financing Council

Thursday, February 20, 1992, 10 a.m. The Texas Hospital Equipment Financing Council will meet at the Texas State Treasury Department, LBJ Building, 111 East 17th Street, Austin. According to the complete agenda, the council will discuss approval of minutes of March 7, 1991 meeting; amendment of by-laws; review of annual report and financial report; State Auditor's report regarding THEFC audit; authorization of payment of State Auditor's fees; discuss expiration of investment and liquidity facility agreements; approve investment alternatives and liquidity facility alternatives; and discuss possible agenda for next meeting.

Contact: Rose-Michel Munguia, 111 East 17th Street, Austin, Texas 78701, (512) 463-5971.

Filed: February 11, 1992, 2:07 p.m.

TRD-9202160

### University of Houston

Monday, February 17, 1992, 2 p.m. The Animal Care Committee of the University of Houston will meet at the University of Houston, 4800 Calhoun Boulevard, S&R II, Room 201, Houston. According to the agenda summary, the committee will discuss and/or act upon the following: approval of the January minutes; renewal protocols; OHP; faculty training course; security system update; AAALAC update; teaching protocols; and semi-annual inspection.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 749-3412.

Filed: February 11, 1992, 11:24 a.m.

TRD-9202143

### University of Texas Health Science Center at San Antonio

Wednesday, February 19, 1992, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at the History of Medicine Conference Room 5.070LIB, 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will discuss approval of minutes; protocols for review; subcommittee reports; and discuss other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78284-7822, (512) 567-3717.

Filed: February 11, 1992, 3:11 p.m.

TRD-9202174

### Utilization Review Advisory Committee

Friday, February 21, 1992, 9 a.m. The Utilization Review Advisory Committee will meet at the William P. Hobby Building, Tower III, 333 Guadalupe Street, Austin. According to the complete agenda, the committee will discuss the working draft of rules written concerning utilization review as required by Article 21.58A of the Texas Insurance Code.

**Contact:** Leah Rummel, 333 Guadalupe Street, Austin, Texas 78701, (512) 322-3404.

**Filed:** February 12, 1992, 9:01 a.m.

TRD-9202198

## Texas Water Commission

**Wednesday, February 12, 1992, 9 a.m.** The Texas Water Commission met at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the emergency revised agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission took various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time. The emergency status was necessary due to unforeseeable circumstances and this item had to be placed on this agenda.

**Contact:** Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** February 11, 1992, 4:38 p.m.

TRD-9202186

**Wednesday, February 19, 1992, 9 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the revised agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

**Contact:** Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** February 11, 1992, 3:05 p.m.

TRD-9202178

**Wednesday, February 19, 1992, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the emergency revised agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including,

but not limited to, scheduling an item in the entirety or for particular action at a future date or time. The emergency status is necessary due to unforeseeable circumstances this item must be set on this agenda.

**Contact:** Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** February 12, 1992, 2:52 p.m.

TRD-9202245

**Friday, February 28, 1992, 10 a.m.** The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the revised agenda summary, the commission will hold a hearing on Homestead Municipal Utility District's application for approval of standby fees. In addition, this public hearing shall consider whether Homestead Municipal Utility District was authorized to charge a standby fee after the combination of Homestead MUD Number 1 and Homestead MUD Number 2.

**Contact:** Sally Colbert, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** February 11, 1992, 11:26 a.m.

TRD-9202156

**Wednesday, April 1, 1992, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will determine whether to affirm, modify, or set aside Emergency Order Number 92-3E granted by the commission on February 5, 1992 to Texas Hydraulics, Inc. doing business as Precise Hard Chrome. The Order authorizes Texas Hydraulics to undertake certain actions to address chromium contamination of groundwater at or near its facility. The facility is located at 6614 North 19th Street, Waco, McLennan County.

**Contact:** Sally Jo Hahn, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

TRD-9202235

## Regional Meetings

### Meetings Filed February 11, 1992

**The Coleman County Water Supply Corporation** Board of Directors met at the Corporation's Office, 214 Santa Anna Avenue, Coleman, February 12, 1992, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9202161.

**The Deep East Texas Private Industry Council, Inc.** Budget Committee met at

118 South First Street, Lufkin, February 13, 1992, at 10 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9202185.

**The Trinity River Authority of Texas** Resources Development Committee will meet at 5300 South Collins, Arlington, February 18, 1992, at 10 a. m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9202164.

### Meetings Filed February 12, 1992

**The Brazos Valley Development Council** Board of Directors Orientation (Workshop) will meet at the BVDC Conference Room, 3006 East 29th Street, Bryan, February 20, 1992, at noon. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9202237.

**The Denton Central Appraisal District** Board of Directors will meet at 3911 Morse Street, Denton, February 21, 1992, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76295, (817) 566-0904. TRD-9202234.

**The Dewitt County Appraisal District** Board of Directors will meet at the Appraisal District Office, 103 Bailey Street, Cuero, February 18, 1992, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9202204.

**The Central Texas Council of Governments** Executive Committee will meet at 302 East Central Street, Belton, February 27, 1992, at 12:45 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9202229.

**The Education Service Center, Region 20** Board of Directors will meet at 1314 Hines Avenue, San Antonio, February 26, 1992, at 2 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 299-2400. TRD-9202239.

**The Golden Crescent Regional Planning Commission** Executive Committee met at the GCRPC Board Room, Regional Airport, Building 102, Victoria, February 17, 1992, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77902, (512) 578-1587. TRD-9202251.

**The Guadalupe-Blanco River Authority** Board of Directors will meet at the Authority's Offices, 933 East Court Street, Seguin, February 20, 1992, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822. TRD-9202225.

**The Houston-Galveston Area Council Projects Review Committee** will meet at 3555 Timmons Lane, Fourth Floor Conference Room, Houston, February 18, 1992, at 8:45 a.m. Information may be obtained from R. Ballas, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9202222.

**The Houston-Galveston Area Council H-GAC Board of Directors** will meet at 3555 Timmons Lane, Fourth Floor Conference Room, Houston, February 18, 1992, at 10 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9202224.

**The Lamar County Appraisal District Board** will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, February 18, 1992, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9202231.

**The Lamb County Appraisal District Appraisal Review Board** will meet at 330

Phelps Avenue, Littlefield, March 3, 1992, at 8 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474. TRD-9202232.

**The Lamb County Appraisal District Agricultural Appraisal Advisory Board** will meet at 330 Phelps Avenue, Littlefield, March 19, 1992, at 7 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474. TRD-9202233.

**The Limestone County Appraisal District Board of Directors** will meet at the Limestone County Courthouse, Board Room, Second Floor, Groesbeck, February 19, 1992, at 5:10 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9202205.

**The North Central Texas Council of Governments Job Training Consortium Private Industry Council** will meet at the North Central Texas Council of Governments, 616 Six Flags Drive, Second Floor, Arlington, February 20, 1992, at 10 a.m. Information may be obtained from Mike Gilmore, P.O. Drawer 5888, Arlington, Texas

76005-5888, (817) 640-3300. TRD-9202203.

**The Sharon Water Supply Corporation Board of Directors** met at the Sharon Water Supply Corporation Office, Highway 37 South, Winnsboro, February 17, 1992, at 7 p.m. Information may be obtained from Gerald Brewer, Route 5, P.O. Box 25-C-10, Winnsboro, Texas 75494, (903) 342-3525. TRD-9202247.

**The Trinity River Authority of Texas Legal Committee** will meet at 5300 South Collins Street, Arlington, February 19, 1992, at 10:30 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9202243.

**The Wood County Appraisal District Board of Directors** will meet at 216 North Main Street, Conference Room, Wood County Appraisal District, Quitman, February 19, 1992, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9202238.



# In Addition

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

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

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## Texas Commission on The Arts Request for Proposals

**Notice of Invitation:** The Texas Commission on the Arts is requesting proposals for the development, facilitation, and recording of a two-day intensive conference on Arts Education. The purpose of the conference is to assess the impact of the commission's previous arts education initiatives and to develop recommendations for the continuation of arts education initiatives that successfully achieve the commission's approved arts education goals and legislative arts education mandates as specified in Texas Administrative Code Title 19, Chapter 75.

Applications are competitive and should be prepared in accordance with instruction outlined in the commission's request for proposals.

Eligible applicants are any college or university, education service center, private company, nonprofit organization, or one or more individuals.

**Contact Person:** Copies of the complete request for proposals or further information may be obtained by contacting: Ricardo Hernandez or Tonya Harris, Texas Commission on the Arts, P.O. Box 13406, Austin, Texas 78711-3406; E. O. Thompson Building, 920 Colorado Street, Fifth Floor, Austin, Texas 78701; (512) 463-5535 (or 800-252-9415, messages only), FAX: (512) 475-2699.

**Closing Date:** The deadline for receipt of proposals is April 3, 1992. A proposal may be mailed or hand delivered no later than 5 p.m. on the closing date.

**Selection Procedure:** Proposals will be reviewed utilizing a numerical rating system and the following criteria: quality of technical component; quality of management component; quality of task/activity plan; adequacy of budget; recording component. Review of proposals will begin as soon as practical after receipt.

The Texas Commission on the Arts will not award a contract to a corporation who cannot produce a current Certificate of Good Standing, issued by the Texas State Comptroller's Office.

Issued in Austin, Texas on February 12, 1991.

TRD-9202207      Connie Ree Green  
Director of Finance and Administration  
Texas Commission on the Arts

Filed: February 12, 1992

For further information, please call: (512) 463-5535

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## Texas Department of Commerce Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, and in accordance with the Job Training Partnership Act (JTPA)

(P.L. 97-300), the Texas Department Commerce (Commerce) announces a consultant proposals request to select a Texas-based organization to conduct statewide survey research related to the post-program follow-up of former JTPA program participants.

The services requested are associated with an on-going survey research project. Similar services are currently provided by Texas A&M University's Public Policy Resources Laboratory (PPRL).

Detailed information regarding the project and the proposal submission process will be provided in the Request for Proposals (RFP) Instructions which will be available on or about March 16, 1992 at the following location: Texas Department of Commerce, Work Force Development Division, 816 Congress, Suite 1300/P.O. Box 12728, Austin, Texas 78711.

The deadline for submission of proposals in response to this request will be 4 p.m. on May 6, 1992. Proposals, and any subsequent modifications, must be received by the deadline to be eligible for consideration. Commerce intends to use the responses due May 6, 1992, as a basis for selecting a bidder who will be invited to participate in further discussions and negotiations in response to detailed project specifications. The project start date for the project is on or about September 1, 1992.

Selection will be based on demonstrated competence, bidder qualifications, quality and cost effectiveness of the proposed approach, and evidence of conformance with proposal criteria. In addition to detailed information regarding a proposed plan of work, bidders will be asked to provide information related: key staff qualifications related to multiple-site survey research and associated sampling strategies; general organizational capability to coordinate, manage and staff a large-scale, on-going statewide survey project; availability of bilingual interviewers and qualified data processing staff; demonstrated effectiveness or prior efforts of a similar nature, especially those related to post-program tracking of participants in employment and training or other human resource-related programs; and other information as specified in the RFP Instructions.

As the agency responsible for the JTPA program administration, Commerce reserves the right to accept or reject any or all proposals submitted. Commerce is under no legal requirement to execute a resulting contract on the basis of this advertisement; the various contractor alternatives. The RFP does not commit Commerce to pay any costs incurred prior to the execution of a contract.

Issuance of the material in no way obligates Commerce to ward a contract or to pay any costs incurred in the preparation of a response. In addition, Commerce reserves the right to vary all provisions set forth at any time prior to the execution of a contract when deemed to be in the best interest of the State of Texas.

For further information regarding this notice, please contact: Christopher Lyu, Program Analyst, or Teresa Alvarez, Evaluator, Texas Department of Commerce, Work Force Development Division, P.O. Box 12728, Austin, Texas 78711, telephone: (512) 320-9800.

Issued in Austin, Texas, on January 31, 1992.

TRD-9202064 Cathy Bonner  
Executive Director  
Texas Department of Commerce

Filed: February 10, 1992

For further information, please call: (512) 320-9666

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**Employees Retirement System of Texas**  
**Comparative Cost Analysis Contract**  
**Award for Information Systems**

This award for a comparative cost analysis of the Information System Division is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

The comparative cost analysis is required to insure the most cost effective operation of computer systems in support of all programs administered by the Employees Retirement System of Texas. The contract provides for a review of all facets of data processing operations, including the administration of local area networks. The contract period is February 3, 1992, to March 6, 1992. The amount of the contract is \$38,200 plus reimbursement for expenses not to exceed \$6,800.

The consultant selected is the Integrated Systems Solution Corporation, a subsidiary of the IBM Corporation, 301 Congress Avenue, Austin, Texas 78701.

Issued in Austin, Texas, on February 11, 1992.

TRD-9202157 Charles D. Travis  
Executive Director  
Employees Retirement System of Texas

Filed: February 11, 1992

For further information, please call: (512) 867-3336

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**General Services Commission**  
**Request for Proposals**

Notice is hereby given to all interested persons that pursuant to Texas Civil Statutes, Article 601b, Article 14, and 1 TAC §125.17, the General Services Commission is soliciting proposals from qualified travel agents to provide travel-related services to state employees and other designated persons traveling on behalf of the State of Texas. The RFP containing all requirements necessary for an appropriate response may be obtained on or after February 18, 1992, from: General Services Commission, Travel and Transportation Division, Central Services Building, Room 101, 1711 San Jacinto, Austin, Texas 78701, Attention: Michael N. Powers, Director, (512) 463-3559.

The closing date and time for receipt of proposals is 5 p.m., March 20, 1992, at the address shown previously. The commission will hold a mandatory pre-proposal conference on February 25, 1992, from 3 p.m.-5 p.m., in Room 1-111 of the William B. Travis State Office Building, 1701 North Congress Avenue, Austin. The purpose of this conference is to review the content of the RFP and to

address questions from prospective proposers. Attendance at this conference is required for a proposal to be submitted.

Proposals submitted will be evaluated and an award will be made pursuant to the provisions of 1 TAC §125.17(b).

Issued in Austin, Texas, on February 11, 1992.

TRD-9202184 Judith M. Porras  
General Counsel  
General Services Commission

Filed: February 11, 1992

For further information, please call: (512) 463-3446

◆ ◆ ◆  
**Office of the Governor, Criminal**  
**Justice Division**

**Request for Applications under the**  
**Juvenile Justice and Delinquency**  
**Prevention Act**

**Notice of Invitation for Applications:** The Criminal Justice Division of the Office of the Governor (CJD) is soliciting applications for grants to be awarded for projects under the federal Juvenile Justice and Delinquency Prevention (JJDP) Act. Approximately \$1,200,000 is available under this request for applications.

One or more of the following types of projects may be awarded, depending upon availability of funds.

**Community-Based Prevention Projects** (maximum of \$70,000 available), to provide early prevention for at-risk youth through coordination of community services and outreach. Funds will be provided for salaries and expenses of service coordinators and outreach workers. Eligible applicants are private non-profit corporations and local units of government, which may contract with other public or private agencies.

**University Mentor Projects** (maximum of \$70,000 available), to match kindergarten through eighth grade students with college-level mentors of similar cultural and socioeconomic backgrounds. Grant funds may be used to pay the salary of a coordinator to recruit, screen, and supervise mentors. Eligible applicants are colleges and universities.

**Comprehensive Service Projects** (maximum of \$70,000 available), to provide services to at-risk children through the school. Grant funds may be used to purchase services in accordance with the CJD rate schedule. Eligible applicants are independent school districts, which may contract with public or private agencies and individual service providers.

**Juvenile Offender Employment Projects** (maximum of \$70,000 available), to provide releasees from juvenile detention and correctional facilities with vocational training and job opportunities. Grant funds may be used to hire employment counselors. Eligible applicants are state agencies and local units of government, which may contract with public or private agencies.

**Statewide Pre-service and In-service Training Projects** (maximum of \$260,000 available), to provide training to police and juvenile justice personnel that addresses a variety of areas. Eligible applicants are state agencies, colleges and universities, private non-profit organizations with statewide impact, and professional organizations.

**Statewide Drug Education and Prevention Projects** (maximum of \$380,000 available), to reduce drug abuse by working with juveniles, parents, law enforcement agencies, educators, and community service organizations to reduce and control drug-related problems. Eligible applicants are private non-profit organizations and state agencies, which may contract for such services.

**Statewide Technical Assistance Projects** (maximum of \$70,000 available), to collect federal compliance data, to develop objective decision-making criteria for personnel, and to provide funds for conferences concerning current juvenile justice issues. Grant funds may be used for salaries and expenses of project staff and for professional and contract services. Eligible applicants are state agencies, colleges and universities, private non-profit organizations with statewide impact, and professional associations.

**Runaway Hotline** (maximum of \$210,000 available), to provide a 24-hour, toll-free telephone hotline for runaway youth. Grant funds may be used for salary, fringe benefits, travel, and other necessary expenses of project staff or to contract for professional services. Grant funds may also be used for office expenses, telephone services, and the operation of a computerized information and referral system. Eligible applicants are state agencies and private non-profit organizations.

**Contact Person/Request for Applications:** Detailed specifications, including selection process, will be made available in the application kit available through CJD. Contact Jim Kester, Program Manager, Criminal Justice Division, P.O. Box 12428, Austin, Texas 78711 (512) 463-1919.

**Continuation Funding:** Grantees may apply for continuation funding for a period of up to five years. Funds are not subject to cash match but the funding level will decrease by 20% for each year of continuation funding for the life of the grant.

**Closing Date for Receipt of Applications:** The original and seven copies of the proposal must be received at the Criminal Justice Division by 5 p. m., April 17, 1992 or postmarked by April 15, 1992. Applications should be mailed to the contact person listed previously.

**Selection Process:** Applications will be rated according to a standard point system available in the application kit. Grants will be awarded on or before September 15, 1992.

Issued in Austin, Texas, on February 3, 1992

TRD-9202218 David A. Talbot  
General Counsel  
Office of the Governor

Filed: February 12, 1992

For further information, please call (512) 463-1788

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**Governor's Office of Immigration and  
Refugee Affairs**

**Request for Proposals**

The Governor's Office of Immigration and Refugee Affairs is pleased to announce the availability of State Legalization Impact Assistance Grant in the amount of \$800,000 for the purpose of outreach and education about the antidiscrimination provisions of the Immigration Reform and Control Act of 1986 (IRCA). These antidiscrimination provisions were included in IRCA because of the realization

that the employer sanction provisions of IRCA may increase the occurrence of discrimination against "foreign looking or foreign sounding people" by employers who are unsure about how IRCA applies to them and who may not understand what constitutes an act of discrimination. Employees and potential employees need to understand their rights and know how to recognize discrimination that may occur against them. The goal of this education and outreach process will be to inform victims and potential victims of their rights under the provisions and to reduce the occurrence of discrimination that may be caused by IRCA.

Funds will be awarded on a competitive basis to those applicants that can demonstrate the greatest aptitude for locating and effectively educating the desired constituents, for a reasonable fee. Applicants may propose a comprehensive campaign that includes all components necessary for a viable statewide outreach campaign.

However, consideration of proposals will be in no way limited to those that propose a statewide comprehensive campaign. Proposals may also be directed toward those components of an overall campaign for which the applicant has the greatest expertise.

All agencies, organizations, groups, and individuals that have access to, and experience working with, those employees most at risk to bias and discrimination in the workplace are encouraged to submit proposals. Proposals must be typewritten or printed and must be submitted to: Emmet Campos, Special Program Manager, Governor's Office of Immigration and Refugee Affairs, 9101 Burnet Road, #216, Austin, Texas 78758.

**Application Deadline Date.** All proposals must be received in the Governor's Office of Immigration and Refugee Affairs by 4 p.m. C.S.T. on April 20, 1992. No proposals received after that deadline will be considered.

**Evaluation of Proposal and Award.** The award will be made by the Governor's Office of Immigration and Refugee Affairs after careful evaluation of each proposal by an evaluation review committee according to a written evaluation criteria, and in accordance with applicable state and federal laws and regulations. The committee may include persons from governmental agencies, community based organizations, and non-profit organizations.

A copy of the complete RFP package including a detailed explanation of the RFP and the evaluation criteria will be sent upon written request. Please contact Emmet Campos or Tim Sorrells at the above address.

Issued in Austin, Texas, on February 10, 1992

TRD-9202120 David A. Talbot  
General Counsel  
Office of the Governor

Filed: February 10, 1992

For further information, please call (512) 463-1788

◆ ◆ ◆  
**Texas Department of Health**

**Licensing Actions for Radioactive  
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioac-

tive material may be possessed and/or used. The location listing " Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.



NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	Astex, Inc.	L04552	San Antonio	0	01/24/92

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Austin	Clinical Pathology Laboratories	L04475	Austin	2	01/02/92
Azle	Harris Methodist Northwest	L03230	Azle	10	01/24/92
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	62	01/17/92
Beaumont	Outpatient Diagnostic Center, Ltd.	L03888	Beaumont	12	01/31/92
Brenham	Trinity Community Medical Center of Brenham	L03419	Brenham	12	01/27/92
College Station	Texas A & M University	L00448	College Station	75	01/22/92
Corpus Christi	Spohn Hospital	L02357	Corpus Christi	13	01/31/92
DFW Airport	Delta Airlines	L03967	DFW Airport	4	01/22/92
Dallas	Mallinckrodt, Inc.	L03580	Dallas	14	01/23/92
Dallas	Tri-City Health Center, Inc.	L02263	Dallas	15	01/23/92
Dallas	Kaiser Foundation Health Plan of Texas	L03755	Dallas	10	01/24/92
Dallas	Presbyterian Hospital of Dallas	L01586	Dallas	54	01/24/92
Dallas	Syncor International Corporation	L02048	Dallas	68	01/28/92
Dallas	Humana Hospital Medical City Dallas	L01976	Dallas	66	01/27/92
Dallas	Southern Methodist University	L02887	Dallas	9	01/29/92
Denton	Denton Dialysis, Inc.	L03793	Denton	5	01/29/92
Denton	University of North Texas	L00101	Denton	36	01/29/92
El Paso	R. E. Thomason General Hospital	L00502	El Paso	40	01/24/92
Fort Worth	Huguley Memorial Medical Center	L02920	Fort Worth	10	01/17/92
Fort Worth	Cook-Fort Worth Children's Medical Center	L04518	Fort Worth	1	01/23/92
Fort Worth	Huguley Memorial Medical Center	L02920	Fort Worth	11	01/24/92
Gonzales	Warm Springs Rehabilitation Hospital - Gonzales	L03485	Gonzales	4	01/24/92
Grand Prairie	Siemens Medical Systems	L02601	Grand Prairie	7	01/22/92
Grand Prairie	Siemens Medical Systems	L02601	Grand Prairie	8	01/30/92
Houston	Osteoporosis Diagnostic Center of Houston	L03728	Houston	9	01/23/92
Houston	St. Luke's Episcopal-Texas Children's Hospitals	L00581	Houston	45	01/24/92
Houston	The U.T. Health Science Center at Houston	L03685	Houston	9	01/29/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Houston	Mallinckrodt Medical, Inc.	L03008	Houston	27	01/30/92
Kingwood	Kingwood Plaza Hospital	L04482	Kingwood	4	01/24/92
Lubbock	Cardiology Associates of Lubbock, P.A.	L04468	Lubbock	4	01/23/92
Lubbock	Methodist Diagnostic Imaging	L03948	Lubbock	11	01/28/92
Mansfield	Fluidic Techniques, Inc.	L02810	Mansfield	8	01/17/92
Mansfield	X-Ray Equipment Company	L01485	Mansfield	21	01/22/92

Midland	Physicians & Surgeons Hospital	L03386	Midland	14	01/29/92
Orange	Chevron Chemical Company	L00031	Orange	30	01/23/92
Plano	Texas Cardiovascular Imaging Center, Inc.	L03704	Plano	9	01/24/92
Port Arthur	St. Mary Hospital of Port Arthur	L01212	Port Arthur	45	01/27/92
Port Arthur	Texaco USA	L00227	Port Arthur	21	01/24/92
Port Lavaca	Union Carbide Chemicals and Plastics Company Inc.	L00051	Port Lavaca	56	01/31/92
Round Rock	Texas Nuclear Products	L03524	Round Rock	26	01/30/92
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	52	01/17/92
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	92	01/23/92
San Antonio	National Health Laboratories	L02112	San Antonio	11	01/27/92
San Antonio	Norman, Brannan, Riley, Works, Stewart and Associates	L00325	San Antonio	65	01/29/92
San Antonio	Humana Hospital San Antonio	L02266	San Antonio	35	01/29/92
San Antonio	University of Texas at San Antonio	L01962	San Antonio	25	01/31/92
San Antonio	Santa Rosa Northwest Hospital	L03983	San Antonio	11	01/31/92
Sugarland	Fort Bend Imaging, Inc.	L04459	Sugarland	1	01/24/92
The Woodlands	The Woodlands Sports Medicine Centre, P.A.	L04390	The Woodlands	5	01/23/92
Throughout Texas	Dowell Schlumberger Incorporated	L00764	Houston	59	01/16/92
Throughout Texas	ARCO Oil and Gas Company	L00134	Plano	48	01/15/92
Throughout Texas	Southwestern Laboratories Inc.	L00299	Houston	72	01/22/92
Throughout Texas	METCO	L03018	Houston	18	01/21/92
Throughout Texas	Wilson Inspection X-Ray Services, Inc.	L04469	Corpus Christi	5	01/22/92
Throughout Texas	Ebasco Services Incorporated	L02662	Houston	30	01/23/92
Throughout Texas	Environmental Monitoring Service Inc.	L04470	Austin	3	01/24/92
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	33	01/24/92
Throughout Texas	Texas Nuclear Products	L01105	Round Rock	32	01/15/92
Throughout Texas	Curley's Inspection Service	L02437	Monahans	8	01/24/92
Throughout Texas	Via NDT Engineering and Testing	L04322	Channelview	11	01/31/92
Throughout Texas	ARCO Oil and Gas Company	L00134	Plano	49	01/30/92
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	20	01/30/92
Throughout Texas	Texas Water Development Board	L01852	Austin	13	01/28/92
Throughout Texas	Texas Industrial X-Ray Inc.	L01851	Pasadena	52	01/28/92

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Austin	Vithalbhai D. Histry, Ph.D.	L02676	Austin	4	01/29/92
Carrollton	Theratronics International Limited	L02623	Carrollton	15	01/24/92
Commerce	East Texas State University	L00604	Commerce	28	01/31/92
Denton	Denton Community Hospital	L04003	Denton	7	01/22/92
El Paso	The University of Texas at El Paso	L00159	El Paso	27	01/24/92
Georgetown	Georgetown Hospital	L03152	Georgetown	11	01/22/92
Houston	HCA Medical Center Hospital	L02073	Houston	24	01/29/92
Houston	Parkway Imaging and Medical Services	L04111	Houston	2	01/29/92
Houston	Texas Water Commission	L02631	Houston	6	01/27/92

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Jacksonville	Nan Travis Memorial Hospital	L00169	Jacksonville	20	01/27/92
New Braunfels	Lafarge Corporation	L02809	New Braunfels	12	01/29/92
Paris	Radiology, Inc. and/or Radiology Center of Paris	L00459	Paris	20	01/22/92
Port Arthur	Manske-Sheffield Radiology Group, P.A.	L04054	Port Arthur	4	01/27/92
Seadrift	Union Carbide Corporation	L03105	Port Lavaca	5	01/29/92
Throughout Texas	Patterson Truck Line, Inc.	L03148	Channelview	15	01/16/92

Throughout Texas	Associated Wireline Services, Inc.	L00835	Wichita Falls	10	01/29/92
Throughout Texas	Buchanan/Soil Mechanics, Inc.	L01783	Bryan	12	01/31/92
Throughout Texas	Triple G X-Ray & Testing Labs, Inc.	L03136	Humble	14	01/27/92
Throughout Texas	American Airlines	L03974	Tulsa, Oklahoma	5	01/28/92
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	54	01/27/92

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Channelview	Sunbelt Regional Medical Center East	L02947	Channelview	12	01/24/92
Galveston	Todd Shipyards Corporation	L00871	Galveston	41	01/16/92
Houston	Browning-Ferris Laboratories	L02154	Houston	10	01/29/92
Palestine	National Scientific Balloon Facility	L02009	Palestine	17	01/30/92
San Antonio	Santa Rosa Medical Center	L01800	San Antonio	17	01/24/92

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Houston	Pro Diagnostics Inc.	L04484	Houston	0	01/29/92

[graphic]

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

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

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p. m. Monday-Friday (except holidays).

Issued in Austin, Texas, on February 6, 1992.

TRD-9202096 Robert A. MacLean, M.D.  
Deputy Commissioner of Health  
Texas Department of Health

Filed: February 10, 1992

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

## Texas Higher Education Coordinating Board

### Notice of Bidders' Conference

The Community and Technical Colleges Division of the Texas Higher Education Coordinating Board will hold its annual bidders' conference for Perkins discretionary grants funds on Thursday, February 27, 1992. The conference will be held at the Hyatt Regency Hotel-Houston, in conjunction with the TJCTA annual convention and will begin at 8 a.m.

Items to be discussed include identified priority needs including those for state leadership, single parent/displaced

homemaker/single pregnant women, equity, and tech-prep supplemental activities. For additional information, please contact Dr. Belinda Newman at (512) 483-6250 or P.O. Box 12788, Austin, Texas 78711.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202173 Sharon Jasman  
Administrative Secretary  
Texas Higher Education Coordinating Board

Filed: February 11, 1992

For further information, please call: (512) 483-6160

## Texas Department of Human Services Notice of Public Hearing

The Texas Department of Human Services (TDHS) will conduct a public hearing to receive comments on the department's proposed reimbursement rates for the day activity and health services (DAHS) program. The hearing is held in compliance with 40 TAC §24.102(j), which requires a public hearing on proposed reimbursement rates for medical assistance programs. The public hearing will be held on March 5, 1992, at 9 a.m., in the department's public hearing room of the John H. Winters Center (701 West 51st Street, Austin, First Floor, East Tower). Interested parties may request to have mailed to them or may pick up a briefing package concerning the proposed reimbursement rates on or after February 19, 1992, by contacting Kathy E. Hall, MC E-601, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3702.

Issued in Austin, Texas, on February 12, 1992.

TRD-9202199 Nancy Murphy  
Agency Liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: February 12, 1992

For further information, please call: (512) 450-3765

## Public Notice of Closed Solicitation

Pursuant to the Human Resources Code, Title 2, Chapters 22 and 32, and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Duval County, County Number 066, which appeared in the February 4, 1992, issue of the *Texas Register* (17 TexReg 962). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on February 12, 1992.

TRD-9202200 Nancy Murphy  
Agency Liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: February 12, 1992

For further information, please call: (512) 450-3765

## Request for Information

The Texas Department of Human Services (TDHS), in accordance with Federal regulation, state policy, and prudent information management practice, intends to reach the level of preparedness required to provide data processing and communications necessary to continue the delivery of critical services in the event of a disaster. A TDHS disaster recovery plan was prepared in 1987. The recovery strategy documented in that plan was never fully implemented and, due to system upgrades to support program and caseload growth, is no longer viable. TDHS solicits information to determine the availability and cost of services required to produce a viable, tested, disaster recovery plan for its computer facility located in Austin. Products/services being considered include: analysis of current disaster risk exposure; mainframe evaluation and disaster recovery approach; network evaluation and disaster recovery approach; development of disaster contingency plan; hot site facility; and completion and testing of plan. Information received will be used to evaluate alternatives for a total disaster recovery strategy that may include contracting for complete turnkey service, services of a commercial hot site, and/or preparation of contingency plans and programming assistance. We are not soliciting bids. Only information that will assist in analyzing alternatives and in preparing specifications for a request for proposals or invitation for bids is being requested.

**Description of Services:** The vendor is requested to provide literature, specification sheets, handouts, published price lists, and any other information on services or equipment proposed; address vendor's experience in performing work of the type requested; include a brief technical proposal addressing the proposed approach to accomplishing required tasks; define vendor's plan, methodology, development alternatives, costs, expenses, and vendor and TDHS staff requirements; provide examples of similar services provided to other accounts of similar size with similar configurations; address vendor's ability to provide facilities with the minimum required hot site configuration; identify any other planning issues and/or planning recommendations TDHS should address to achieve a fully functional data center contingency plan.

**Overview of Current Environment:** TDHS operates mainframe computer facilities in Austin and San Antonio. The Austin facility is the primary computer center; the San Antonio facility has served as the disaster recovery backup site and hosts several applications. Both sites are operational 24 hours a day, seven days a week. TDHS intends to merge these separate operations by moving the San Antonio system to the Austin site.

**Mainframes:** The Austin site is housed on 20,000 square feet of raised flooring cooled by 640 tons of air conditioning. Equipment consists of a Unisys 2,200/644 split logically into a Unisys 2,200/622 production system rated at 22 MIPS (million instructions per second) and a Unisys 2,200/622 development system also rated at 22 MIPS. There are 16 megawords of main memory on each system. Equipment currently installed in San Antonio is housed on 3,440 square feet of raised flooring cooled by 60 tons of air conditioning and consists of a Unisys 2,200/424 rated at approximately five MIPS. There are eight megawords of main memory on this system.

**Mass Storage:** Disk storage (DASD) capacity in Austin is 199 gigabytes across various Unisys and Amperif disk products. Tape activity is serviced through 32 StorageTek

(STK) cartridge drives attached to four STK Automated Library Storage Modules, 16 STK standalone cartridge drives, and 16 Unisys reel drives. In San Antonio, DASD capacity is 22 gigabytes and tape activity is handled by 16 Unisys reel drives.

**Print Capacity:** Austin printing needs are handled through four Unisys 0770 line printers, one StorageTek 5,000 line printer, two Xerox 9700 page printers, two Xerox 9790 MICR page printers, two Xerox 9790 page printers, and one Xerox 4090 page printer. Print volume averages 10 million pages per month. San Antonio printing is done on two Unisys 0776 line printers and two Xerox 2700 page printers.

**Mainframe Systems Software Environment:** Both mainframes currently use System Base 3, Release 9 (SB3R9) levels of software. The only significant difference between the systems is that Universal Data System (UDS) database software is not run on the 2,200/424. Mainframe production processing is primarily COBOL, with approximately 80% accessing data stored in CODASYL databases (DMS 1100). MAPPER, a fourth generation language product, primarily supports end-user computing efforts but is also used for selected production application systems. TDHS recently implemented the use of relational databases and a CASE tool, LINC II. During the day, processing is predominantly on-line transactions, typically processing 30-40 transactions per second with the average transaction completing within .6 seconds of being received by the mainframe. The average transaction uses .017 seconds of CPU and accesses 80,000 bytes of information. At night, processing is predominantly batch. Average transaction volume is approximately 800,000 per business day, with peak daily volumes approaching 1 million.

**Communications Environment:** The TDHS communications network is designed as a distributed star with the central hub in Austin and regional nodes located in Arlington, Houston, Edinburg, San Antonio, and Midland. The architecture is based on front end processors (FEP) which act as remote concentrators for the logical traffic between workstations in the local office and the mainframes in Austin and San Antonio. TDHS currently uses Unisys front-end communication processors called Distributed Communications Processors (DCP). There are two DCP-5s and 13 DCP-40s configured in the statewide network. Trunk connections between the central site and regional nodes are composed of five T1 (1.544 megabits per second) spans that are logically and physically submultiplexed into several lower bandwidth rates, each of which are dynamically configurable to any bandwidth arrangement. Currently, each T1 span supports 17 subchannels that operate at 19.2 kilobits per second (Kbps) and has additional subchannels available to configure the remaining bandwidth. A secondary star configuration links regional nodes to the San Antonio site. Each of these secondary trunks consists of a 56 Kbps data circuit supporting three 19.2 Kbps data channels. Universal Data Link Control (UDLC), a bit-oriented communications protocol, is used on the trunks. Use of multi-line and multipath connections in each trunk group provides resiliency of circuit connections. In addition, each trunk group is logically and physically shared between two FEPs located at the central site. The regional nodes, and the central site in its capacity as a regional node, link with over 400 local field offices through point-to-point and multi-point telephone circuits providing analog or digital service, depending on the specific communications technology supported by various local exchange carriers (LEC). Uniscope, a byte

oriented protocol, is used on data circuits between nodal sites and local offices. Dial-up connections, supporting a full range of speeds from 300 bps to 9,600 bps, at the central site provide access via modem for the casual user (i.e. non-dedicated circuit). Functional connectivity to IBM-based systems located at other agencies is accomplished by conversion software available in the FEPs located at the central site and through transient services on FEPs located at the Texas Department of Health, and the Texas State Treasury. Direct connections to other agencies, such as Texas Employment Commission, provide two-way communication paths for other participating agencies using a variety of protocols including Uniscope, DLC, SDLC, and SNA.

#### Identified Disaster Recovery Requirements:

1. Minimum processor requirement based on workload analysis in mid-1991, critical applications are estimated to require 11-15 MIPS of capacity. The production system load is approximately as follows: top 17 applications utilize 39.6% of all system capacity; balance of critical applications require 11.7% of system capacity; support and overhead utilize 20.9% of system; all other account activity requires 27.8% of system.
2. Minimum Data Storage Needs: DASD required for the top 17 critical applications is 40 GB. DASD required for all identified critical applications is 60 GB. Cartridge tape drives and standard round tape drives will also be required.
3. Minimum Network Requirement: TDHS estimates the minimum network to require functionality similar to a T1 multiplexor megamux to accommodate an incoming AcuNet T1.5 reserve circuit from each nodal DCP site. Line configuration needed would be approximately 100 (9.6kbs) lines and 60 (56.kbs) lines.

**Contact Person:** Responses to this RFI should be directed by mail only to Gary Gillespie, Texas Department of Human Services, Management Information Systems, P.O. Box 149030 MC C-712, Austin, Texas 78714-9030, in sufficient time to arrive not later than 3 p.m. Tuesday, March 31, 1992. It is requested that the vendor responding to this request for information provide the name, address and phone number of a point of contact to represent the vendor for the submitted information.

**Procurement Process:** After all relevant information is gathered, TDHS will make a strategy selection. Any services or equipment required to enact that strategy will be procured in accordance with state and federal laws and the rules of the State General Services Commission. At the option of the state, award will be made in full or in part, and to a single or to multiple vendors, whichever is in the best interest of the state.

Issued in Austin, Texas, on February 12, 1992.

TRD-9202201 Nancy Murphy  
Agency liaison, Policy and Document  
Support  
Texas Department of Human Services

Filed: February 12, 1992



## Department of Public Safety, Division of Emergency Management

### Consultant Proposal Request

**Purpose.** Under authority of Texas Civil Statutes, Article 6252-11c, the Texas Department of Public Safety (DPS) Division of Emergency Management (DEM) is requesting offers from prospective consultants for the project described following. This consultant services contract fulfills, in part, the department's obligations under an agreement in principle between the State of Texas and the United States Department of Energy related to environmental management, monitoring, and emergency preparedness planning at the DOE Pantex facility near Amarillo.

**Objectives.** The consultant will provide the DPS, DEM an analysis of local government emergency management needs related to incidents arising from activities at the DOE Pantex facility. This analysis will consist of performance of three tasks. Details of the content of these tasks, along with an explanation of the items to be completed by the consultant in accomplishment of these tasks, are contained in the statement of work which is contained in the request for proposals (RFP). These tasks are summarized, as follows:

**Task #1—Identify standards and criteria pertinent to emergency management capabilities for incidents related to the DOE Pantex plant. Such incidents include both on-site and off-site events requiring response actions by local government and/or state agencies.**

**Task #2—Identify the elements comprising the emergency management capabilities of the local jurisdictions having responsibility for the area included in the emergency planning zone, an area roughly corresponding to a 10-mile circle centered on the Pantex facility.**

**Task #3—Provide a detailed evaluation of any differences between existing capabilities and capabilities necessary to respond effectively to hazards posed by the DOE Pantex plant.**

**Contract person/RFP instructions.** Detailed specifications will be made available in the complete "Request for Proposals-Consultant Services, Emergency Management Needs Analysis," which may be obtained on or after February 12, 1992, by submitting a written request to the Nuclear Resources Planning Officer, Texas Department of Public Safety, Division of Emergency Management, P. O. Box 4087, 5805 North Lamar Boulevard, Austin, Texas 78773-0001. In order to ensure that all proposers have the same information and instructions concerning the preparation of proposals, all communication between proposers and the department prior to the submission of proposals shall be in writing. Written communications may be transmitted by facsimile transmission to (512) 465-2444. (Call (512) 465-2428 to confirm receipt of transmission).

**Closing date for receipt of offers.** Written proposals offering to provide the requested consulting services may be hand-delivered between the hours of 8 a.m. and 5 p.m., Monday-Friday, or sent by certified mail to: Texas Department of Public Safety, Accounting and Budget Control Division, P.O. Box 4087, 5805 North Lamar Boulevard, Austin, Texas 78773-0001. Proposals must be received at the above office no later than 2 p.m., March 23, 1992.

**Selection process.** Sealed proposals will be opened at the previous office at 2 p.m., March 23, 1992. Subsequently, the project manager, in consultation with the assistant coordinator for operations and other DEM staff members will review proposals submitted by proposers and make a recommendation to the state coordinator for selection of a consultant. Final selection will be made by the State Coordinator at his sole discretion.

The award shall be made to the responsive and responsible proposer whose written proposal is determined to be the most advantageous to the state. This evaluation will be based upon the following criteria, which are ranked in descending order of importance: quality, comprehensiveness, and feasibility of work plan outlined in proposal and its responsiveness to the statement of work requirements, including: soundness of proposer's approach to the problem, including the techniques to be used for collecting and analyzing data, sequence and relationship of tasks, and methods for managing the project; how the proposal addresses the goals and specifications of the statement of work and the practicality and probable effectiveness of those methods; recognition and explanation of anticipated difficulties along with strategies for dealing with them; quality of alternative proposals presented as improvements in the approach proposed by the project statement of work of this RFP; qualifications of the proposer or agency, including principal personnel to be assigned to this project and subcontractors, if applicable; commitment to timely performance of the objectives, including proposed time frame for work to be completed and interim timetables and goals; price; quality, relevance, and recency of similar projects completed by the contractor.

In accordance with state law, when other considerations are equal, preference will be given to a private consultant whose principal place of business is within the state or who will manage the consulting engagement wholly from one of its offices within the state.

Contract award will occur as soon as is practical after the closing date for receipt of proposals. The Texas Department of Public Safety reserves the right to reject any and all proposals or waive any minor irregularity or technicality in the proposals received. If the Texas department of Public Safety rejects all proposals, the Department may, at its option, amend the RFP and request a new bid price from those contractors who submitted a proposal in response to the original RFP.

**Project timing and cost.** Contingent upon the negotiation of a contract with the proposer selected, the period of this contract is anticipated to begin on or about April 1, 1992, with completion anticipated on or about July 31, 1992. The consultant selected will be required to submit periodic progress reports to the project manager, according to a schedule and format to be specified by the project manager.

**General information.** The information contained in this RFP is intended to serve only as a general description of the services desired. Additional terms and conditions relating to this RFP will be provided in the proposal preparation instructions. The project manager intends to use responses hereto as a basis for further negotiation of specific project details with proposers. Issuance of this consultant proposal request creates no obligation to award a contract or to pay any costs incurred in the preparation of a proposal.

Issued in Austin, Texas, on February 12, 1992.

TRD-9202202      Robert A. Lansford  
State Coordinator  
Division of Emergency Management,  
Department of Public Safety

Filed: February 12, 1992

For further information, please call: (512) 465-2429

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## 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 of an application of February 4, 1992, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52 and 54. A summary of the application follows.

**Docket Title and Number.** Application of Central Power and Light Company to Amend Certificate of Convenience and Necessity for a proposed Transmission Line Within Corpus Christi, Docket Number 10925 before the Public Utility Commission of Texas.

**The Application.** In Docket Number 10925, Central Power and Light Company requests approval of its application to construct approximately 2.7 miles of 69/138-kV transmission line in the City of Corpus Christi.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on February 11, 1992.

TRD-9202190      Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: February 11, 1991

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

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## Notices of Intent To File Pursuant To PUC Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas of an application pursuant to PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-custom service for the City of Fort Worth, Fort Worth.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-custom service for the City of Fort Worth Pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 10933.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-custom service for the City of Fort Worth. The geographic service market for this specific service is the Fort Worth, Texas area.

Persons who wish to comment upon action sought should contact the Public Utility Commission of Texas, at 7800

Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 11, 1992.

TRD-9202191 Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: February 11, 1991

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



Notice is given to the public of the intent to file with the Public Utility Commission of Texas of an application pursuant to PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-custom service for the University of Texas at Houston, Houston.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-custom service for the University of Texas at Houston Pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 10934.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-custom service for the University of Texas at Houston. The geographic service market for this specific service is the Houston, Texas area.

Persons who wish to comment upon action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on February 11, 1992.

TRD-9202189 Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: February 11, 1991

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



## Region IX Education Service Center Notice Of Application For Place On Ballot

Applications for place on ballot for election to the Board of Directors of the Region IX Education Service Center, 301 Loop 11, Wichita Falls, may be obtained at the Region IX office, previously listed address, between the hours of 8 a.m. and 5 p.m. beginning Monday, February 3, 1992.

Open for election are Place One, currently filled by Dr. J. Carl Davis, (Wichita County), Wichita Falls; and Place Seven, currently filled by L. D. "Jack" Jones (Baylor County), Seymour. Board members are elected to three-year terms. Notice of filing must be received at the headquarters office in person or by certified mail no later than 5 p.m., Thursday, February 20, 1992.

Any citizen of the United States who is 18 years of age, is a resident of the region being served by the Center, who is not engaged professionally in education in a public school district, who is not a member of a school district board of

trustees, or is not a member of the board of any institution of higher education, may be elected to the Board of Directors membership.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202133 Jim O. Rogers, Ed.D.  
Executive Director  
Region IX Education Service Center

Filed: February 11, 1992

For further information, please call: (817) 322-6928



## Texas Department of Transportation, Division of Aviation Requests for Qualifications

The following request for qualifications for providing professional engineering services is filed under the provision of Texas Civil Statutes, Article 664-4.

The Division of Aviation will solicit and receive qualifications for professional services for the design and construction administration phases at the Harrison County Airport, Marshall, Texas, to improve the paved surfaces and associated appurtenances such as grading, drainage, marking, and reflectors; expand the apron; construct drainage improvements; and install fencing.

Those interested consulting engineers should submit two unfolded copies of pages 1-3 of TxDOT, Division of Aviation Form 439 to the: Texas Department of Transportation, Division of Aviation, Attention: Ronnie Moore, TxDOT Project Number 93-23-041, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Those firms which do not already have a copy of Form 439 should request one from the above address. Qualifications will not be accepted in any other format.

Two completed unfolded copies of Form 439 must be received by 4 p.m. (CST), Thursday, March 5, 1992. The three pages of instructions should not be forwarded with the complete questionnaires. Electronic facsimiles will not be accepted.

The airport sponsor(s) duly appointed committee will review all professional qualifications and select three to five engineering firms for interviews. Those firms selected for interviews will be required to provide more detailed, project-specific proposals which address the project team, technical approach, Disadvantaged Business Enterprise (DBE) participation, design schedule, and other matters, prior to the interview process. The final consultant selection will be made following the completion of interviews. Procedures for award will be in accordance with FAA Advisory Circular AC 150/5100-14B.

The estimated total project cost is \$873,400.

The County of Harrison reserves the right to reject any or all statements of qualifications, and to conduct new selection procedures for future projects.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, Texas Department of Transportation, or the Division of Aviation project manager noted above, at (512) 476-9262.



Issued in Austin, Texas, on February 10, 1992.

TRD-9202077

Diane L. Northam  
Legal Administrative Assistant  
Texas Department of Transportation,  
Division of Aviation

Filed: February 10, 1992

For further information, please call: (512) 463-8630

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The following request for qualifications for providing professional engineering services is filed under the provision of Texas Civil Statutes, Article 664-4.

The Division of Aviation will solicit and receive qualifications for professional services for the design and construction administration phases to reconstruct runway, taxiway, apron, and access road pavement, and associated appurtenances such as grading, drainage, marking, and reflectors; expand the apron; construct drainage improvements; install fencing; improve and mark runway pavement; and install lighting and approach aids at the McGregor Municipal Airport.

Those interested consulting engineers should submit two unfolded copies of pages 1-3 of TxDOT, Division of Aviation Form 439 to the: Texas Department of Transportation, Division of Aviation, Attention: Ed Oshinski, TxDOT Project Number 93-24-031, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Those firms which do not already have a copy of Form 439 should request one from the above address. Qualifications will not be accepted in any other format.

Two completed unfolded copies of Form 439 must be received by 4 p.m. (CST), Thursday, March 5, 1992. The three pages of instructions should not be forwarded with the complete questionnaires. Electronic facsimiles will not be accepted.

The airport sponsor(s) duly appointed committee will review all professional qualifications and select three to five engineering firms for interviews. Those firms selected for interviews will be required to provide more detailed, project-specific proposals which address the project team, technical approach, Disadvantaged Business Enterprise (DBE) participation, design schedule, and other matters, prior to the interview process. The final consultant selection will be made following the completion of interviews. Procedures for award will be in accordance with FAA Advisory Circular AC 150/5100-14B.

The estimated total project cost is \$647,300.

The City of McGregor reserves the right to reject any or all statements of qualifications, and to conduct new consulting engineer selection procedures for future projects.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, Texas Department of Transportation, or the Division of Aviation project manager noted above, at (512) 476-9262.

Issued in Austin, Texas, on February 10, 1992.

TRD-9202078

Diane L. Northam  
Legal Administrative Assistant  
Texas Department of Transportation,  
Division of Aviation

Filed: February 10, 1992

For further information, please call: (512) 463-8630

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The following request for qualifications for providing professional engineering services is filed under the provision of Texas Civil Statutes, Article 664-4.

The Division of Aviation will solicit and receive qualifications for professional services for the design and construction phase services to extend and mark runways and taxiways, improve and mark runways, taxiways, aprons, and stopways; install runway lighting system; relocated lighting and approach lighting systems install taxiway reflectors; install segment circle; and install perimeter fencing at the Andrews County Airport, Andrews, Texas.

Those interested consulting engineers should submit two unfolded copies of pages 1-3 of TxDOT, Division of Aviation Form 439 to the: Texas Department of Transportation, Division of Aviation, Attention: John Greer, TxDOT Project Number 93-20-031, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Those firms which do not already have a copy of Form 439 should request one from the above address. Qualifications will not be accepted in any other format.

Two completed unfolded copies of Form 439 must be received by 4 p.m. (CST), Thursday, March 5, 1992. The three pages of instructions should not be forwarded with the complete questionnaires. Electronic facsimiles will not be accepted.

The airport sponsor(s) duly appointed committee will review all professional qualifications and select three to five engineering firms for interviews. Those firms selected for interviews will be required to provide more detailed, project-specific proposals which address the project team, technical approach, Disadvantaged Business Enterprise (DBE) participation, design schedule, and other matters, prior to the interview process. The final consultant selection will be made following the completion of interviews. Procedures for award will be in accordance with FAA Advisory Circular AC 150/5100-14B.

The estimated total project cost is \$1,603,500.

The County of Andrews reserves the right to reject any or all statements of qualifications, and to conduct new consulting engineer selection procedures for future projects.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, Texas Department of Transportation, or the Division of Aviation project manager noted above, at (512) 476-9262.

Issued in Austin, Texas, on February 10, 1992.

TRD-9202076

Diane L. Northam  
Legal Administrative Assistant  
Texas Department of Transportation,  
Division of Aviation

Filed: February 10, 1992

For further information, please call: (512) 463-8630

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The following request for qualifications for providing professional engineering services is filed under the provision of Texas Civil Statutes, Article 664-4.

The Division of Aviation will solicit and receive qualifications for professional services for the design and construction administration phases for improvements and expansion to the taxiway, aprons and entrance road pavement and associated appurtenances such as grading, drainage, marking, and reflectors; construction of an access taxiway; relocation of rotating beacon; and installation of perimeter fencing at the Orange County Airport.

Those interested consulting engineers should submit two unfolded copies of pages 1-3 of TxDOT, Division of Aviation Form 439 to the: Texas Department of Transportation, Division of Aviation, Attention: John Wepryk, TxDOT Project Number 93-25-061, P.O. Box 12607, Austin, Texas 78711, (512) 476-9262.

Those firms which do not already have a copy of Form 439 should request one from the above address. Qualifications will not be accepted in any other format.

Two completed unfolded copies of Form 439 must be received by 4 p.m. (CST), Thursday, March 5, 1992. The three pages of instructions should not be forwarded with the complete questionnaires. Electronic facsimiles will not be accepted.

The airport sponsor(s) duly appointed committee will review all professional qualifications and select three to five engineering firms for interviews. Those firms selected for interviews will be required to provide more detailed, project-specific proposals which address the project team, technical approach, Disadvantaged Business Enterprise (DBE) participation, design schedule, and other matters, prior to the interview process. The final consultant selection will be made following the completion of interviews. Procedures for award will be in accordance with FAA Advisory Circular AC 150/5100-14B.

The estimated total project cost is \$313,700.

The County of Orange County reserves the right to reject any or all statements of qualifications, and to conduct new selection procedures for future projects.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, Texas Department of Transportation, or the Division of Aviation project manager noted above, at (512) 476-9262.

Issued in Austin, Texas, on February 10, 1992.

TRD-9202080 Diane L. Northam  
Legal Administrative Assistant  
Texas Department of Transportation,  
Division of Aviation

Filed: February 10, 1992

For further information, please call: (512) 463-8630

## Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Aqua Management, Inc. (Certificate of Competency Number 20062) on Janu-

ary 28, 1992, assessing \$5,655 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Robert Martinez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202155 Laurie J. Lancaster  
Notices Coordinator  
Texas Water Commission

Filed: February 11, 1991

For further information, please call: (512) 463-7898

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Austin (No Permit) on January 28, 1992, assessing \$3,180 in administrative penalties with \$200 deferred and foregone pending compliance.

Information concerning any aspect of this order may be obtained by contacting Sharon Smith Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202154 Laurie J. Lancaster  
Notices Coordinator  
Texas Water Commission

Filed: February 11, 1991

For further information, please call: (512) 463-7898

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Bowie (Permit 10071-01) on January 28, 1992, assessing \$7,600 in administrative penalties with \$3,600 deferred and foregone pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Robert Martinez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202153 Laurie J. Lancaster  
Notices Coordinator  
Texas Water Commission

Filed: February 11, 1991

For further information, please call: (512) 463-7898

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Madisonville on January 28, 1992, assessing \$6,600 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Bob Warneke, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202152 Laurie J. Lancaster  
Notices Coordinator  
Texas Water Commission

Filed: February 11, 1991

For further information, please call: (512) 463-7898



Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Three Rivers on January 29, 1992, assessing \$720 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Sharon Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on February 7, 1992.

TRD-9202151 Laurie J. Lancaster  
Notices Coordinator  
Texas Water Commission

Filed: February 11, 1991

For further information, please call: (512) 463-7898



## Invitation for Bids

This is a formal notice to bidders of the intention of the Texas Water Commission (TWC) to let a contract for construction of the North Cavalcade Street Site, Groundwater Operable Unit Remedial Action.

Sealed Bids addressed to Louis C. Rogers, Project Manager, Superfund Engineering Section, Pollution Cleanup Division, will be received until 2 p.m. local prevailing time, April 7, 1992, and then publicly opened and read aloud for furnishing all labor, equipment, materials, supplies, and supervision necessary for construction of the North Cavalcade Street Site, Groundwater Operable Unit Remedial Action.

Specific work shall consist of providing all personnel, equipment, and material for the Groundwater Operable Unit Remedial Action.

Plans and specifications may be examined without charge at the Texas Water Commission, Stephen F. Austin Build-

ing, 1700 North Congress Avenue, Austin, or one copy may be obtained for the nonrefundable purchase price of \$150 on or after February 18, 1992 at the following location: Ebasco Services Incorporated, 900 Skyway Tower, 400 North Olive Street, L.B. 259, Dallas, Texas 75201-4007, (214) 978-3100.

A pre-bid conference will be held at 10 a.m., at a place to be designated by addendum, in Houston on March 17, 1992. A certified or cashier's check, or an acceptable bid bond in an amount not less than 5.0% of the total bid, shall accompany each bid as a guaranty that, if awarded the contract, the bidder will promptly enter into a contract with TWC and furnish bonds on the forms provided.

A pre-award survey will be conducted by TWC to determine if the apparent low bidder has satisfied certain minimum criteria described in the instructions to bidders, including the successful completion of work similar to that required by the contract documents.

The successful bidder shall be required to furnish a performance bond and a payment bond.

Time of completion shall be 1,000 days, with 90 days for submittals, 180 days for construction, and 730 days for groundwater treatment as specified and further defined in the Supplementary Conditions (00800).

Attention of bidders is directed to Texas Civil Statutes, Article 5159a (Vernon 1987), requiring that not less than the general prevailing rates of per diem wages for work of similar character in the locality where the work is performed shall be paid all laborers, workmen, and mechanics employed in the construction of public works. The contract for this project requires that the successful bidder comply with Article 5159a and the Davis-Bacon Act. Also the successful bidder will be required to comply with the Labor Standards Provisions for Federal and Federally assisted Construction Contract (EPA Form 5720-4).

Any contract or contracts awarded under this invitation for bids are expected to be 90% funded by a grant from the United States Environmental Protection Agency. Neither the United States nor any of its departments, agencies, or employees is or will be a party to the invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 Code of Federal Regulations, Parts 31, 32, and 35.

By signing the bid, a bidder affirms that he has not given, offered to give, nor intended to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid. Failure to sign to bid or signing it with a false statement, shall void the submitted bid or any resulting contracts, and the bidder shall be removed from all bid lists (State Purchasing and General Services Commission, 1 Texas Administrative Code, §113.5(O) (July 1, 1988)).

Attention of bidders is further directed to Public Law 101-121, §319, which prohibits the use of federal funds for lobbying the Executive or Legislative Branches of the federal government in connection with a specific contract, grant, or loan and requires disclosure of such lobbying even where no federal funds are used.

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin. Bidders on this work will be required to

comply with the President's Executive Order Number 11246, as amended. The requirements under the executive order are explained in the contract documents.

Contact Louis C. Rogers, P.E. (512) 463-8188, Texas Water Commission, Superfund Engineering Section, Pollution Cleanup Division, P.O. Box 13087, Austin, Texas 78711-3087.

Issued in Austin, Texas, on February 12, 1992.

TRD-9202215      Mary Ruth Holder  
                         Director, Legal Division  
                         Texas Water Commission

Filed: February 12, 1992

For further information, please call: (512) 463-8188



Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 1.9% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

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