

# Texas Register

Volume 17, Number 43, June 9, 1992

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**Information Available:** The ten sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

- Governor** - Appointments, executive orders, and proclamations
- Attorney General** - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State** - opinions based on the election laws
- Texas Ethics Commission** - summaries of requests for opinions and opinions
- Emergency Sections** - sections adopted by state agencies on an emergency basis
- Proposed Sections** - sections proposed for adoption
- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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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**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 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).

## Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K-12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

## Texas Register Publications



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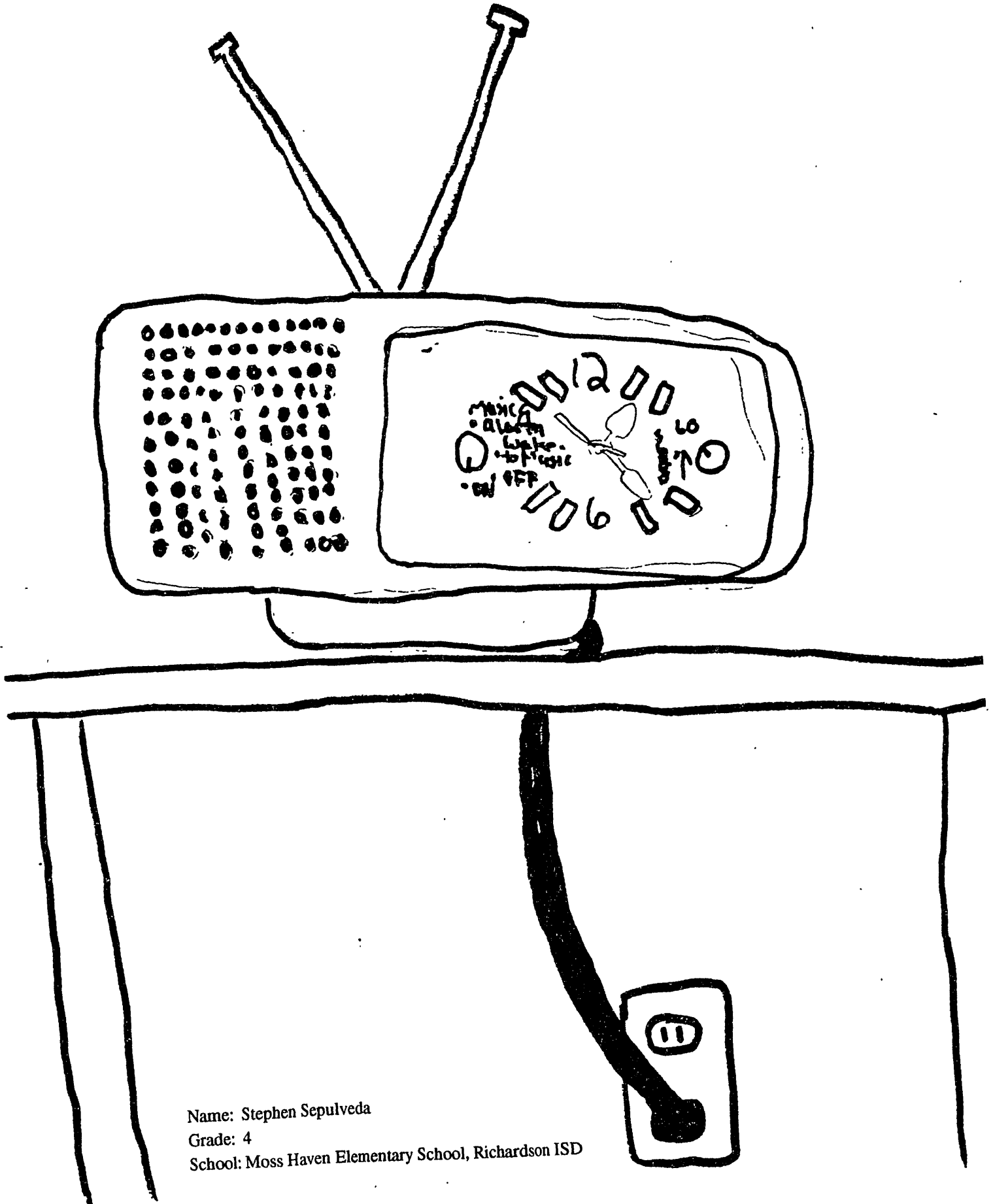
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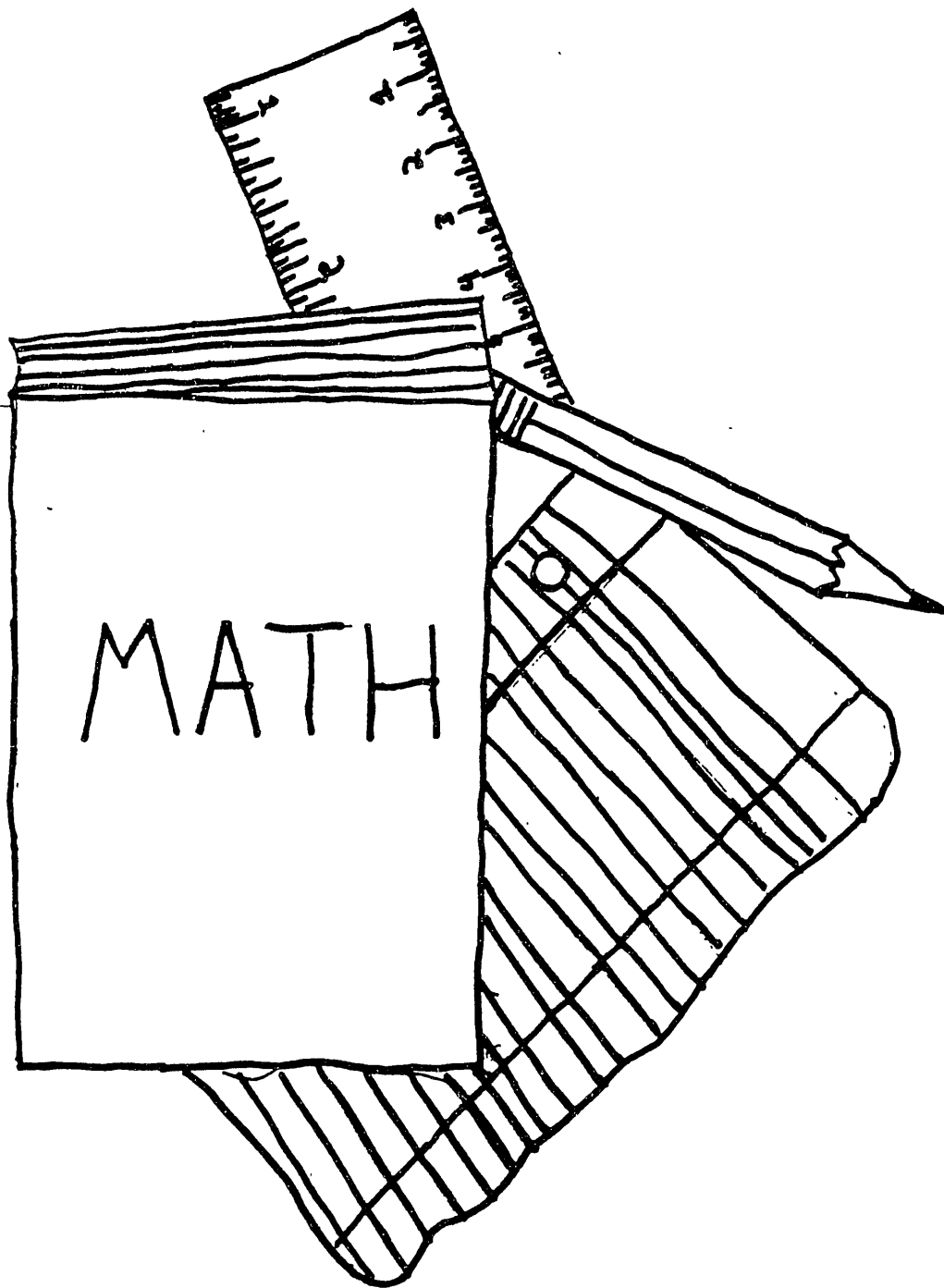
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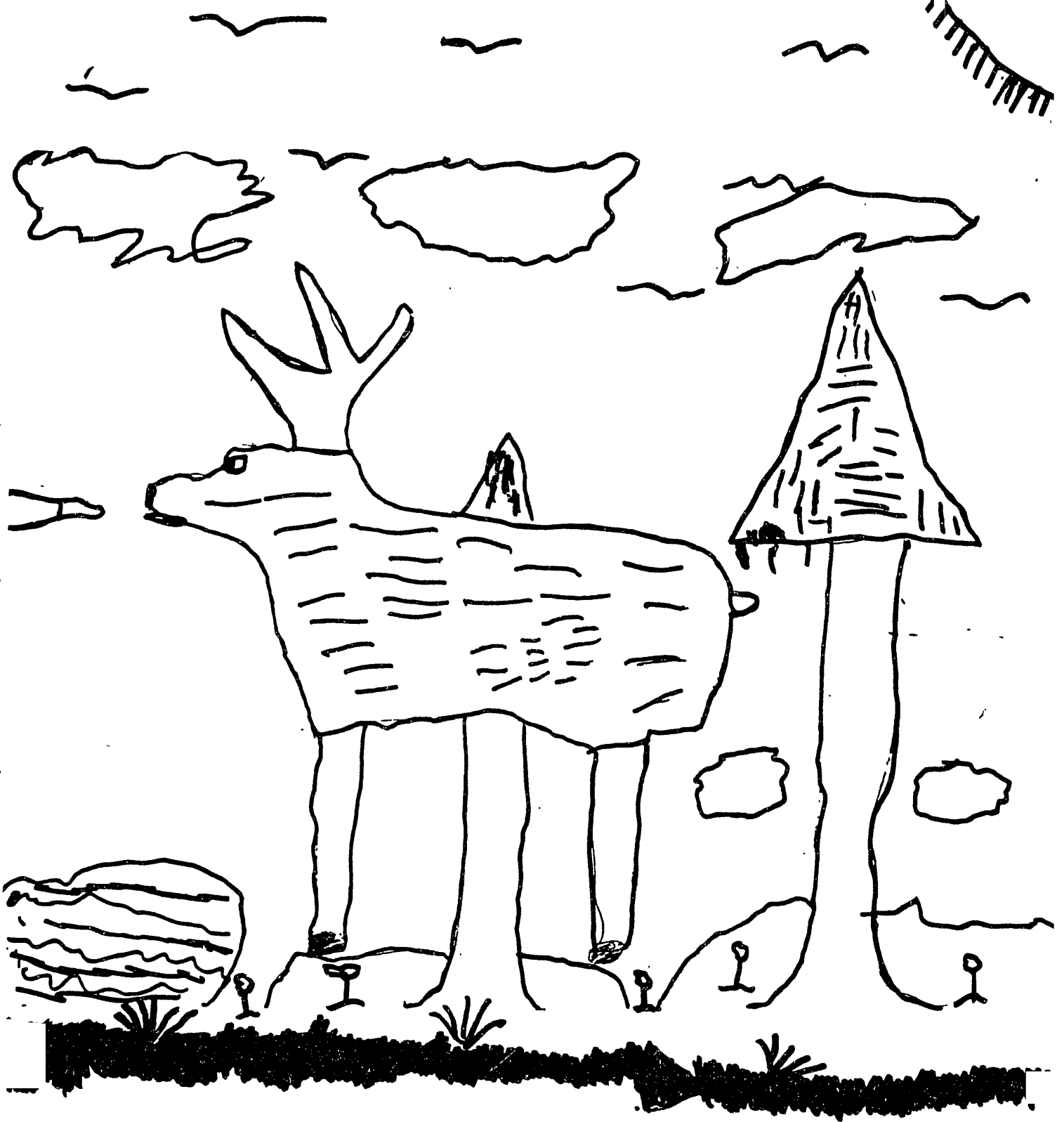
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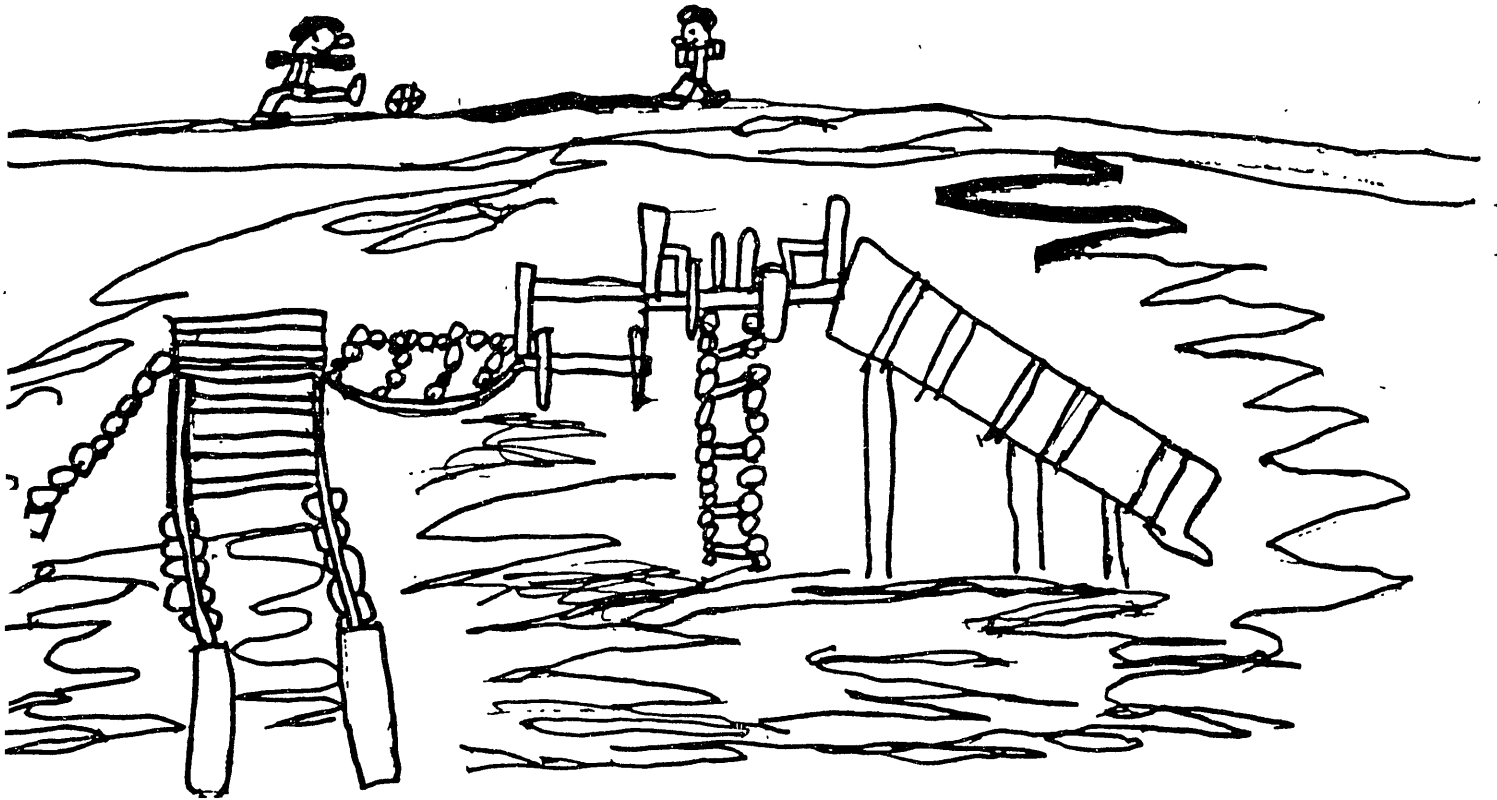


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School: Moss Haven Elementary, Richardson ISD

**KEEP YOUR EYES OPEN  
FOR THE 1991/1992 ART CONTEST**  
starting July 1992

*Since 1987, the student art project has enjoyed tremendous success. We would like to take this one step further by recognizing the "best of the best" in a contest. The judges for this contest will be YOU, Texas Register readers/subscribers. The award for this contest will be entitled "Texas Register Readers Choice Award." We will also hold an art exhibit displaying all of the artwork to be judged by professionals from the field of art. Separate awards will be given for the winners.*

*The artwork will be judged and published in four categories divided by grades, K-3, 4-6, 7-9, 10-12. All pictures will be numbered sequentially in each category and have a number reflecting the group. Example "K-1" will indicate that the picture was drawn by a student in grades K-3, the one indicates the first picture, a "4" preceding the number of the picture will reflect the picture was drawn by a student in grades 4-6, a "7" will reflect grades 7-9 and a "10" will reflect grades 10-12.*

*The Register will begin republishing the artwork for the contest starting in July. We would like for you, our readers, to vote on what you think has been the best artwork of the past year in the respective categories. You may vote as often as you like. We will begin publishing a form in each issue for you to return to this office with your choice.*

*More details about the contest will be published soon, so keep watching the Register or if you have any questions please contact Roberta Knight at (512) 463-5561.*

*The Secretary of State, Texas Register staff will then tabulate the votes and announce the winners in the fall of 1992.*

*The artwork does not add additional pages and does not increase the cost of the Texas Register.*

*Texas Register  
In Search of Excellence*

# Emergency Sections

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

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

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

#### Chapter 9. Property Tax Administration

##### Subchapter C. Appraisal District Administration

###### • 34 TAC §9.401

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.401, for a 60-day period effective June 1, 1992. The text of new §9.401 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1157).

Issued in Austin, Texas, on June 1, 1992.

TRD-9207492 Anne Hildebrand  
Agency Liaison  
Comptroller of Public  
Accounts

Effective date: June 1, 1992

Expiration date: July 31, 1992

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

###### • 34 TAC §9.402

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.402, for a 60-day period effective June 1, 1992. The text of new §9.402 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1158).

Issued in Austin, Texas, on June 1, 1992.

TRD-9207491 Anne Hildebrand  
Agency Liaison  
Comptroller of Public  
Accounts

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Expiration date: July 31, 1992

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

###### • 34 TAC §9.403

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.403, for a 60-day period effective June 1, 1992. The text of new §9.403 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1159).

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TRD-9207490 Anne Hildebrand  
Agency Liaison  
Comptroller of Public  
Accounts

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Expiration date: July 31, 1992

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

###### • 34 TAC §9.404

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.404, for a 60-day period effective June 1, 1992. The text of new §9.404 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1159).

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Agency Liaison  
Comptroller of Public  
Accounts

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

###### • 34 TAC §9.405

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.405, for a 60-day period effective June 1, 1992. The text of new §9.405 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1160).

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Agency Liaison  
Comptroller of Public  
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###### • 34 TAC §9.801

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.801, for a 60-day period effective June 1, 1992. The text of new §9.801 was originally published in the Febru-

ary 3, 1992, issue of the *Texas Register* (17 TexReg 1161).

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TRD-9207487 Anne Hildebrand  
Agency Liaison  
Comptroller of Public  
Accounts

Effective date: June 1, 1992

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

###### • 34 TAC §9.802

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.802, for a 60-day period effective June 1, 1992. The text of new §9.802 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1161).

Issued in Austin, Texas, on June 1, 1992.

TRD-9207486 Anne Hildebrand  
Agency Liaison  
Comptroller of Public  
Accounts

Effective date: June 1, 1992

Expiration date: July 31, 1992

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

###### • 34 TAC §9.1001

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of new §9.1001, for a 60-day period effective June 1, 1992. The text of new §9.1001 was originally published in the February 3, 1992, issue of the *Texas Register* (17 TexReg 1161).

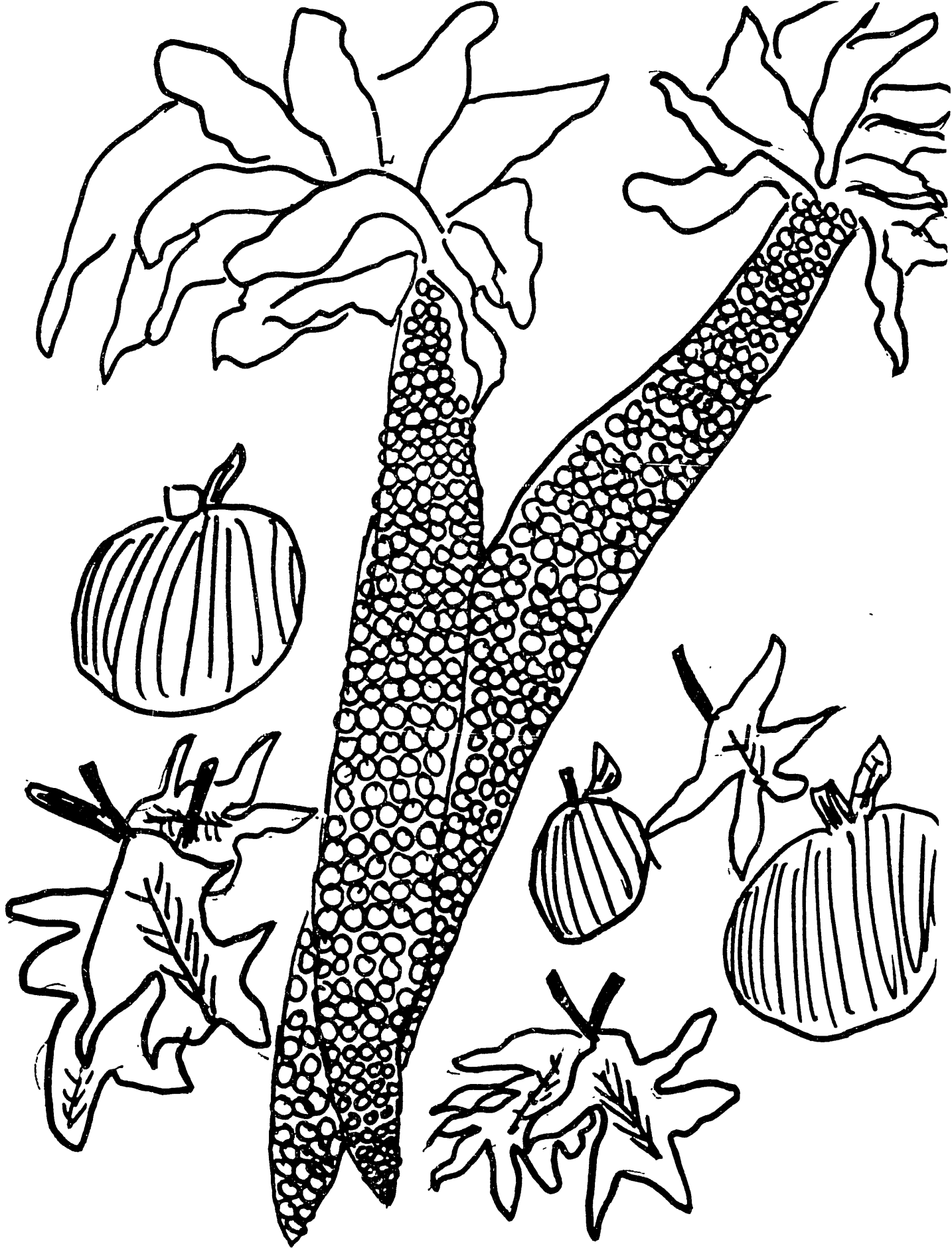
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TRD-9207485 Anne Hildebrand  
Agency Liaison  
Comptroller of Public  
Accounts

Effective date: June 1, 1992

Expiration date: July 31, 1992

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# Proposed Sections

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

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

## TITLE 1. ADMINISTRATION

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

#### Chapter 73. Statutory Documents

##### Statement of Officer Forms

###### • 1 TAC §73.43, §73.44

The Office of the Secretary of State proposes new §73.43, concerning Facsimile Transmission of a Statement of Officer forms and new §73.44, concerning Statement of Officer forms. These rules are proposed in order to clarify the acceptance by the Office of the Secretary of State of facsimile copies of Statement of Officer forms.

Guy Joyner, staff attorney, has determined that for the first five-year period the sections are in effect there will be a savings of \$5,600 in postage costs for local government and a time savings to state government due to the elimination of the duplication of filing not occurring.

Mr. Joyner also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide elected and appointed officials with a clarification of the procedure for facsimile filing of Statement of Officer forms with the secretary of state as well as sanctioning the proper form to be used for the filing. There will be no cost to small businesses as a result of enforcing the sections. There is no anticipated additional economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Guy Joyner, Staff Attorney, Statutory Documents Sections, P.O. Box 12887, Austin, Texas 78711-2887.

The new sections are proposed under Texas Civil Statutes, Article 6252-13a, §4(a)(1), which provide the secretary of state with the authority to prescribe and adopt rules.

*§73.43. Facsimile Transmission of a Statement of Officer Form.* The Office of the Secretary of State will accept a properly executed legible facsimile (FAX) copy of the appropriate signed Statement of Officer form required by Vernon's Annotated Texas Constitutional Article 16, §1(b) or (d). The

facsimile copy eliminates the requirement to file the originally signed instrument with this Office.

##### *§73.44. Statement of Officer Forms.*

(a) The Office of the Secretary of State hereby adopts by reference the Statement of Elected Officer and the Statement of Appointed Officer forms. Blank sample copies of each of the forms may be obtained from the Office of the Secretary of State, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711-2887.

(b) All persons required to file either of these statements shall use the appropriate form or a document which shall contain the following information: the applicable constitutionally required language with the affiant's typed or printed name, the affiant's signature, the specific office elected or appointed to, and the city and county where the office is located.

(c) The Statement of Officer form will be executed before an officer authorize to administer oaths.

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 May 29, 1992.

TRD-9207483      Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Earliest possible date of adoption: July 10, 1992

For further information, please call: (512) 463-5558

## TITLE 7. BANKING AND SECURITIES

### Part VII. State Securities Board

#### Chapter 109. Transactions Exempt from Registration

##### • 7 TAC §109.17

The State Securities Board proposes new §109.17, concerning federal savings banks.

The new section clarifies the status of federal savings banks for purposes of the Securities Act, §5.L.

Richard D. Latham, securities commissioner, 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. Latham 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 greater certainty with regard to the availability of exemption under the Act, §5.L, for certain transactions involving the shares of federal savings banks. 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 Denise Voight Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new section is proposed under Texas Civil Statutes, Article 581, §28.1, which provide the board with the authority to adopt rules and regulations governing registration statements and applications; classify securities, persons, and matters within its jurisdiction; and prescribe different requirements for different classes.

*§109.17. Federal Savings Banks.* For purposes of the Securities Act, §5.L, the phrase "any federal savings and loan association" shall include any federally chartered savings bank.

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 June 2, 1992.

TRD-9207521      Richard D. Latham  
Securities Commissioner  
State Securities Board

Earliest possible date of adoption: July 10, 1992

For further information, please call: (512) 474-2233

## Chapter 133. Forms

### • 7 TAC §133.34

The State Securities Board proposes new §133.34, concerning undertaking regarding non-issuer sales pursuant to §139.13 of this title (relating to Non-Issuer Sale). The purpose of the undertaking is to have certain users of the §139.14 exemption commit that the proceeds from sale of their securities will not insure to the benefit of the issuer of the securities.

Richard D. Latham, securities commissioner 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. Latham 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 a decreased likelihood that the exemption contained in proposed §139.14 would be relied upon improperly. 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 Denise Voight Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new section is proposed under Texas Civil Statutes, Article 581, §28. 1, which provide the board with the authority to adopt rules and regulations governing registration statements and applications; classify securities, persons, and matters within its jurisdiction; and prescribe different requirements for different classes.

*§133.34. Undertaking Regarding Non-Issuer Sales Pursuant to §139. 14 of this Title (Relating to Non-Issuer Sales).* The State Securities Board adopts by reference the undertaking regarding non-issuer sales pursuant to §139.14 of this title in October 1992. This form is available from the State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

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 June 2, 1992.

TRD-9207524 Richard D. Latham  
Securities Commissioner  
State Securities Board

Earliest possible date of adoption: July 10, 1992

For further information, please call: (512) 474-2233



## Chapter 139. Exemption by Rule or Order

### • 7 TAC §139.13

The State Securities Board proposes new §139.13, concerning resales under SEC Rule 144 and Rule 145(d). This proposal and proposed §139.14 of this title (relating to Non-Issuer Sales) are intended to fill a narrow gap that exists by virtue of the fact that the Securities Act, §5.C(1), is too narrow to cover certain legitimate, non-issuer sales of securities that are not otherwise exempt.

Richard D. Latham, securities commissioner, 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. Latham 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 the availability of an additional exemption to cover rare situations in which non-issuer owners of securities are unable to sell their securities pursuant to one or more exemptions under the Securities Act, including §5.C(1). 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 Denise Voight Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new section is proposed under Texas Civil Statutes, Article 581, §28. 1, which provide the board with the authority to adopt rules and regulations governing registration statements and applications; classify securities, persons, and matters within its jurisdiction; and prescribe different requirements for different classes.

*§139.13. Resales under SEC Rule 144 and Rule 145(d).*

(a) Exemption from securities registration. Offers to resell and resales of any security by the owner thereof, or any person acting on behalf of the owner, shall be exempt from the securities registration requirements of the Securities Act, §7, pursuant to §5.T, if the offers to resell and resales of securities are made in compliance with either:

(1) Rules 144 promulgated by SEC under the Securities Act of 1933, as amended (1993 Act), as made effective in SEC Release Number 33-5223, as amended in Release Numbers 33-5307, 33-5452, 33-5452A, 33-5560, 33-5613, 33-5517, 33-5979, 33-6032, 33.6180, 34-16589, 33.6286, 33.6389, 33.6488, 33. 6768, and 33.6862; or

(2) Rule 145(d) promulgated by SEC under the 1933 Act as made effective in SEC Release Number 33-5316, as amended in Release Numbers 33-5932,

33.6508, 33.6578, 33.6579, 33.6611, and 33.6862.

(b) Dealer and agent registration. Any person (other than the owner) who acts as an agent of the owner in connection with a sale to any prospective purchaser in a transaction exempt from securities registration by virtue of this section shall be registered as either a dealer or agent under the Act, as applicable.

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 June 2, 1992.

TRD-9207522 Richard D. Latham  
Securities Commissioner  
State Securities Board

Earliest possible date of adoption: July 10, 1992

For further information, please call: (512) 474-2233



### • 7 TAC §139.14

The State Securities Board proposes new section §139.14, concerning non-issuer sales. This proposal and proposed §139.13 of this title (relating to Resales Under SEC Rule 144 and Rule 145(d)) are intended to fill a narrow gap that exists by virtue of the fact that the Securities Act, §5.C(1), is too narrow to cover certain legitimate, non-issuer sales of securities that are not otherwise exempt.

Richard D. Latham, securities commissioner, 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. Latham 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 the availability of an additional exemption to cover rare situations in which non-issuer owners of securities are unable to sell their securities pursuant to one or more exemptions under the Securities Act, including §5.C(1). 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 Denise Voight Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new section is proposed under Texas Civil Statutes, Article 581, §28. 1, which provide the board with the authority to adopt rules and regulations governing registration statements and applications; classify securities, persons, and matters within its jurisdiction; and prescribe different requirements for different classes.

*§139.14. Non-Issuer Sales.* The State Securities Board, pursuant to the Securities Act (the Act), §5.T, exempts from the secu-

urities registration requirements of the Securities Act, §7, the offer and sale of any securities, provided the following conditions are met.

(1) Who may sell. Offers or sales may be made by an owner of the securities, or any person acting on the owner's behalf, so long as the owner is not the issuer of the securities.

(2) Dealer and agent registration. Any person (other than the owner) who acts as an agent of the owner in connection with a sale to any prospective purchaser in a transaction exempt from securities registration by virtue of this section shall be registered as either a dealer or agent under the Act, as applicable.

(3) Use of proceeds. The proceeds of the sale shall be for the benefit of the owner and not directly or indirectly for the benefit of the issuer of the securities.

(4) Number of sales.

(A) The owner, together with any persons acting in concert with the owner, may make no more than 15 sales in any 12-month period under and in reliance on this section, exclusive of sales made to the issuer, or in compliance with the Act, §§5.0, 6.F, or 5.H, §109.3 of this title (relating to Sales to Financial Institutions and Certain Institutional Investors), §139.7 of this title (relating to Sales of Securities to Non-Residents), or §139.13 of this title (relating to Resales under SEC Rule 144 and Rule 145(d)), except as the allowable number of sales may be increased as provided in subparagraph (B) of this paragraph.

(B) The number of sales that may be made under subparagraph (A) of this paragraph may be increased to a higher number as approved by the securities commissioner in response to a written request based on the particular circumstances of a specific transaction. If the securities commissioner approves a higher number of sales in accordance with the provisions of this subparagraph, then in the particular case addressed by the written request, the higher number of approved sales will be allowed.

(C) The exemption provided by this section may not be combined with sales made pursuant to the Act, §5.C(1) to exceed sales otherwise allowable under this section.

(5) Filing requirement for certain persons. Any person who is a director, executive officer, or owner of 15% or more of a class of voting securities or other ownership interests of the issuer who wishes to make sales under and in reliance on this section must file a Form 133.34 with the securities commissioner no later than 15

days after the first receipt of any portion of the consideration for the securities being sold.

(6) Anti-fraud provisions. Nothing in this section is intended to or should be construed as in any way relieving owners or persons acting on behalf of owners from an existing duty to disclose to prospective investors information adequate to satisfy the anti-fraud provisions of the Act.

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 June 2, 1992.

TRD-9207523 Richard D. Latham  
Securities Commissioner

Earliest possible date of adoption: July 10, 1992

For further information, please call: (512) 474-2233

◆ ◆ ◆  
**TITLE 19. EDUCATION**  
**Part I. Texas Higher**  
**Education Coordinating**  
**Board**

**Chapter 5. Program**  
**Development**

**Subchapter O. Offering of**  
**Small Classes by Public Senior**  
**Colleges and Universities**

The Texas Higher Education Coordinating Board proposes repeal of §§. 301-5.304 and new §§5.301-5.303, concerning offering of small classes by public senior colleges and universities. These sections are being repealed and rewritten in response to Rider 19 in Article III of House Bill Number 1, 72nd Legislature. Semester credit hours generated in organized small class would not be included when calculating the number of semester credit hours used for funding.

Roger Elliott, assistant commissioner for research and financial planning, has determined that for the first five-year period the repeals and sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals and sections.

Mr. Elliott also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals and sections will be more efficient operation of public universities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals and sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

• **19 TAC §§5.301-5.304**

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

The repeals are proposed under Article III, Rider 19, House Bill 1, 72nd Legislature which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding offering of small classes by public senior colleges and universities.

§5.301. *General Provisions.*

§5.302. *Definitions.*

§5.303. *Justification Codes for the Offering of Small Classes.*

§5.304. *Consecutive Offerings of Small Classes.*

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 June 2, 1992.

TRD-9207580 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
• **19 TAC §§5.301-5.303**

The new sections are proposed under Article III, Rider 19, House Bill 1, 72nd Legislature which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding offering of small classes by public senior colleges and universities.

§5.301. *General Provisions.* In compliance with the Texas Education Code, §51.403(d), the Coordinating Board sets forth the following guidelines for use by public senior colleges and universities for the offering of small classes. Organized small classes may be offered in any institution as authorized by the appropriate governing board within the following guidelines, but credit hours in such classes may not be counted toward formula funding, as provided in §5.302 of this title (relating to Funding). An organized small class may be offered which:

(1) is a required course for graduation (the course is not offered each semester or term, and, if canceled, may affect the date of graduation of those enrolled);

(2) is a required course for majors in this field and should be completed this semester (or term) to keep proper sequence in courses;

(3) is a course in newly established degree program, concentration, or support area;

(4) are interdepartmental (cross-listed) courses taught as a single class by the same faculty at the same station, provided that the combined courses do not constitute a small class;

(5) is a first-time offering of the course;

(6) is class size-limited by accreditation or state licensing standards;

(7) is class size-limited by availability of laboratory or clinical facilities; or

(8) is voluntarily offered by a faculty member in excess of the institutional teaching load requirement and for which the faculty member receives no additional compensation.

**§5.302. Funding.** In compliance with Article III, Rider 19 of House Bill Number 1, 72nd Legislature, the Coordinating Board will delete all semester credit hours generated by organized small classes when computing the number of semester credit hours to be used in the formula base period for the general academic institutions.

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

**Base period**—The Summer, Fall, and Spring semesters immediately preceding the biennium to be funded (ie: for the 1992-1993 biennium, the base period was Summer 1990, Fall 1990, and Spring 1991).

**Individual instruction classes**—Classes whose primary mode of instruction is practicum, independent study, private lesson, thesis, dissertation, or self-paced instruction.

**Organized classes**—Classes whose primary mode of instruction is lecture, laboratory, seminar, or group television instruction.

**Small classes**—Undergraduate level classes with less than 10 registrations, and graduate level classes with less than five registrations.

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 June 2, 1992.

TRD-9207579

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
**Chapter 13. Financial Planning**  
**Subchapter A. General Provisions**

• 19 TAC §13.4

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

The Texas Higher Education Coordinating Board proposes the repeal of §13.4, concerning criteria for allocation of Fiscal Year 1978 funds appropriated for funding family practice residency programs. The rule is being repealed because it pertains to grants that are no longer being offered by the Coordinating Board.

Roger Elliott, assistant commissioner for research and financial planning, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Elliott also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be state funds dedicated to the production of family physicians will not be entirely allocated to residency programs that produce family physicians within at most one year of their being funded. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The repeal is proposed under the Texas Education Code, §61.503 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding criteria for allocation of Fiscal Year 1978 funds appropriated for funding family practice residency programs.

**§13.4. Criteria for Allocation of Fiscal Year 1978 Funds Appropriated for Funding Family Practice Residency Programs.**

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 June 2, 1992.

TRD-9207581

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
**Subchapter D. Procedures and Criteria for Funding of Family Practice Residency Programs**

The Texas Higher Education Coordinating Board proposes the repeal of §§13.61-13.73 and new §§13.61-13.67, concerning procedures and criteria for funding of family practice residency programs. The rules are being repealed and rewritten to allow the Coordinating Board to make the most efficient and effective use of the funds appropriated for the Family Practice Residency Program. The new sections will also clarify the administration of related support programs for the Family Practice Residency Program. The rules will function to focus state funds on those family practice residency programs that are already functioning and producing family physicians, rather than on prospective programs that will take a few years to begin producing physicians.

Roger Elliott, assistant commissioner for research and financial planning, has determined that for the first five-year period the repeals and sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals and sections.

Mr. Elliott also has determined that for each year of the first five years the repeals and sections are in effect the public benefit anticipated as a result of enforcing the repeals and sections will be state funds dedicated to the production of family physicians will not be entirely allocated to residency programs that produce family physicians within at most one year of their being funded. There will be effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals and sections as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

• 19 TAC §§13.61-13.73

The repeals are proposed under the Texas Education Code, §61.503, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding procedures and criteria for funding of family practice residency programs.

**§13.61. Types of Grants**

**§13.62. Procedures for Requesting Phase I Planning Grant.**

**§13.63. Procedures for Requesting Phase II Planning Grant.**



§13.64. *Procedures for Requesting Phase I Operational Grant.*

§13.65. *Procedures for Requesting Phase II Operational Grant.*

§13.66. *Plans Required to Accompany All Grant Requests.*

§13.67. *Review of Applications.*

§13.68. *Amount of Grant.*

§13.69. *Criteria To Qualify for Grants.*

§13.70. *Rural Rotations Reimbursement Grant.*

§13.71. *Procedures for Requesting a Rural Rotations Grant.*

§13.72. *Rural Rotations Preceptor Grants.*

§13.73. *Procedures for Requesting a Rural Rotations Preceptor Grant.*

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 June 2, 1992.

TRD-9207582

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
• 19 TAC §§13.61-13.67

The new sections are proposed under the Texas Education Code, §61.503 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding procedures and criteria for funding of family practice residency programs.

§13.61. *Types of Grants.* Medical schools, licensed hospitals, or nonprofit corporations may apply for a family practice residency operational grant, a support grant or a rural rotations reimbursement grant. A rural rotations supervisor may apply for a rural rotations supervisor grant.

(1) A family practice residency operational grant is defined as a grant to support an ongoing family practice residency program and expansions of ongoing family practice residency programs.

(2) A support grant is defined as a grant to support an ongoing program that encourages recruitment of medical students

to the specialty of family medicine or the development of faculty for Texas family practice residency programs.

(3) A rural rotations reimbursement grant is defined as a grant to reimburse Texas family practice residency programs for the costs of providing residents with optional one-month rotations in a rural setting in Texas.

(4) A rural rotations supervisor grant is defined as a grant to reimburse rural supervisors for the costs of travel to a rural rotations workshop.

§13.62. *Requirements for a Family Practice Residency Operational Grant.* To be considered for a family practice residency operational grant, a medical school, licensed hospital, or nonprofit corporation requesting an operational grant must at a minimum:

(1) show that the program is accredited by the Accreditation Council on Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA) as a family practice residency program;

(2) meet the Coordinating Board criteria and financial reporting guidelines for a family practice residency operational grant;

(3) give evidence that the program has been operational for two or more academic years;

(4) give evidence of continuing local support for the program;

(5) document expenditures and revenue for the program to substantiate funding needs;

(6) submit annual progress reports on the training program to the Coordinating Board that demonstrate the program's efforts to recruit residents likely to practice in underserved areas of the state and the program's encouragement of residents to enter practice in underserved areas of the state.

§13.63. *Requirements for a Support Grant.* To be considered for a support grant, a medical school, licensed hospital, or nonprofit corporation must:

(1) conform to Coordinating Board guidelines for family practice residency support grant programs;

(2) give evidence that the program to be funded has been operational for two or more academic years;

(3) give evidence of continued need for funding;

(4) document expenditures and revenue to substantiate funding needs; and

(5) submit annual progress reports to the Coordinating Board.

§13.64. *Requirements for a Rural Rotations Reimbursement Grant.* To be reimbursed for a resident's one-month rotation through a rural setting in Texas, a Texas family practice residency program must:

(1) submit documentation giving evidence that the program sponsored a resident in a rural rotation that at the time of the rotation conformed to Coordinating Board guidelines concerning family practice residency rural rotations;

(2) document expenditures for rural rotations to substantiate the request for reimbursement in accordance with Coordinating board guidelines; and

(3) submit progress reports and financial reports on rural rotations grants to the Coordinating Board on an annual basis, to be reviewed by the Family Practice Residency Advisory Committee.

§13.65. *Requirements for a Rural Rotations Supervisor Grant.* In order to apply for a rural rotations supervisor grant, a physician must:

(1) meet the eligibility requirements for rural rotations supervisors as set out in Coordinating Board guidelines for rural rotations;

(2) attend a rural rotations workshop sponsored by the Coordinating Board; and

(3) submit documentation of travel expenditures in accordance with Coordinating Board guidelines after attending a rural rotations workshop.

§13.66. *Review of Family Practice Residency Operational Grant Applications and Support Grant Applications.* Programs applying for family practice operational grants and support grants shall be reviewed by the Family Practice Residency Advisory Committee for their viability and their benefit to the state. Programs must be determined to serve the needs of the State of Texas in improving the distribution of health care delivery. The committee's review shall include the following:

(1) the ability of the program to meet the requirements set out in §13.62 or §13.63 of this title (relating to Requirements for a Family Practice Residency Operational Grant; Requirements for a Support Grant) and all program guidelines;

(2) existing and anticipated costs and funding for currently funded programs and new programs requesting funding;

(3) the program's performance in:

(A) better distributing family physicians throughout the state;

(B) helping medically underserved areas of Texas; and

(C) encouraging residents to practice in underserved areas of the state.

*§13.67. Amount of Family Practice Operational Grants and Support Grants.* The amount of funds to be allocated for any family practice residency operational grant or support grant shall be determined by the Coordinating Board, after receiving the recommendation of the Family Practice Residency Advisory Committee. Grants shall be used for operating expenditures as defined by generally acceptable accounting procedures and Coordinating Board guidelines for the program.

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 June 2, 1992.

TRD-9207583 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
Chapter 21. Student Services

Subchapter C. Hinson-Hazlewood College Student Loan Program for all Loans which are Subject to the Provisions of the Guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education Loan Program

• 19 TAC §21.64

The Texas Higher Education Coordinating Board proposes an amendment to §21.64, concerning Hinson-Hazlewood College Student Loan Program (repayment of loans). The rule change is needed in order to simplify the awarding of loan repayment deferments in the College Access Loan Program. The rule will separate the operation of the loan repayment deferment procedures of the College

Access Loan Program from the procedures used for awarding deferments in loan programs with guarantees provided by the United States Department of Education.

Mack Adams, assistant commissioner for student services, 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. Adams 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 simplified administration of the College Access Loan Program. 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 Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The amendment is proposed under the Texas Education Code, §52.54 which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program (repayment of loans).

*§21.64. Repayment of Loans.*

(a)-(c) (No change.)

(d) Deferments.

(1) The commissioner will grant deferments of loan repayment in accordance with the federal law and federal rules as follows:

(A) for GSL and SLS, [and CAL] deferments which are described in the Higher Education Act of 1965, Title IV, Part B, as amended, and the 34 Code of Federal Regulations, Parts 682 and 683; and

(B) (No change.)

(2) Interest on the non-subsidized loans (SLS, HEAL, and HELP, and CAL) which accrues during authorized deferment periods will be charged to the borrower. Interest on GSLs which accrues during authorized deferment periods will be charged to the United States Department of Education unless the borrower has lost eligibility for federal interest subsidy benefits as described in federal law.

(3) Authorized deferments for GSL and SLS[, and CAL] loans shall extend the maximum repayment period.

(4) (No change.)

(e)-(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 June 2, 1992.

TRD-9207583 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
Subchapter CC. Tuition Credit Program

• 19 TAC §§21.950-21.959

The Texas Higher Education Coordinating Board proposes new §§21.950-21.959, concerning Tuition Credit Program. The rules are needed for implementation of a new student financial assistance program provided for in House Bill 1, 72nd Legislature, Rider Number 23, III-9. The rules will provide operating guidelines for the new program.

Mack Adams, assistant commissioner for student services, has determined that there will be fiscal implications as a result of enforcing or administering the section. There will be minimal administrative costs for implementing the program. Eligible recipients for awards through the program will receive up to \$1,000. Cost for each year of the next five years estimated at \$100,000 per year.

Mr. Adams 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 that eligible students will receive up to \$1,000 of tuition credit for one year of college if graduating high school in three as opposed to four years. Correspondingly, the public school attended by the student will receive less funding due to the student's graduation. 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 Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P. O. Box 12788, Austin, Texas 78711.

The new sections are proposed under Article III, Page III-9, Rider 19, House Bill 1, 72nd Legislature, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding the Tuition Credit Program.

*§21.950. Purpose.* The purpose of the Tuition Credit Program is to increase the efficiency of the Foundation School Program and provide tuition assistance to eligible students.

*§21.951. Delegation of Powers and Duties.* The Texas Higher Education Coordinating Board in cooperation with the Texas Education Agency shall administer the Tuition Credit Program.

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

Board—The Texas Higher Education Coordinating Board.

Commissioner—The commissioner of higher education, the chief executive officer of the board.

High school graduate—An individual who, after September 1, 1991, has completed the requisite number of units, the prescribed courses, the examinations and other requirements, and has received a high school diploma from a public high school in Texas.

§21.953. *Eligible Institutions.*

(a) The board shall approve for participation in the Tuition Credit Program any Texas public institution of higher education; or any nonprofit, independent Texas college or university which is a regular member of, or candidate for accreditation by, the Commission on Colleges of the Southern Association of Colleges and Schools. Nonprofit, independent professional schools which award bachelor's or other higher degrees, and which are not members of the Commission on Colleges of the Southern Association of Colleges and Schools, may petition the board for consideration of approval. In any case, a theological or religious seminary shall not be eligible for approval.

(b) The chief executive officer of an eligible institution shall designate a program officer for the Tuition Credit Program. Unless otherwise specified by the chief executive officer of the institution, the director of financial aid at an eligible institution shall serve as the program officer for the Tuition Credit Program. The program officer shall be the board's on-campus agent to certify all institutional transactions, activities, and reports with respect to the Tuition Credit Program.

(c) To be eligible, an independent institution must provide matching funds for the state funds awarded through the Tuition Credit Program.

§21.954. *Eligible Students.* To be eligible to receive an award through the Tuition Credit Program, a person must:

(1) graduate from a Texas public high school within thirty-six months of his/her original enrollment in any high school;

(2) receive the award while enrolled in an eligible institution during the 12 months following graduation from high school; and

(3) provide the program officer proof of eligibility, usually in the form of a

high school diploma and an academic achievement record (transcript).

§21.955. *Source of Funding.* Out of funds appropriated for Foundation School Program allocations, the commissioner of education shall transfer to the board an amount sufficient to fund tuition credits for students who meet the eligibility requirements of the program.

§21.956. *Award Amounts.* The amount awarded a student through this program may not exceed the lesser of: the student's actual tuition charges, or \$1,000 in the 12 months immediately following the student's graduation from high school. Students attending eligible independent institutions must receive an equal amount of institutional tuition assistance during the 12-month period.

§21.957. *Disbursement of Funds.* Individuals applying for assistance through the Tuition Credit Program must provide proof of eligibility to the Tuition Credit Program at the institution to be attended. The institution may recommend the student for an award by submitting a board-approved application for payment to the board. The application is to certify the student's eligibility and indicate the amount of tuition charged the student for the relevant term. Applications submitted by independent institutions must be accompanied by a deposit of a like amount to be disbursed along with state funds as the student's matched award. As soon as possible after proper documentation and deposits (if required) are received, the board will request the issuance of a state warrant for a Tuition Credit Program award. (For students attending independent institutions, the warrant will include state and matching funds.) A separate application is required for each registration period for which payment of funds is requested.

§21.958. *Refunds.* The institution attended by a tuition credit award recipient who withdraws from a class or drops classes during the first four weeks of class will be expected to make a refund to the Tuition Credit Program for tuition received for the dropped classes in accordance with the following schedule:

(1) if class is dropped before classes begin, refund full amount;

(2) if drop is within first five days of classes, refund 80%;

(3) If drop is within second five days of classes, refund 70%;

(4) If drop is within third five days of classes, refund 50%;

(5) If drop is during fourth five days of classes, refund 25%;

(6) If drop is after the fourth five days of classes, no refund required.

§21.959. *Reporting Requirements.* The Institutional Program officer is responsible for acquiring student signatures on affirmation forms, issued with each tuition credit disbursement. By signing the affirmation form, the student will affirm his/her eligibility for the award and indicate the way in which the funds were disbursed (either directly to the student or deposited in the student's account). The program officer is to forward the signed affirmation form to the Coordinating Board within 30 days after the funds are disbursed to the student.

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 June 2, 1992.

TRD-9207584

James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Proposed date of adoption: July 17, 1992

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

◆ ◆ ◆  
TITLE 37. PUBLIC  
SAFETY AND CORREC-  
TIONS

Part I. Texas Department  
of Public Safety

Chapter 1. Organization and  
Administration

Electronic Funds Transfers

• 37 TAC §1.241

The Texas Department of Public Safety proposes new §1.241 concerning electronic funds transfers of payments. In compliance with the Texas Government Code, §404.095(c), this section is promulgated to require electronic funds transfers for payments to the Texas Department of Public Safety which are in excess of \$10,000. Electronic funds transfers for payments will increase the speed of depositing revenue from large remitters to the state, increase interest income for the state, and provide a safer and more efficient method for remitters to transmit what they owe to the state.

Melvin C. Peebles, assistant chief of fiscal affairs, has determined that there will be no fiscal implications as a result of enforcing or administering the section.

Mr. Peebles also has determined that for each year of the first five years the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be a decrease in the amount of

time required for banking activities with the Texas Department of Public Safety. 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 new section is proposed under the Texas Government Code, §404.095(c) and §411.006(4), which provides the Texas Department of Public Safety with authority to adopt a rule to require funds transfers for payments to the department in excess of \$10,000 or more due in a category of payments if the person paid the agency a total of \$250,000 or more in that category of payments. The director has the authority to adopt rules, subject to commission approval, considered necessary for the control of the department.

*§1.241. Electronic Funds Transfer for Payments.* If during the preceding year a person paid the department a total of \$25,000 or more in a category of payments and the department reasonably anticipates that during the current state fiscal year the person will pay the department \$250,000 or more in a category of payments, the person is required to transfer payment amounts of \$10,000 or more due the department by one or more of the means of electronic funds transfer approved by the state treasurer.

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 May 27, 1992.

TRD-9207476 James R. Wilson  
Director  
Texas Department of  
Public Safety

Earliest possible date of adoption: July 10, 1992

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 48. Community Care for Aged and Disabled

##### Eligibility

##### • 40 TAC §48.2911, §48.2918

The Texas Department of Human Services (DHS) proposes amendments to §48.2911, concerning eligibility for family care, and §48.2918, concerning eligibility for primary home care, in its Community Care for Aged

and Disabled chapter. The purpose of the amendments is to increase the maximum number of hours per week a client can receive family care and primary home care services. For a Priority 1 client, the maximum number of hours will increase from 30 to 39. For others, the maximum number of hours will increase from 30 to 50 hours.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect is an estimated additional cost of \$663,884 for fiscal year 1992; \$2,724,103 for fiscal year 1993; \$2,866,657 for fiscal year 1994; \$3,033,571 for fiscal year 1995; and \$3,166,576 for fiscal year 1996. There will be no fiscal implications for local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to assist individuals who need additional hours of service to remain in the community. 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.

Questions about the content of the proposal may be directed to Tom Gibbons at (512) 450-3217 in DHS's Long Term Care Department. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-143, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

##### §48.2911. Family Care.

(a) Family care applicants/clients are eligible for services if they score at least 24 on the client needs assessment questionnaire. If eligible, an applicant/client may receive one or more of the following services: personal care, household tasks, meal preparation, and escort. Beginning July 1, 1992, the [The] applicant/client is eligible for no more than 50 [30] hours of family care services a week (39 hours a week for a Priority 1 family care applicant/client). Effective September 1, 1992, the applicant/client is eligible for no more than 30 hours of family care services a week.

(b)-(d) (No change.)

##### §48.2918. Eligibility for Primary Home Care.

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

(c) Beginning July 1, 1992, an [An] eligible applicant or client cannot receive more than 50 [30] hours of primary home care per week (39 hours a week for a Priority 1 primary home care applicant or client). Effective September 1, 1992, an eligible applicant or client cannot receive more than 30 hours of primary home care per week.

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

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

Issued in Austin, Texas, on June 3, 1992.

TRD-9207586 Nancy Murphy  
Agency liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Proposed date of adoption: August 1, 1992

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

## TITLE 43. TRANSPORTATION

### Part I. Texas Department of Transportation

#### Chapter 25. Maintenance and Operations Division

##### Specific Information Logo Sign Program

##### • 43 TAC §§25.400-25.408

The Texas Department of Transportation (TxDOT) proposes new §§25.400-25.408, concerning the Specific Information Logo Sign Program. Senate Bill 518, 72nd Legislature, 1991, amended Texas Civil Statutes, Article 4477-9a, by requiring the Texas Transportation Commission to contract with a person, firm, group, or association in the State of Texas to erect and maintain signs that give specific information of interest to the traveling public including specific brand names at appropriate locations along interstate highways in each county with a population of less than 20,000. Article 4477-9a further requires the commission to adopt rules necessary to administer and enforce this signing program, and to regulate the content, composition, placement, erection, and maintenance of specific information logo signs and supports within interstate highway right-of-way. In order to comply with the legislative intent these new sections are being proposed for permanent adoption.

Section 25.400 outlines the purpose of the sign program. Section 25.401 prescribes the definitions used in this new undesignated head. Section 25.402 authorizes the department to award a contract to develop, operate, and maintain specific information logo signs and prescribes certain terms and conditions of the contract. Section 25.403 describes the

procedures by which a contractor may become prequalified to bid on a contract. Section 25.404 describes the procedure for awarding the contract. Section 25.405 describes the specifications for specific information logo signs. Section 25.406 describes how a commercial establishment qualifies to have a sign placed. Section 25.407 describes how a commercial establishment applies for participation in the program; how a commercial establishment is selected to participate; the rights and responsibilities of a commercial establishment; and how a logo may be covered or removed. Section 25.408 describes how a contractor may appeal an adverse decision by the department, and how a commercial establishment may appeal an adverse decision by the contractor.

Bob G. Hodge, P.E., director, division of maintenance and operations, has determined that for the first five-year period the sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an estimated increase in revenue of \$51,788 for 1992; \$88,039 for 1993; \$124,395 for 1994; and \$108,858 for each year of 1995 and 1996. There will be no effect on local government as a result of administering the sections.

Mr. Hodge also has certified that there will be no significant impact on local economies or overall employment as a result of administering the proposed new sections.

Mr. Hodge 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 providing advance notice to motorists of important services so that appropriate exits can be made from rural interstate highways. The cost of compliance of the new sections for small businesses will be that to participate in the program a business will be required to pay fees which will be collected by the contractor for each logo sign panel which include annual rental fees, installation fees, removal fees, covering, and replacement fees. The cost of compliance for small businesses compared with large businesses per \$100 of sales will be the same. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the Texas Department of Transportation will conduct a public hearing to receive comments concerning the proposed new sections. The public hearing will be held at 10 a.m. on Wednesday, July 1, 1992, in the first floor hearing room of the DeWitt C. Greer State Highway Building, 125 East 11th Street, Austin.

Those desiring to make oral comments or presentations may register starting at 9:30 a.m. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present them during the course

of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive content. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc., for proper reference. Any suggestions or requests for alternative language or other revisions in the proposed text should be submitted in written form.

Written comments on the proposal may be submitted to Bob G. Hodge, P.E., Director, Division of Maintenance and Operations, 125 East 11th Street, Austin, Texas 78701. All comments should be submitted no later than 5 p.m. on July 10, 1992.

The new sections are proposed under Texas Civil Statutes, Articles 6666 and 4477-9a, which provide the Texas Transportation Commission with the authority to promulgate rules and regulations for the conduct of the work of the Texas Department of Transportation, and specifically for the adoption of rules necessary to administer and enforce the specific information logo sign program.

*§25.400. Purpose.* Texas Civil Statutes, Article 4477-9a, require the commission to contract with a person, firm, group, or association in the State of Texas to erect and maintain signs that give specific information of interest to the traveling public including specific brand names, at appropriate locations along interstate highways in each county with a population of less than 20,000. It further requires the commission to adopt rules necessary to administer and enforce this signing program, and to regulate the content, composition, placement, erection, and maintenance of specific information logo signs and supports within interstate highway right of way. The sections under this undesignated head prescribe the policies and procedures for the implementation of a specific information logo sign program.

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

**Business logo**—A separate sign panel of specified dimensions attached to a specific information logo sign and containing the commercial establishment name, symbol, brand, trademark, or combination.

**Commercial establishment**—A privately owned business or corporation offering one or more of the primary motorist services.

**Commission**—The Texas Transportation Commission.

**Contractor**—A person, firm, group, or association in the State of Texas that acts as the authorized agent of the department in the operation of the specific information logo sign program.

**Department**—The Texas Department of Transportation.

**Interchange**—The intersection of the centerlines of an interstate highway and a crossroad.

**Interstate highway**—Any highway which is part of the national system of interstate and defense highways designed to be a multi-lane and divided full control access roadway.

**Primary motorist service**—Gas, food, lodging, or camping available to the traveling public.

**Ramp business logo**—A reduced size separate sign panel of specified dimensions attached to a ramp sign and containing the commercial establishment name, symbol, brand, trademark, or combination.

**Ramp sign**—A sign with ramp business logos, directional arrows, and distances placed near an interstate exit ramp.

**Specific information logo sign**—A rectangular sign panel imprinted with the words "GAS," "FOOD," "LODGING," or "CAMPING," or with a combination of those words, and the names (or business logos) of commercial establishments offering those services.

**State**—The State of Texas.

**Texas MUTCD**—*Texas Manual on Uniform Traffic Control Devices for Streets and Highways*, latest edition, issued by the Texas Department of Transportation.

*§25.402. Specific Information Logo Sign Program.*

(a) **Program.** The department may award a contract to a person, firm, group, or association in the State of Texas, for an initial period not to exceed five years, to develop, operate, and maintain specific information logo signs at appropriate locations along interstate highways in each county with a population of less than 20,000, subject to the following terms and conditions.

(b) **Marketing.** In marketing the specific information logo sign program, the contractor shall:

(1) develop an inventory of potential eligible commercial establishments;

(2) send letters explaining the program to potential eligible commercial establishments; and

(3) advertise the program in local papers and post notices at appropriate locations at the county seats.

(c) **Market study and construction plans.** Prior to construction of a specific information logo sign at an approved location, the contractor must submit to the department a market study and construction plans. Upon approval of these plans the department will issue a work order to the contractor.

(d) As-built plans. The contractor shall submit as-built plans to the department upon completion of the installation of specific information business logo signs.

(e) Sign erection in first year. In the first year of the contract between the department and contractor, the contractor shall erect specific information logo signs and business logos at a minimum of 40% of the interchanges where agreements have been completed between the commercial establishments and the contractor. Specific information logo signs and business logos shall be erected within two years of the execution date of an agreement between the commercial establishments and the contractor pursuant to §25.407 of this title (relating to Program Operation).

(f) Annual report. The contractor shall furnish an annual report to the department. The annual report will include the contractor's financial statement as provided in §25.403 of this title (relating to Prequalification), summary of eligible interchanges, business logos erected, and number of commercial establishment agreements completed. Other reports may also be required throughout the year as determined by the department.

(g) Installation by contractor. Installation of specific information and business logo signs may only be performed by the contractor, a subcontractor approved by the department, or, in emergency situations, by the department. In the event that the department undertakes installation or other duties of the contractor, the contractor shall immediately remit to the department the specified fee or cost of such work.

(h) Department review. Prior to installation, the design and location of business logo signs must be submitted to the department for review. The department shall inspect installation and monitor maintenance.

(i) Additional signing. If the department determines that additional regulatory, warning, or guide signing is needed at an interchange, existing or planned specific information logo signs shall be removed or relocated by the contractor as directed by the department and at the sole expense of the contractor.

(j) Sign maintenance. The specific information logo signs shall be maintained by the contractor in a manner and condition that is a distinct benefit to the safety of the public, benefit to the commercial establishments, and to the satisfaction of the department.

(k) Fees.

(1) The contractor shall assess the following non-refundable fees and shall remit to the department an amount equal to 5.0% of all such fees no later than the first Monday following receipt by the contractor:

(A) installation fee. A one-time fee in the amount specified in the contractor's bid proposal under §25.404 of this title (relating to Contract Award Procedures) for the installation of the commercial establishment's business logo and, if necessary, ramp business logo;

(B) annual rental fee. An annual fee for each business logo and for each ramp business logo (for ramp signs) in the respective amounts specified in the contractor's bid proposal under §25.404 of this title;

(C) covering fee. A \$100 fee for covering and uncovering a business logo and ramp business logo pursuant to §25.407 of this title (relating to Program Operation);

(D) replacement fee. A \$100 fee for each business logo and ramp business logo replaced at the request of the commercial establishment.

(2) The contractor shall reduce the annual rental fee a prorated amount for each calendar day when:

(A) the business or ramp business logo(s) has not been erected; or

(B) a previously erected business or ramp business logo is obscured from view of the motorists for a period of time exceeding 10 calendar days.

(3) A contractor may not reduce the annual fee for the period a business logo or ramp business logo is covered at the request of the commercial establishment.

(l) Bonding. The contractor shall satisfy all requirements of Texas Civil Statutes, Article 5160, relating to bonds.

(m) Permits, licenses, and taxes. The contractor shall procure all permits and licenses; pay all charges, fees, and taxes; and give all notices necessary and incidental to the due and lawful prosecution of the work. When requested, the contractor shall furnish the department with evidence of compliance with the permit, license, and tax requirements.

(n) Records. The contractor shall, consistent with generally accepted accounting principles, maintain all books, documents, paper, advertising contracts, accounting records, and other evidence pertaining to the contract with the department and shall, upon request of the department, make available such documents, records, and information for examination by the department, its designee, or the state auditor.

(o) Termination. The department or the contractor may terminate the contract upon default of the other party.

(1) If the contractor terminates the contract or defaults prior to the conclusion date of any five-year term, ownership of the contract rights and any rights in the business logo signs constructed at the various interchanges and intersections shall immediately pass to and vest in the department on the effective date of termination, and the contractor shall not be entitled to any compensation.

(2) If the department terminates the contract for reasons other than default of the contractor, the contractor will be paid for a percentage of the fair market value for each of the specific information logo signs erected. The percentages are as follows within year of agreement: 0-1 year-75%; one-two years-50%; two-three years-25%; three years or greater-0%.

(p) Sale, transfer, and assignment of contract. The contractor shall not sell, transfer, assign, or otherwise dispose of the contract or any portion thereof, or of its right, title, or interest therein, without the prior written consent of the department.

#### §25.403. Prequalification.

(a) Eligibility. To be eligible to submit a bid on a contract for the specific information logo sign program, a contractor must prequalify by submitting an introductory letter and a statement of interest. A committee of department employees appointed by the director of the division of maintenance and operations will evaluate and score each statement of interest. To prequalify, a contractor must receive a final score of not less than 70 points on the statement of interest.

(b) Introductory letter. The introductory letter shall be addressed to Director of Maintenance and Operations, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701-2483, and shall contain:

(1) an expression of the contractor's interest in the project;

(2) a summary of the contractor's qualifications to do the work; and

(3) any other summary information concerning the project team or the contractor that may be useful or informative to the department, contractors, or subcontractors.

(c) Statement of interest. The statement of interest shall contain the following components in the order listed.

(i) Staffing.

(A) The contractor shall specify the identity of key individuals, including subcontractors, who are proposed to be part of the contractor's project team together with their respective qualifications and experience on similar or related projects, the expected amount of involvement, and the time commitment for each individual and subcontractor.

(B) Evaluation will be on the basis of the qualifications, experience, and time allocation of the members of the project team as they relate to the specific project, with a maximum of 20 points.

(2) Capability.

(A) The contractor's capability for actually undertaking and performing the work shall be described, to include the types and locations of similar work performed in the last three years that best characterizes the quality and cost control of the contractor as well as the names, addresses, and phone numbers of knowledgeable individuals who can be contacted. This component shall also include a discussion of the contractor's internal policies and procedures that are related to work quality, cost control, and resources, including management and organization capabilities currently available for performing the work for the project.

(B) Evaluation will be on the basis of the contractor's capability to perform the work, including internal quality and cost control procedures, with a maximum of 15 points.

(3) Understanding of the project.

(A) The contractor's understanding of the project, based on information available from the department, site visits by the contractor, and applicable regulations or requirements known and as understood by the contractor, shall be discussed.

(B) Evaluation will be on the basis of the contractor's demonstrated knowledge of the required work as contained in a clear and concise explanation, with a maximum of 15 points.

(4) Approach to the project.

(A) The approach or course of action by which the contractor proposes to meet the goals and objectives of the project shall be described. The approach must be realistic, clear and concise, and shall identify potential impacts, impediments, or conflicts.

(B) Evaluation will be on the basis of how well the contractor has planned a preliminary or basic course of action, what alternative and/or innovative approaches are proposed, and what provisions are identified for dealing with potential impacts, impediments, or conflicts, with a maximum of 15 points.

(5) Schedule control.

(A) Internal methods that will be used by the contractor for schedule control must be fully described. Current references must be listed that confirm the contractor's ability for the timely completion of project work. The intent of this section is to make sure that the project is expedited.

(B) Evaluation will be on the basis of the internal measure used by the contractor to ensure timely completion along with his or her demonstrated reputation for project completion, with a maximum of 10 points.

(6) Location of the work.

(A) The location or locations where the work will be accomplished by the contractor and any subcontractor, the identities of those who will be involved at each work location for the major work elements on the project, the location of the business offices, and the location where the signs will be fabricated shall be identified.

(B) Evaluation will be on the basis of the contractor's ability to erect, maintain, and replace signs in a timely and effective manner, with a maximum of 15 points.

(7) Certified financial statement.

(A) The contractor must furnish a certified financial statement for the fiscal year immediately preceding the date of the introductory letter.

(B) Evaluation will be on the basis of the contractor's financial ability to implement and operate the program, with a maximum of 10 points.

(8) Supporting information.

(A) The contractor may provide supporting information, such as graphs, charts, photos, resumes, and references.

(B) This component will not be evaluated or scored as part of the statement of interest.

(d) Page limits. The entire statement of interest including the eight sections listed in subsection (c) of this section should not exceed 18 pages. A page is defined as an 8.5 by 11 inch or 11 by 17 inch sheet containing text, pictures, graphs, charts, plan sheets, or any other graphics. Not more than three 11 by 17 inch sheets, may be used in conjunction with pictures, graphs, charts, plans, and other graphics. If 11 by 17 inch sheets contain text only, they will be counted as two pages.

*§25.404. Contract Award Procedures.*

(a) Notice. The department will publish a notice of intent to award a specific information logo sign program contract in industry related publications at least 45 calendar days prior to contractor selection. The notice shall include prequalification requirements for potential contractors.

(b) Bidding requirements.

(1) To be considered for award of a contract under this section, a contractor must file with the director of maintenance and operations a sealed bid proposal in a form prescribed by the department. Submission of the bid proposal must comply with the location, date, and time requirements of the notice. The bids shall be opened at a public hearing conducted by the director of maintenance and operations. All bidders may attend and all bids shall be opened in their presence.

(2) The bid amount will be the total of the installation fee plus five times the sum of the annual rental fees for one business logo sign space and one ramp business logo sign per direction of travel. Expressed as a formula:



B = Contractor's bid

IF = Installation fee

ARF<sub>1</sub> = Annual rental fee for one business logo sign space

ARF<sub>R</sub> = Annual rental fee for one ramp business logo sign  
space

(3) The department will not consider a bid which:

(A) fails to comply with any requirement of the notice;

(B) specifies an installation fee that is less than 5.0% or greater than 25% of the annual rental fee; or

(C) specifies that the ramp business logo annual rental fee is less than 5.0% or greater than 15% of the business logo annual rental fee.

(c) Award of contract.

(1) All bid proposals received by the director of maintenance and operations shall be tabulated and forwarded to the commission. The commission may accept or reject all bids, and if accepted, award the contract to the lowest bidder.

(2) The department will notify the contractor by certified mail of the award of a specific information business logo sign program contract within 10 calendar days of the date of the award. To accept the award, the contractor must execute a contract with the department within 30 calendar days of the date of the award.

(3) The contract shall be in a form prescribed by the department and shall, at a minimum, include all terms and conditions prescribed by this undesignated head and such other terms and conditions the department deems advantageous to the state.

*§25.405. Specifications.*

(a) Specific information logo signs.

(1) Design. A specific information logo sign shall:

(A) have a blue background with a white reflective border;

(B) contain a principal leg-end equal in height to the directional leg-end;

(C) meet the applicable provisions of the Texas MUTCD;

(D) have background material which conforms with department specifications for reflective sheeting;

(E) be fabricated, erected, and maintained in conformance with department specifications and fabrication details;

(F) provide not less than eight inches vertical spacing and not less than 12 inches horizontal spacing between business logos.

(2) Content. A specific information logo sign shall contain:

(A) word legends for the following services: GAS, FOOD, LODGING, or CAMPING;

(B) the exit number;

(C) no more than four business logos on one sign panel; and

(D) no more than one type of service on a sign panel, or, in an area having fewer than three qualified commercial establishments available for that service, no more than two types of services on that sign panel.

(3) Placement. Subject to approval of the department, a specific information logo sign shall be installed or placed:

(A) to conform to the following order of placement along the direction

of travel: CAMPING, LODGING, FOOD, GAS;

(B) according to the following priorities where available space is limited: GAS, FOOD, LODGING, and CAMPING;

(C) to take advantage of natural terrain;

(D) to have the least impact on the scenic environment;

(E) to avoid visual conflict with other signs within the highway right-of-way;

(F) with a lateral offset equal to or greater than existing guide signs;

(G) at least 800 feet from the previous interchange and at least 800 feet from the exit direction sign at the interchange from which the services are available;

(H) only in areas where a 30-foot offset from the edge of the pavement can be achieved;

(I) without blocking motorists' visibility of existing traffic control and guide signs;

(J) in locations that are not overhead;

(K) where a motorist, after following the sign(s), can conveniently re-enter the highway and continue in the original direction of travel; and

(L) at least 800 feet, but not excessively spaced, from another sign having the same legend.



(4) Existing regulatory, warning, destination, guide, recreation, and cultural interest signs will not be removed or relocated to accommodate a specific information logo sign.

(b) Business logos.

(1) Design. A business logo:

(A) may not exceed 48 inches in width or 36 inches in height;

(B) may be any color or combination of colors; and

(C) may only be fabricated, erected, and maintained in conformance with current department specifications for aluminum signs and reflective sheeting.

(2) Content. A business logo may:

(A) consist of a registered trademark or a legend message identifying the name or abbreviation of the commercial establishment;

(B) contain supplemental information, limited to the word "DIESEL" on a gas logo or the words "24 HOURS" on a gas or a food logo, the words "DIESEL" and "24 HOURS" not to exceed six inches in height;

(C) contain a message, symbol, or trademark only if the message, symbol, or trademark does not resemble an official traffic control device; and

(D) contain text, symbols, or advertising only if the text, symbols, or advertising are related to the primary service of the specific information logo sign.

(c) Ramp signs.

(1) Design. A ramp sign shall:

(A) meet the applicable provisions of the Texas MUTCD;

(B) have a blue background with a white reflective border;

(C) conform with the latest department specifications for reflective sheeting for the background material of the sign; and

(D) be fabricated, erected, and maintained in conformance with the current department specifications for aluminum signs and roadside signs.

(2) Placement. Subject to approval of the department, a ramp sign may be placed along an exit ramp or access road, or at an intersection of an access road and crossroad when a commercial establishment's building or on-premise signing is not visible from that exit ramp, access road, or intersection.

(3) Content. A ramp business logo shall:

(A) be no larger than 24 inches in width and 18 inches in height;

(B) contain directional arrows and distances; and

(C) be a duplicate of the business logo erected on a specific information logo sign.

*§25.406. Commercial Establishment Eligibility.*

(a) General requirements for eligibility. To be eligible to have a business logo placed on a specific information logo sign, a commercial establishment must:

(1) offer at least one primary motorist service;

(2) be located directly adjacent to the interstate highway on which the specific information logo sign is located or on an intersecting crossroad;

(3) be located within three miles from an interchange on an interstate highway, or, if no other eligible service of the same kind is located within that distance, be located within 15 miles of the interchange and be issued a permit by the department;

(4) comply with all applicable laws concerning the provisions of public accommodations without regard to race, religion, color, sex, or national origin; and

(5) post its hours of operation on or near the main entrance so that they are visible to the public during open and closed hours.

(b) Specific services eligibility. In addition to the general requirements for eligibility to have a business logo placed on a specific information logo sign, a commercial establishment must meet the requirements for at least one of the following primary motorist services.

(1) Gas. To be eligible to have a business logo placed on a specific information logo sign carrying the legend "GAS," a commercial establishment must provide:

(A) vehicle services, including fuel, oil, and water;

(B) tire repair, if the establishment is not a self-service station;

(C) restroom facilities and drinking water;

(D) continuous operation for at least 12 hours per day, seven days a week; and

(E) a telephone accessible to the public 24 hours a day.

(2) Food. To be eligible to have a business logo placed on a specific information logo sign carrying the legend "FOOD," a commercial establishment must provide:

(A) a license or other evidence of compliance with public health or sanitation laws, if required by applicable other law;

(B) continuous operation at least 12 hours a day to serve three meals a day;

(C) seating capacity for at least 16 people;

(D) public rest rooms; and

(E) a telephone accessible to the public 24 hours a day.

(3) Lodging. To be eligible to have a business logo placed on a specific information logo sign carrying the legend "LODGING," a commercial establishment must provide:

(A) a license or other evidence of compliance with laws regulating facilities providing lodging, if required by applicable other law;

(B) at least 10 rooms; and

(C) a telephone accessible to the public 24 hours a day.

(4) Camping. To be eligible to have a business logo placed on a specific information logo sign carrying the legend "CAMPING," a commercial establishment must provide:

(A) a license or other evidence of compliance with laws regulating camping facilities, if required by applicable other law;

(B) adequate parking accommodations; and

(C) modern sanitary facilities and drinking water.

(c) Multiple services eligibility. If a commercial establishment offers more than one primary motorist service, it will be eligible to display a business logo for each of those services on the appropriate specific information logo sign, provided that:

(1) minimum criteria for the service as described in §25.405 of this title (relating to Specifications) are met;

(2) the additional business logo(s) would not prevent participation by another eligible commercial establishment whose sole service would be displaced; and

(3) a business logo space is available.

#### §25.407. Program Operation.

(a) Commercial establishment application.

(1) Applications for commercial establishments desiring to participate in the specific information logo sign program are available upon request from the Texas Department of Transportation, Maintenance and Operations Division, 125 East 11th Street, Austin, Texas 78701-2483.

(2) A commercial establishment desiring to participate in the specific information logo sign program must submit an application to the contractor and verify that all requirements are met. Applications must be submitted to the location as stated on the application form. The contractor will verify the eligibility of each applicant.

(3) A separate application is required for each primary motorist service per interchange per direction of travel. Only one application per commercial establishment per primary motorist service per direction of travel per interchange will be accepted.

(4) Applications will be reviewed by the contractor and applicants notified in writing of being qualified or rejected. Rejected applications will be returned and deficiencies noted.

(5) Rejected applicants may re-submit their application when the noted deficiencies have been corrected.

(6) To be eligible for the selection process for the available business logo space(s), available first alternate position, or available second alternate position, a commercial establishment must have submitted a qualified application before the commercial establishment application deadline.

(7) The commercial establishment application deadline for the annual random drawing in the following calendar

year is 5 p.m. of the second Tuesday in August, received at the location as stated on the application. The commercial establishment application deadline for an emergency random drawing is 14 calendar days after the business logo space(s), the first alternate position, or the second alternate position becomes available. If no qualified applications are on file or received, the contractor may postpone the commercial establishment application deadline until 14 calendar days after a qualified application is received.

(8) Qualified applications received after the commercial establishment application deadline will be placed on file and considered eligible for future annual and emergency random drawings.

(b) Commercial establishment selection.

(1) Available business logo space(s) and relative placement of business logos on the specific information logo sign, available first alternate position, and available second alternate position for each primary motorist service for each direction of travel at an interchange will be awarded by the annual or emergency random drawing of the qualified applications received before the commercial establishment application deadline.

(2) The annual random drawing will be held publicly by the contractor on the second Tuesday of September in the presence of two or more department employees. Emergency random drawings will be held publicly as needed in the presence of two or more department employees. Emergency random drawings of qualified applicants will be held no earlier than 20 days nor later than 45 days after the commercial establishment application deadline. Emergency random drawings will not be held within 45 days prior to the annual random drawings.

(3) When a business logo space(s) becomes available, the first and second alternates have first right of refusal, respectively, for the available business logo space. If the first alternate accepts an available business logo space, the second alternate then becomes the first alternate with first right of refusal for any existing or future available business logo space. Any remaining available business logo space(s), available first alternate position, or available second alternate position are awarded by the annual or emergency random drawings.

(4) If the number of qualified applicants is less than or equal to the number of available business logo space(s) at the time of the commercial application deadline, the available space(s) will be awarded to the qualified applicants. The random drawing will determine only the relative placement of the business logo signs in the available space(s).

(5) The contractor shall notify the commercial establishment by certified mail of the award of specific information business logo sign space within 10 calendar days of the date of the award. To accept the award, the commercial establishment must execute a written agreement with the contractor within 30 calendar days of the date of the award. The agreement shall be in a form as prescribed by the department and shall, at a minimum, contain all applicable provisions prescribed by this undesignated head.

(c) Responsibilities and rights of commercial establishment.

(1) The commercial establishment must provide a business logo and, if necessary, ramp business logo(s) within 60 days of notification by the contractor of the contractor's intent to erect the specific information logo signs or ramp signs.

(2) A commercial establishment may renew its agreement with the contractor on an annual basis no later than July 31 of the last year of the contract. If the commercial establishment does not renew its agreement with the contractor, the contractor will remove the business logo at the end of the participation agreement, and will make the vacated space(s) available to other commercial establishments pursuant to subsection (b) of this section.

(d) Covering of business logo. A business logo and the ramp business logo(s) of a commercial establishment may be covered by the contractor if the commercial establishment is temporarily closed for a period not exceeding 30 calendar days. Unless removed pursuant to subsection (e) of this section, the business logo and ramp business logo(s) will remain covered until the commercial establishment reopens.

(e) Removal of business logo.

(1) A business logo of a participating commercial establishment shall be removed by the contractor if the commercial establishment:

(A) ceases to exist;

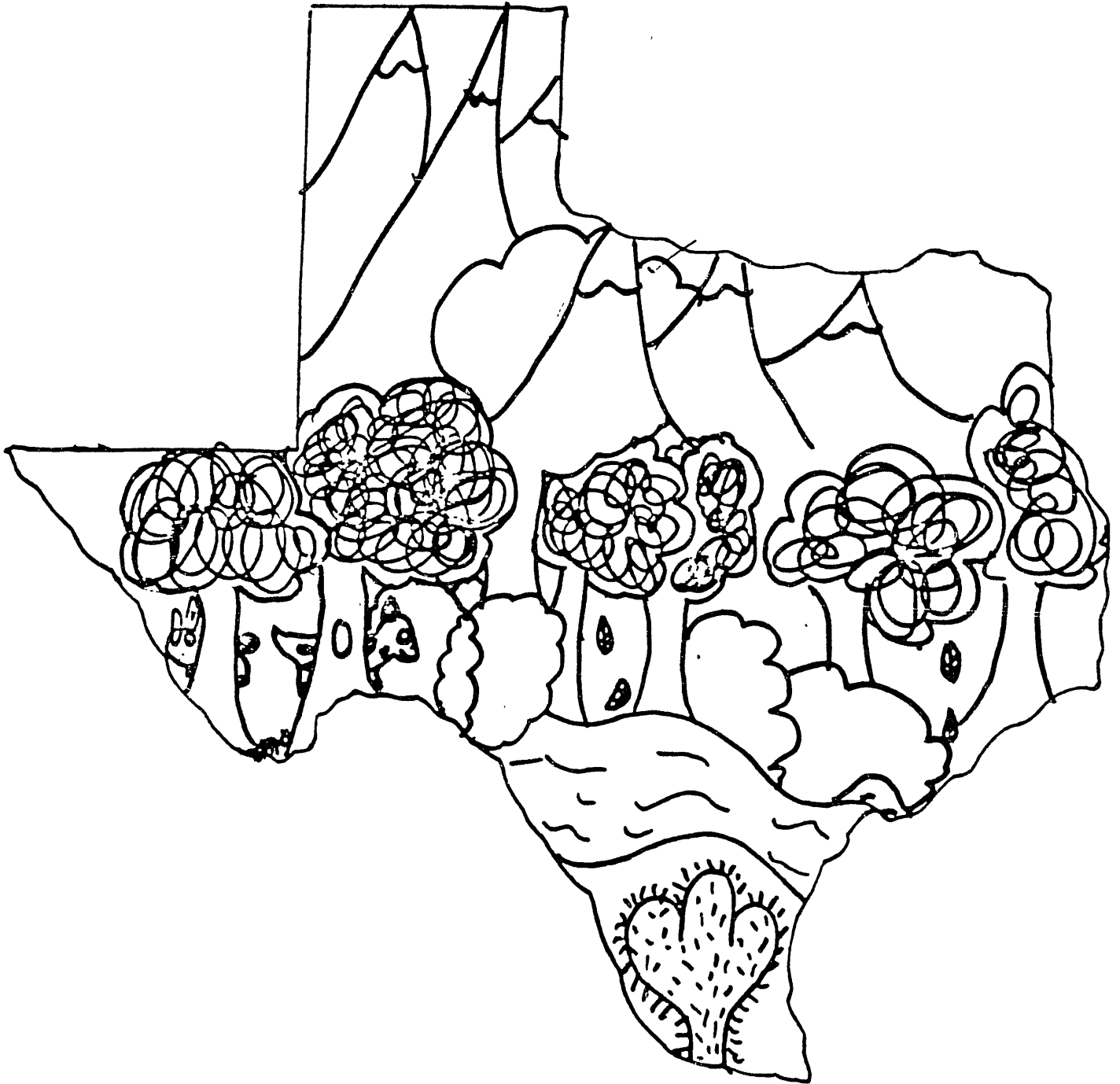
(B) fails to pay the annual rental fee or other fees within 30 calendar days of the due date as specified on the agreement;

(C) is temporarily closed for more than 30 calendar days;

(D) does not meet the minimum requirements as stated herein, and all corrections are not made within 30 calendar days of written notification;



# Don't Mess With Texas



Name: Arielle Pittman

Grade: 4

School: Moss Haven Elementary School, Richardson ISD

# 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 19. EDUCATION

### Part I. Texas Higher Education Coordinating Board

#### Chapter 5. Program Development

#### Subchapter O. Offering of Small Classes by Public Se- nior Colleges and Universi- ties

##### • 19 TAC §§5.301-5.304

The Texas Higher Education Coordinating Board has withdrawn from consideration for permanent adoption a proposed repeal §§5.301-5.304 which appeared in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1865). The effective date of this withdrawal is June 3, 1992.

Issued in Austin, Texas, on June 3, 1992

TRD-9207578

Sharon Jahsman  
Administrative Secretary  
Texas Higher Education  
Coordinating Board

Effective date: June 3, 1992

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



##### • 19 TAC §§5.301-5.305

The Texas Higher Education Coordinating Board has withdrawn from consideration for permanent adoption a proposed new §§5.301-5.305 which appeared in the March 13, 1992, issue of the *Texas Register* (17 TexReg 1866). The effective date of this withdrawal is June 3, 1992.

Issued in Austin, Texas, on June 3, 1992

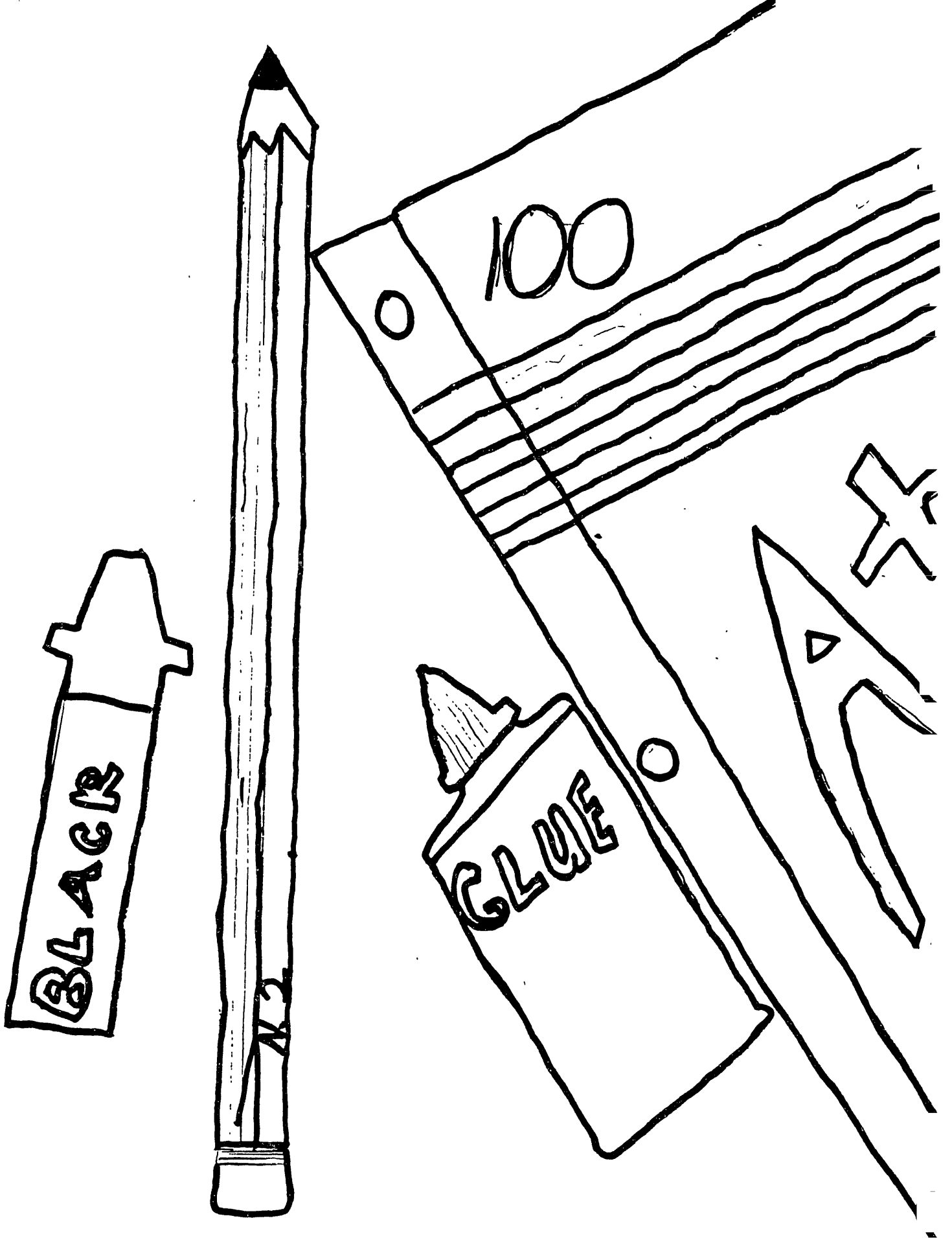
TRD-9207577

Sharon Jahsman  
Administrative Secretary  
Texas Higher Education  
Coordinating Board

Effective date: June 3, 1992

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





Name: Conor Reilly  
Grade: 4  
School: Moss Haven Elementary School, Richardson ISD

# Adopted Sections

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

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

## TITLE 1. ADMINISTRATION

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

#### Chapter 101. Practice and Procedure Before the Office the Secretary of State

##### General Rules

##### • 1 TAC §101.1

The Office of the Secretary of State adopts amendments to §101.1 concerning definitions and §101.22 concerning the initiation of proceedings and the examination of pleadings, with changes to the proposed text as published in the April 28, 1992, issue of the *Texas Register* (17 TexReg 3043).

New §101.1 adds new definitions necessary and pertinent to the administration of Chapter 101. The amendments are adopted because of the creation of the Office of Administrative Hearings by the 72nd Texas Legislature and for the purpose of clarifying rights to formal hearings provided by Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Vernon Supplemental 1992).

The agency received comments on the proposed rules published April 28, 1992, from the State of Office of Administrative Hearings (SOAH). The commenter representing the SOAH had four comments. First, he suggested that the term administrative law judge be used to represent the individual assigned by the SOAH to conduct a formal hearing. Second, he suggested §101.22(b) should be clearer on the specific procedure for initiating a formal hearing with the SOAH. Third, he suggested that in view of §101.22(a)(2) the proposed §101.22(c) is unnecessary. Finally, he suggested that the language in the proposed §101.22(e) not be mandatory but be permissive. The agency staff agreed with all the suggestions and included them in the adopted rules.

The amendment is adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1); Article 1396-9.03; Article 1528d, §3; Article 5949, §10; Article 8871, §11; Article 5069-16.17; Article 5221, §7A; Texas Government Code, §406.023(a); Texas Business and Commerce Code, §17.08(d); Texas Property Code, §222.001; the Texas Election Code, §31.003, which provides the secretary of state with the authority to prescribe and adopt rules.

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

*APTRA*—The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Vernon Supplemental 1992).

*Formal hearing*—An adjudicative proceedings in accordance with these sections.

*Hearings examiner*—The administrative law judge assigned by the State Office of Administrative Hearings to conduct a proceeding on matters within the agency's jurisdiction. All references to hearings examiner in these rules shall mean administrative law judge.

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 May 29, 1992.

TRD-9207482

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

Effective date: June 22, 1992

Proposal publication date: April 28, 1992

For further information, please call: (512) 463-5558

#### Initiation of Proceedings, Complaints, and Pleadings

##### • 1 TAC §101.22

The amendment is adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1); Article 1396-9.03; Article 1528d, §3; Article 5949, §10; Article 8871, §11; Article 5069-16.17; Article 5221, §7A; Texas Government Code, §406.023(a); Texas Business and Commerce Code, §17.08(d); Texas Property Code, §222.001; and Texas Election Code, §31.003, which provides the secretary of state with the authority to prescribe and adopt rules.

*§101.22. Initiation of Proceedings and Examination of Pleadings.*

(a) Where applicable, upon the filing of a complaint with the appropriate office, the office shall determine whether the complaint complies with its prescribed

form, if any, and whether a contested case should be initiated.

(1) If the office determines that the complaint does not substantially comply with its form, the office may return the complaint to the person who filed it, together with a statement of the office's reasons for returning the complaint.

(A) The person who filed a complaint shall thereafter have the right to correct and refile the complaint.

(B) The refiling of the complaint shall be within the time limit prescribed by the office.

(2) If the office determines that the complainant complies with its prescribed form but fails to state facts which, if proven, would be grounds for the secretary to take action, the complainant will be notified of the basis for such determination.

(A) The complainant shall be allowed to submit additional facts which, if proven, would be grounds for action by the secretary.

(B) The submission of the additional facts shall be within the time period specified by the office.

(C) If the person who filed the complaint does not submit additional facts within the time allowed, no further action shall be taken on the complaint and the file pertaining to the complaint shall be closed.

(3) If the agency determines that the legal rights, duties, or privileges of a party might be affected by action taken as a result of a complaint or the agency determines on its own volition that a contested case should be initiated, the agency shall give notice by certified mail to the party of facts and conduct alleged to warrant the intended action, and the party shall be given an opportunity as described in the notice to show compliance with all requirements of the law concerning the applicable rights, duties or privileges.

(4) It is the intention of the Office of the Secretary of State to afford all

parties an opportunity for a hearing in all contested cases.

(5) If revocation, suspension, probation, or other action concerning a registration, license, or commission is proposed, the agency shall give written notice to the affected party that the party must request, in writing, a formal hearing within 10 days of receipt of the notice. The notice shall state the basis for the proposed action. Receipt of the notice is presumed to occur on the tenth day after the notice is mailed to the last known address shown in the most recent filing with the appropriate office of the agency unless another date is reflected on a United States Postal Service return receipt.

(6) If no timely request for a hearing is received, the party is deemed to have waived the hearing and be in agreement with the allegations and proposed action.

(7) If the hearing is waived, action including, but not limited to, suspension, revocation or probation of the registration, license, or commission, shall be taken by an order of the secretary of state.

(8) If a civil penalty is assessed pursuant to the Athlete Agents Act, Texas Civil Statutes, Article 8871 (Vernon 1992), the procedures delineated in Section 9 of the referenced Athlete Agents Act supercedes those stated in paragraph (1)-(7) of this section.

(9) If a formal hearing is requested, it shall be conducted in accordance with the provisions of APTRA, other state statutes, agency rules applying to such hearings, and the rules of the State Office of Administrative Hearings.

(b) A formal hearing is initiated by the filing of a petition with the State Office of Administrative Hearings and a request for a setting of a hearing or an assignment of an administrative law judge in accordance with 1 T.A.C. §155.7. The formal hearing is conducted by the State Office of Administrative Hearings. The petition shall state the following:

(1) the name and address of the person initiating the proceeding or the name and address of the party's attorney or representative, if any;

(2) a statement of the legal authority and jurisdiction under which the contested case has been initiated;

(3) a reference to the particular sections of the statutes and rules involved;

(4) a statement of the matters asserted;

(5) a copy of the complaint, if any, upon which the proceeding is based; and

(6) the relief requested.

(c) Unless otherwise provided by law, where an office initiates a contested case on its own volition, the Office of Administrative Hearings shall assign a hearings examiner to hear the case and the office shall follow the notice procedures as outlined by §101.7 of this title (relating to Personal Service by the Agency).

(d) Upon the filing of any pleading, the hearing examiner may examine same and determine its sufficiency under these sections.

(1) If the hearings examiner finds that the pleading does not substantially comply with these sections, the hearings examiner may return it to the person who filed it, together with a statement of the reasons for returning the pleading.

(2) The person who filed such pleading shall thereafter have the right to correct and refile the pleading, provided that the refile of such shall not be permitted to delay any contested case, unless the hearings examiner determines that the interest of justice so requires.

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 May 29, 1992.

TRD-9207481 Audrey Selden  
Assistant Secretary of  
State  
Office of the Secretary of  
State

Effective date: June 22, 1992

Proposal publication date: April 28, 1992

For further information, please call: (512) 463-5558

## TITLE 7. BANKING AND SECURITIES

### Part VII. State Securities Board

#### Chapter 117. Administrative Guidelines for Registration of Real Estate Programs

##### • 7 TAC §§117.1, 117.5, 117.7

The State Securities Board adopts amendments to §§117.1, 117.5, and 117.7, concerning administrative guidelines for registration of real estate programs, without changes to the proposed text as published in the February 7, 1992, issue of the *Texas Register* (17 TexReg 984).

The amendments allow for the continued uniformity with other states in applying standards for registration of real estate program offerings.

The amendments reflect provisions that were included in the most recent changes to the North American Securities Administrators Association's real estate guidelines.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 June 2, 1992.

TRD-9207517 Richard D. Latham  
Securities Commissioner  
State Securities Board

Effective date: June 23, 1992

Proposal publication date: February 7, 1992

For further information, please call: (512) 474-2233

## Chapter 121. Administrative Guidelines for Registration of Oil and Gas Programs

##### • 7 TAC §§121.1, 121.2, 121.8, 121.9

The State Securities Board adopts amendments to §§121.1, 121.2, 121.8, and 121.9, concerning administrative guidelines for registration of oil and gas programs, without changes to the proposed text as published in the February 7, 1992, issue of the *Texas Register* (17 TexReg 987).

The amendments allow for the continued uniformity with other states in applying standards for registration of oil and gas program offerings.

The amendments reflect provisions that were included in the most recent changes to the North American Securities Administrators Association's oil and gas guidelines.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 June 2, 1992.

TRD-9207518

Richard D. Latham  
Securities Commissioner  
State Securities Board

Effective date: June 23, 1992

Proposal publication date: February 7, 1992

For further information, please call: (512) 474-2233

## Chapter 139. Exemptions by Rule or Order

### • 7 TAC §139.6

The State Securities Board adopts an amendment to §139.6, concerning distribution by liquidating trustees, without changes to the proposed text as published in the February 7, 1992, issue of the *Texas Register* (17 TexReg 989).

The exemption will be broad enough to cover many different situations involving distributions by liquidating trustees than is now the case.

The amendment broadens the exemption by allowing the articles of dissolution to be filed either before or after a distribution.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 June 2, 1992.

TRD-9207520

Richard D. Latham  
Securities Commissioner  
State Securities Board

Effective date: June 23, 1992

Proposal publication date: February 7, 1992

For further information, please call: (512) 474-2233

## Chapter 141. Administrative Guidelines for Registration of Equipment Programs

### • 7 TAC §§141.1, 141.5, 141.6

The State Securities Board adopts amendments to §§141.1, 141.5, and 141.6, concerning administrative guidelines for registration of equipment programs, without changes to the proposed text as published in the February 7, 1992, issue of the *Texas Register* (17 TexReg 990).

The amendments allow for the continued uniformity with other states in applying standards for registration of equipment leasing program offerings.

The amendments reflect provisions that were included in the most recent changes to the North American Securities Administrators Association's equipment leasing guidelines.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes.

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 June 2, 1992.

TRD-9207519

Richard D. Latham  
Securities Commissioner  
State Securities Board

Effective date: June 23, 1992

Proposal publication date: February 7, 1992

For further information, please call: (512) 474-2233

## TITLE 16. ECONOMIC REGULATIONS

### Part I. Railroad Commission of Texas

#### Chapter 3. Oil and Gas Division

#### Conservation Rules and Regulations

### • 16 TAC §3.1

The Railroad Commission of Texas adopts an amendment to §3.1, concerning conservation rules and regulations, with changes to the proposed text as published in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2666). The amendment shall take effect on July 1, 1992.

Adoption of the amendment to subsection (a)(7) will reduce waste and increase efficiency in the commission's enforcement and regulatory functions by providing organizations with legally sufficient notice, consistent with due process, of enforcement or other proceedings to which they may be, or may wish to be, a party. Adoption of the amendment to subsection (c) will make it more likely that documents listed in subsection (b) will still be in the hands of an organization should they become necessary in an enforcement or other proceeding.

The following changes have been made to the published version.

Subsection (a)(7) has been modified to allow organizations to make changes of the organization address only by letter as an alternative to filing an amended organization report. The subsection has also been changed to specify precisely when service is effective upon an organization in the event the item sent is refused or not claimed.

Subsection (c) has been modified to make it clear that the phrase "supporting documents" refers to those documents listed in the preceding subsection (b).

The following comments on the proposed amendment were received.

Comments received from Texas Mid-Continent Oil & Gas Association and Oryx Energy suggested that the 15-day deadline for the reporting of changes in the information required to be disclosed on the organization report, found in subsection (a)(7), is too short. Suggested alternative deadlines were 30 or 60 days; the reason offered for extending the deadline was that it is difficult for the operating divisions of large organizations to learn of changes in the organization's officer or directors in time to comply with the deadline.

The commission disagrees that extension of the deadline is warranted. The purpose of the 15-day deadline is to ensure that all organizations timely report changes in address, personnel, and other circumstances, knowledge of which is necessary for the commission to efficiently discharge its regulatory and enforcement responsibilities. Doubling or quadrupling the time allowed to report these changes will cause waste and create delays.

The same commenters requested that organizations be allowed to file notification of changes of address only by letter, as an alternative to filing an amended organization report. The commission agrees, and the adopted version of subsection (a)(7) makes this change.

The same commenters also requested clarification of the meaning of the phrase "supporting documents" in subsection (c). While the phrase refers to the documents listed in subsection (b), the commission agrees that the reference is not clear; the adopted version clarifies the reference.

The Texas Independent Producers and Royalty Owners Association endorsed the proposed amendments as published.

The amendment is adopted under Texas Civil Statutes, Article 6252-13a, §4(a)(1), and the Natural Resources Code, §81.052 (Vernon Supplemental 1992).

#### §3.1. Organization Report; Retention of Records; Notice Requirements.

(a) Filing Requirements.

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

(7) Organization reports must be refiled annually according to the schedule assigned by the commission. Prior to the filing date, the commission will mail notification and information to each organization for update of the organization report file.

An amended organization report must be filed within 15 days after a change in any information required to be reported in the organization report. Address changes only may also be reported by letter. Any requirement under statute or commission rule for an order to be sent or notice to be given by the commission to an organization may be met by mailing the item to the organization's mailing address shown on the most recently filed organization report or the most recently filed letter notification of change of address. Notices sent by regular first-class mail may be presumed to have been received if, upon arrival of the deadline for any response to the notice, the wrapper containing the notice has not been returned to the commission. Service of notices and orders sent by certified mail is effective upon: acceptance of the item by any person at the address; initial failure to claim or refusal to accept the item by any person at the address prior to its eventual return to the commission by the United States Postal Service; or return of the item to the commission by the United States Postal Service bearing a notation such as "addressee unknown," "no forwarding address," "forwarding order expired," or any similar notation indicating that the organization's mailing address shown on the most recently filed organization report or address change notification letter is incorrect. Any commission action or proceeding for which notice is required may go forward on the basis of the notice provided under this subsection, whether or not actual notice has been received.

(b) (No change.)

(c) Time frame. All organizations shall keep copies of records, forms, and documents which are required to be filed with the commission, along with the supporting documents referred to in subsection (b) of this section, for a period of three years, or longer if required by another commission rule, and any such copies may be disposed of at the discretion of such entities after the original records, forms, and documents have been on file with the commission for the required period, except that particular documents shall be retained beyond the required period and until the resolution of pending commission regulatory enforcement proceedings if the documents contain information material to the determination of any issues therein. All records, forms, and documents required to be filed with the commission shall be filed in the same name, exactly as it appears on the organization report.

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 June 1, 1992.

TRD-9207512

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

Effective date: July 1, 1992

Proposal publication date: April 17, 1992

For further information, please call: (512) 463-6802

## Chapter 5. Transportation Division

### Subchapter P. Commercial Zones

#### • 16 TAC §5.292

The Railroad Commission of Texas adopts an amendment to §5.292, concerning factors considered by the commission, with changes to the proposed text as published in the April 7, 1992, issue of the *Texas Register* (17 TexReg 2452).

The amendment sets out the factors considered by the commission in determining whether a community should be included within an existing commercial zone. The version as adopted includes two additional factors suggested by commenters. The additional factors will provide additional guidance to the commission in determining whether to add a community to an existing commercial zone.

The amendment is proposed to provide further guidance to persons who file petitions for inclusion in commercial zones. Petitions are to include information on the factors listed. That information will allow the commission to determine whether or not to publish the proposed amendment, and will allow more consistent handling of such petitions throughout the rulemaking process.

Several comments were received in regard to the proposed amendment. Commenters in favor supported the rule, but suggested additional factors that would provide additional guidance to the commission. Commenters in opposition argued that the decision to add a community to an existing commercial zone should be based on shipper need for expedited service, and other factors peculiar to the transportation system in the area. Those commenters also stated a desire to present the involved information at the hearing stage, rather than prior to publication.

Comments in favor of the proposed amendment were received from the McKinney Economic Development Partnership, and the McKinney Chamber. Comments in opposition to the proposed rule were received from the Committee for the Expansion of the Houston Commercial Zone.

The commission disagrees with the comments in opposition to the proposed amendment. The standards set out in the Motor Carrier Act, that a community be "adjacent to and commercially a part of" the central city, are not expressed solely in terms of transportation services. Further, the commission

needs additional information prior to initiating the rulemaking process. Publication for public comment is perceived by some communities as preliminary approval of an addition; the commission wishes to avoid such misperception, especially where there is little likelihood of eventual approval.

The amendment is adopted under the Texas Motor Carrier Act, Texas Civil Statutes, Article 911b §1(j), which authorizes the commission to define commercial zones that are adjacent to and commercially a part of a central city.

#### §5.292. Factors Considered by the Commission.

(a) In determining the necessity of the designation of an area as a commercial zone, the commission shall take into consideration its powers and duties under the Motor Carrier Act in view of the economic conditions in each proposed or established commercial zone, and particularly the effect that unregulated transportation has had or may have upon fully regulated motor carriers operating to, from, and within such commercial zone.

(b) In any petition seeking the addition of any city or area to an existing commercial zone, the petitioner shall include, to the extent possible, the information set out in subsection (c) of this section. If a petition fails to include any of the information required, the commission may deny the petition, and request that any additional information necessary for consideration be included with the petition when resubmitted. It is not necessary that a community meet any standard within the categories of information listed. The information will be used to generate a complete depiction of the commercial, economic, and geographic relationship between the invalidated communities. If the petition seeks the inclusion within the commercial zone of an area that includes more than one city or community, the petition should include the information for a representative number of communities that are affected within the area.

(c) The petition should set out the following information:

(1) information that may be helpful in showing that the community to be added is "adjacent to" the central city:

(A) the distance in miles from the center of the community to be added to the central city;

(B) the distance in miles from the boundary of the community to be added to the corporate limits of the central city;

(C) the distance in miles from the boundary of the community to be added to the boundary of the existing commercial zone; and

(D) whether the community to be added is separated from the existing commercial zone and the central city by significant unincorporated area;

(2) information that may be helpful in showing that the community to be added is "commercially a part of" the central city:

(A) demographic trends relating to population movements between the central city and the community;

(B) business migration from the central city to the community;

(C) the extent and nature of business and commercial dealings between the central city and the community;

(D) two-way traffic in employees, goods, and services between the central city and the community;

(E) wholesale and retail sales areas for central city business enterprises;

(F) existence of branch stores in the community;

(G) service to the community by communications and advertising media in the central city; and

(H) existence of a common transportation infrastructure, including mass transit systems;

(3) information regarding any effect on the existing common carriers that serve the community.

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 June 1, 1992.

TRD-9207511 Nolan F. Ward  
Hearing Examiner Legal  
Division-General Law  
Railroad Commission of  
Texas

Effective date: June 23, 1992

Proposal publication date: April 7, 1992

For further information, please call: (512) 463-7094





Name: Kengo Sakamoto

Grade: 3

School: Moss Haven Elementary School, Richardson ISD

# Open Meetings

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours 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*.

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

## Texas Department on Aging

Wednesday, July 8, 1992, 1 p.m. The Texas Board on Aging's Networking/Advocacy/Legislative Committee of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Conference Room, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of the minutes of the May 14, 1992 meeting; discuss visibility issues of Area Agencies on Aging (AAA's), including toll free or collect information and assistance and ombudsman numbers; update on progress of accountability efforts; discuss and adopt identification of the Texas Department on Aging as primary funding source of AAA's in all public awareness efforts and communications, and the requirement that subcontractors of area agencies on aging also fall under this procedure.

Contact: J. Kenneth Huff, Sr., 2507 Evelyn Road, Whitesboro, Texas 76273, (903) 564-6375.

Filed: June 3, 1992, 12:13 p.m.

TRD-9207597

## Anatomical Board of the State of Texas

Friday, June 26, 1992, 9:30 a.m. The Anatomical Board of the State of Texas will meet at the Executive Conference Room (G018) of Medical School Building, University of Texas Health Science Center, Houston. According to the agenda summary, the board will call the meeting to order; approve agenda; discuss approval of 1991 minutes; hear chairman's comments;

report of secretary; report of treasurer; cadaver use and procurement report; and discuss old and new business.

Contact: Dr. Andrew F. Payer, Route H-43, Galveston, Texas 77550, (409) 772-1166.

Filed: June 3, 1992, 2:13 p.m.

TRD-9207602

## State Banking Board

Friday, June 12, 1992, 2 p.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the board will review State Banking Board procedural issues; review and discuss approval of previous minutes; resolution of the board honoring George Willeford, former citizen member; consider proposed and emergency rules relating to substitute members of the board; consider bank charter application for FirstBank, Dallas; consider change of domicile application for Trust Management, Inc., Fort Worth; consider interim charter applications; review of discontinuance of unmanned teller machines; review of the status of other pending applications; and the board may convene into executive session for consideration of matters pertaining to applications as required by Article 342-115(6)(a) of TBC.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Filed: June 2, 1992, 12:49 p.m.

TRD-9207515

## State Bar of Texas

Thursday-Friday, June 11-12, 1992, 10 a.m. and 8:30 a.m. respectively. The Commission for Lawyer Discipline of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Room 204, Austin. According to the agenda summary, the commission will call the meeting to order; swearing in of members; introduce visitors; discuss approval of prior minutes; review attorney's fees policy; discuss operating rules and procedures; special counsel program; discuss attendance policy; discuss travel-lodging expenses; review statistical reports; discuss appointments to committees; review commission's compliance of State Bar Act and Orders of Supreme Court; discuss general counsel's budget; discuss grievance committees; commission's budget; discuss pending litigation pursuant to Article 6252-17(2)(e); discuss pending grievance matters pursuant to §4.06(e) and §2.15; discuss assignment of special counsel cases; discuss personnel matters; authorize settlement offers; authorize grievance committee judgments; discuss future meeting dates; receive public comment; and adjourn.

Contact: Lori Markham, 400 West 15th Street, Suite 1500, Austin, Texas 78701, (512) 463-1381.

Filed: June 2, 1992, 4:36 p.m.

TRD-9207569

## Texas Department of Commerce

Wednesday, June 10, 1992, 9:30 a.m. The Board of Directors 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 board will meet in executive session to discuss pending litigation and personnel matters; reconvene in open meeting; adopt minutes from meeting of April 8, 1992; report from the chief administrative officer; discuss the strategic plan; report on sunset advisory commission review and hearing (including clarification that rulemaking authority stays with the Policy Board); legislative update; report on bond financing plan; discuss proposed bond financing plan; report on tourism regional strategic plan; briefing on work force incentive program rule changes; and approve proposed change to enterprise zone program rules (10 TAC 176).

Contact: Mike Regan, P.O. Box 12728, Austin, Texas 78711, (512) 320-9611.

Filed: June 2, 1992, 2:32 p.m.

TRD-9207538

**Wednesday, June 10, 1992, 1:51 p.m.** The Board of Directors of the Texas Economic Development Corporation 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 board will adopt minutes from the meeting of April 8, 1992; and Texas Economic Development Corporation request for proposal: Telecommunications Industry Study.

Contact: Mike Regan, P.O. Box 12728, Austin, Texas 78711, (512) 320-9611.

Filed: June 2, 1992, 2:39 p.m.

TRD-9207539

## Texas Commission for the Deaf and Hearing Impaired

**Friday, June 12, 1992, 9:30 a.m.** The Texas Commission for the Deaf and Hearing Impaired will meet at 1524 South IH-35, #200, Austin. According to the complete agenda, the commission will call the meeting to order; hear chairperson's report and discuss approval of minutes; meet in executive session to discuss performance of interim director; action from executive session; operations reports on budget/financial issues and selection of logo for council use; program projects report on interpreter certification and out-of-state conferences; information items clarification; establish date for next meeting; make announcements; adjourn; and opportunity for public comment.

Contact: Carla Stephenson, 1524 South IH-35, #200, Austin, Texas 78704, (512) 444-3323.

Filed: June 2, 1992, 4 p.m.

TRD-9207554

## Texas Education Agency

**Wednesday, June 10, 1992, 9 a.m.** The State Board of Education Task Force on High School Education 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 task force will review charge to the committee; presentation of revised preparatory program proposal; approval of policy statement; review of draft report; review of plans for dissemination and implementation; critique of task force; and adjourn.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:21 p.m.

TRD-9207556

**Wednesday, June 10, 1992, 1 p.m.** The Representatives of the TEA, Education Service Centers, and Institutions Higher Education of the Texas Education Agency will hold an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the complete agenda, the group will review the competitive grant for centers for professional development and technology; and provide answers to questions from participants regarding the application. The emergency status is necessary as it is of urgent public necessity for this meeting to be held to ensure that there is agreement and understanding among the institutions of higher education, education service centers, and the Texas Education Agency concerning the rules and procedures for the application for the centers for professional development and technology.

Contact: Lynda Haynes, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9327.

Filed: June 3, 1992, 3:02 p.m.

TRD-9207609

**Wednesday, June 10, 1992, 2:30 p.m.** The State Board of Education Ad Hoc Committee on Textbooks of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin. According to the agenda summary, the committee will review proposed amendments to 19 TAC §67.13, Materials Available for use With Textbooks and §67.61, Bid Prices; proposed amend-

ments to 19 TAC §67.21, General Content Requirements and Limitations, and §67.66, Samples; and discuss selected issues posed by the State Board of Education Ad Hoc Committee on Textbooks.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:21 p.m.

TRD-9207557

**Thursday, June 11, 1992, 12:30 p.m.** The State Board of Education (SBOE) Committee of the Whole of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the committee will hear public testimony; commissioner's overview of June 1992 SBOE meeting; adult education initiatives in providing literacy services to welfare parents; assessment; sunset review of SBOE rules-summary of results; sunset review of SBOE rules scheduled to expire June 1, 1993; adoption of 1993, 1994, and 1995 academic excellence indicator system; high school education task force policy recommendation; textbook waiver requests for orchestra; discuss Texas Education Code, §12.01(c), relating to definition of "textbooks" and "books"; discuss pending litigation (to be held in executive session in accordance with Article 6252-17, §2(e), Vernon's Texas Civil Statutes, in Room 1-103); and SBOE legislative hearing. The hearing will be at 3 p.m. or upon completion of all other items on the agenda.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:23 p.m.

TRD-9207558

**Thursday, June 11, 1992, 9 a.m.** The State Board of Education Committee on Personnel of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the agenda summary, the committee will hear public testimony; discuss proposed new rule 19 TAC Chapter 149, Subchapter E, Centers for Professional Development and Technology; report of the visiting team and request for reapproval for the University of Texas at Brownsville alternative certification program; recommendation for appointment to the Lackland Independent School District board of trustees; presentation of Southwestern Bell Foundation grant to Texas A&M University for innovations in teacher education; status report on the accreditation of school districts.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:23 p.m.

TRD-9207559

**Thursday, June 11, 1992, 9 a.m.** The State Board of Education Committee on Students of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-100, Austin. According to the agenda summary, the committee will hear public testimony; proposed amendments to 19 TAC Chapter 75, Curriculum, Subchapter E, regarding phase-out of below-level courses for state graduation purposes; proposed amendments to 19 TAC Chapter 75, Curriculum, Subchapters B, C, and D regarding essential elements related to subjects and courses that will be included in the 1993 Textbook Proclamation; recommendations presented in the Texas Council on Vocational Education evaluation report; federal funding distribution project; review of Vocational and Applied Technology Education Act of 1990; plan to study the impact of Texas assessment of academic skills standards.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:23 p.m.

TRD-9207560

**Thursday, June 11, 1992, 9 a.m.** The State Board Education Agency Committee on School Finance of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the committee will hear public testimony; discuss minimum standards for operation of proprietary schools; irregularities related to failure to meet filing deadline for submission of sample textbooks; request for approval to receive grant from the National Science Foundation; action on recommendations presented in the Texas Council on Vocational Education Evaluation report; federal funding distribution project; review of vocational and applied technology education projects to be funded under the Carl D. Perkins Vocational and Applied Technology Education Act of 1990; discuss development of Legislative appropriations request; discuss proposed new 19 TAC §61.101, school facilities standards; draft 1992 report on school facilities; competitive cost reviews of State Textbook Depository; the outgoing mail function of the Texas Education Agency; and work session on school finance.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:23 p.m.

TRD-9207561

**Friday, June 12, 1992, 8:30 a.m.** The State Board of Education (SBOE) Committee on

Long-Range Planning of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the committee will hear public testimony; expert session: issues related to student tracking and ability grouping; approval of innovative program grants funded through the Educational Economic Policy Center; discuss development of legislative appropriations request; discuss report on 1990-1991 public school dropouts; discuss federal governmental relations activities; and derivation process for real world requirements for student learning. Members of the SBOE Ad Hoc Committee on Student Outcome Goals will be joining members of the committee on long-range planning for discussion of the derivation process for real world requirements for student learning.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:24 p.m.

TRD-9207562

**Friday, June 12, 1992, 8:30 a.m.** The State Board of Education Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the agenda summary, the committee will hear public testimony; recommended PSF investment program for June and funds available for the program; presentation on the organization and staffing of the executive director function of the Texas Growth Fund; review of PSF securities transactions and the investment portfolio; recommended changes to the investment operating manual for the state PSF; and report of the PSF manager.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:24 p.m.

TRD-9207563

**Friday, June 12, 1992, 1 p.m.** The State Board of Education (SBOE) of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the agenda summary, the board will discuss approval of minutes; hear public testimony; SBOE resolution; approval of consent agenda; materials available for use with textbooks and bid prices; general content requirements and limitations and samples; assessment; SBOE rules to expire June 1, 1992; 1993, 1994, and 1995 academic excellence indicator system; centers for professional development and technology; curriculum rules; standards for operation of proprietary schools irregularities related to

failure to meet filing deadline for submission of sample textbooks; request for approval to receive grant from National Science Foundation; action on recommendations presented in Texas Council on Vocational Education Evaluation report; federal funding distribution project; innovative program grants funded through the Educational Economic Policy Center; recommended permanent school fund investment program for June and funds available for the program; presentation on organization and staffing of executive director function of the Texas Growth Fund; and information on agency administration.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: June 2, 1992, 4:24 p.m.

TRD-9207564

**Friday, June 12, 1992, 9:30 a.m.** The Teachers' Professional Practices Commission of Texas of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 6-101, Austin. According to the agenda summary, the commission will call the meeting to order; introduce new members; election of officers; adoption of minutes of January 10, 1992 meeting; orientation and statutory requirements; consideration of jurisdictional appeal, Lucas versus Brooks; appointment of hearing panels-Nieburger versus Lemons and McCarson versus Russell; director's report; setting of next meeting date; and adjourn.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: June 2, 1992, 4:24 p.m.

TRD-9207565

**Thursday-Friday, June 25-26, 1992, 8 a.m.** The Commission on Standards for the Teaching Profession of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the commission will discuss the committee on recruiting and training of members of visiting teams and ad hoc committee and study guide.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

Filed: June 4, 1992, 4:24 p.m.

TRD-9207566

**Friday, June 26, 1992, 9 a.m.** The Task Force of Various State Agencies that Regulate Proprietary Schools of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 6-100, Austin. According to the complete agenda, the task force, comprised

of staff from the Texas Education Agency, Texas Guaranteed Student Loan Corporation, and other state agencies that regulate proprietary schools will discuss the agencies' actions to improve program quality and reduce default rates. The task force will then summarize the meeting and discuss the next meeting.

Contact: Dee Bednar, 1701 North Congress Avenue, Austin, Texas 78701, (512) 475-3560.

Filed: June 2, 1992, 4:25 p.m.

TRD-9207567

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**Interagency Council for Genetic Services**

Friday, June 12, 1992, 9 a.m. The Texas Genetics Network Advisory Committee of the Interagency Council for Genetic Services will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the agenda summary, the committee will hear public comments; discuss approval of minutes of previous meetings; discuss and possibly act on: council report; subcommittee reports; reports from agency and other representatives on council; Council on Regional Networks meeting; council structure and membership; committee assistance to Texas Department of Health (TDH) request for proposal process; TDH maternal and child health report; budget status; grant renewal application; grant objectives; committee member assignments; election of committee chair and vice chair; and hear announcements and comments. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

Filed: June 3, 1992, 2:22 p.m.

TRD-927603

Friday, June 12, 1992, 1 p.m. The Interagency Council for Genetic Services will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the council will hear public comments and update on health and human service reorganization; adopt minutes of meetings of March 13, 1992, and April 22, 1992; and discuss and possibly act on: Texas Genetics Network advisory committee report; activities and future plans of agency members (Texas Department of Health-status of maternal and child health block grant funding for genetic services; Texas Department of Mental Health and Mental Retardation-progress on screening of state school residents; Texas Department

of Human Services; University of Texas System); budget status; Council on Regional Networks meeting; Texas Genetics Network advisory committee grant application; resource allocation plan; legislative mandates and member assignments; and hear announcements and comments. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

Filed: June 3, 1992, 2:24 p.m.

TRD-9207606

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**Office of the Governor,  
Texas Information and Referral**

Wednesday-Thursday, June 17-18, 1992, 9 a.m. (respectively) The Health and Human Services Dictionary Workgroup of the Office of the Governor- Texas Information and Referral will meet at the Brown-Heatly Building, 4900 North Lamar Boulevard, Room 5501, Austin. According to the complete agenda, the workgroup will call the meeting to order; discuss approval of minutes; update on definitions received from agencies; discuss definitions of terms describing facilities; discuss alphabetical listing of terms and definitions/development of cross-references; and on Thursday, conclude discussion of alphabetical listing; review hierarchical listing of terms and definitions; approve initial draft document for distribution to agencies and adjourn.

Contact: Carol Price, 201 East 14th Street, Austin, Texas 78701, (512) 463-1782.

Filed: June 4, 1992, 9:58 a.m.

TRD-9207648

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**Texas Department of Health**

Friday, June 12, 1992, 9:30 a.m. The Chronically Ill and Disabled Children's General Advisory Committee of the Texas Department of Health will meet at 1100 West 49th Street, Room M-418, Austin. According to the complete agenda, the committee will discuss approval of minutes of February 14, 1992 meeting, and discuss and possibly act on: program update on status of organizational restructure, progress in law and rule changes, grants overview, and communities can campaign; community based services integration; Social Security Act, Title V plan update; and case management developments.

Contact: John Evans, 1100 West 49th Street, Austin, Texas 78756, (512)

458-7355. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 3, 1992, 2:23 p.m.

TRD-9207605

Friday, June 12, 1992, 10 a.m. The Hospital Licensing Advisory Council of the Texas Department of Health will meet at the Exchange Building, 8407 Wall Street, Austin. According to the complete agenda, the council will discuss approval of minutes of previous meeting; discuss and approve proposed rules concerning licensing standards governing the provision of pharmaceutical services in hospitals; and discuss subject matter for next council meeting.

Contact: Maurice Shaw, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6645. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 3, 1992, 2:24 p.m.

TRD-927607

Saturday, June 13, 1992, 9:30 a.m. The Chronically Ill and Disabled Children's Cardiovascular Advisory Committee of the Texas Department of Health will meet at 1100 West 49th Street, Room M-418, Austin. According to the complete agenda, the committee will discuss approval of minutes of February 13, 1992 meeting; possibly act on: program update; committee's future; update on Driscoll Foundation Children's Hospital, Corpus Christi, and Children's Hospital of Austin at Brackenridge; report on catheterizations (first quarter) by University Medical Center, Lubbock; physician's for approval; upcoming site visits; and give recognition for term(s) of service.

Contact: John Evans, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7355. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: June 3, 1992, 2:23 p.m.

TRD-9270604

**Texas Health Policy Task Force**

Thursday, June 11, 1992, 10 a.m. The Subcommittee on Finance of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 105, Austin. According to the complete agenda, the subcommittee will convene; presentation to/deliberation of subcommittee; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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



Filed: June 2, 1992, 2:55 p.m.

TRD-9207545

Thursday, June 11, 1992, 10 a.m. The Subcommittee on Cost Containment of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the complete agenda, the subcommittee will call the meeting to order; deliberation of subcommittee recommendations; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207542

Thursday, June 11, 1992, 10 a.m. The Subcommittee on Availability of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 104, Austin. According to the complete agenda, the subcommittee will convene; panel discussion of transportation issues; discussion of border issues; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207544

Thursday, June 11, 1992, 10 a.m. The Subcommittee on Essential Services of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 103, Austin. According to the complete agenda, the subcommittee will call the meeting to order; presentation on long term care; presentation on emergency systems; presentation on adult preventive and primary care; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207547

Thursday, June 11, 1992, 1:30 p.m. The Texas Health Policy Task Force will meet at One Capitol Square, Senate Committee Room One, 300 West 15th Street, Austin. According to the complete agenda, the task force will call the meeting to order; presentation on other state recommendations; discuss other task force business; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:54 p.m.

TRD-9207541

Friday, June 12, 1992, 9 a.m. The Subcommittee on Availability of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 104, Austin. According to the complete agenda, the subcommittee will convene; panel discussion of issues regarding producing primary care physicians; discuss rural issues; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207543

Friday, June 12, 1992, 9 a.m. The Subcommittee on Finance of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 105, Austin. According to the complete agenda, the subcommittee will convene; deliberation of subcommittee recommendations; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207546

Friday, June 12, 1992, 9 a.m. The Subcommittee on Essential Services of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 103, Austin. According to the complete agenda, the subcommittee will call the meeting to order; presentation on children's health care; presentation on pregnancy related care for women; subcommittee deliberation; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207548

Friday, June 12, 1992, 9 a.m. The Subcommittee on Cost Containment of the Texas Health Policy Task Force will meet at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the complete agenda, the subcommittee will call the meeting to order; office of public insurance counsel; deliberation of subcommittee recommendations; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:55 p.m.

TRD-9207549

Friday, June 12, 1992, 1:05 p.m. The Texas Health Policy Task Force will meet at One Capitol Square, Senate Committee Room One, 300 West 15th Street, Austin. According to the complete agenda, the task force will call the meeting to order; presentation by the Kaiser Commission on Medicaid; questions and discussion; discuss other task force business; and adjourn. Persons requesting interpreter services for the hearing impaired, please contact this office.

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

Filed: June 2, 1992, 2:54 p.m.

TRD-9207540

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**Texas Department of Housing and Community Affairs**

Wednesday, June 10, 1992, 12 p.m. The Board of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Conference Room, Austin. According to the agenda summary, the board will consider and possibly act on the following items: discuss approval of minutes; discuss new single family bond program; distribution of funds; mortgage origination agreement; purchase of lots on colonias projects; low income tax credit program; multi-family program; home rules and application; Maggie Thompson project; community affairs update; community development block grant update; chief financial officer report; compliance report; general revenue; housing trust fund report; independent auditors selection; audits and reports department strategic plan; instructions from board; meet in executive session under Article 6252-17, Vernon's Texas Civil Statutes to consider pending litigation; and act on executive session items as required in open session.

Contact: Susan J. Leigh, 811 Barton Springs Road, Suite 300, Austin, Texas 78704, (512) 474-2974.

Filed: June 2, 1992, 4:20 p.m.

TRD-9207555

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**Texas Department of Insurance**

Wednesday, June 3, 1992, 10:30 a.m. The State Board of Insurance of the Texas Department of Insurance met at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete emergency revised agenda, the board

considered petitions by Farmers Insurance Group and State Farm Insurance Companies requesting the board to determine two separate weather-related events occurring during the period of May 27, 28, 29, 1992 in the Houston, Austin areas, as catastrophes in accordance with Article 21.55 §(d), Insurance Code, in order to extend the claims handling process for 15 additional days. The emergency status was necessary to protect public welfare and confidence by designating certain areas of Texas as a catastrophe due to recent hail, wind, lightning and flooding conditions.

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

Filed: June 3, 1992, 8:11 a.m.

TRD-9207572

Wednesday, June 10, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Gilberto Maldonado Garcia, of Corpus Christi, who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11475.

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

Filed: June 2, 1992, 2:11 p.m.

TRD-9207529

Wednesday, June 10, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the appeal of Liberty Mutual Insurance Company from a decision of the Texas Workers' Compensation Insurance Facility. Docket Number 1905.

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

Filed: June 2, 1992, 2:11 p.m.

TRD-9207530

Wednesday, June 10, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the appeal of United States Fire Insurance Company from a decision by the Texas Workers' Compensation Insurance Facility and motion to consolidate with appeal of Hartford Accident and Indemnity Company and Houston General Insurance Company. Docket Number 1900.

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

Filed: June 2, 1992, 2:12 p.m.

TRD-9207531

Thursday, June 11, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of David E. Quintanilla, Corpus Christi, for a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11493.

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

Filed: June 2, 1992, 2:11 p.m.

TRD-9207532

Thursday, June 11, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Donald Ray Flores who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11482.

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

Filed: June 2, 1992, 2:12 p.m.

TRD-9207533

Friday, June 12, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Philip D. Pallone, of San Antonio, for a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11497.

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

Filed: June 2, 1992, 2:12 p.m.

TRD-9207534

Monday, June 15, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the appeal by Lorenzo B. Taylor, Houston, of the action of the Texas Catastrophe Property Insurance Association. Docket Number 11481.

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

Filed: June 2, 1992, 2:13 p.m.

TRD-9207535

Monday, June 15, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby III, Eighth Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Roger C. McQuaid, Somerset, Wisconsin, for a non-resident Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11496.

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

Filed: June 2, 1992, 2:13 p.m.

TRD-9207536

## Lamar University System

Tuesday, June 9, 1992, 9 a.m. The Policy Manual Review Committee of the Board of Regents of Lamar University System will meet at 855 Florida, John Gray Institute, Office of the Chancellor Conference Room, Beaumont. According to the complete agenda, the committee will hold a business session; and meet in executive session under provisions of Vernon's Civil Statutes, Article 6252-17, Paragraph 3(g), personnel.

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

Filed: June 3, 1992, 12:14 p.m.

TRD-9207598

## Board of Nurse Examiners

Friday, June 19, 1992, 10 a.m. The Advanced Nurse Practitioner Advisory Committee of the Board of Nurse Examiners will meet at the Board of Nurse Examiners Examiners Conference Room, 9101 Burnet Road, Suite 104, Austin. According to the complete agenda, the committee will discuss ANP petition to the Board for waiver from the Board's rules related to educational preparation of the ANP.

Contact: Kathy Thomas, P.O. Box 140466, Austin, Texas 78714, (512) 835-8657.

Filed: June 4, 1992, 9:52 a.m.

TRD-9207645

## Public Utility Commission of Texas

**Thursday, June 25, 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 10646-petition of general counsel to inquire into the reasonableness of the rates and services of Contel of Texas, Inc.

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

**Filed:** June 3, 1992, 3:19 p.m.

TRD-9207612

**Monday, June 29, 1992, 1:30 p.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 workshop in Project Number 10780. (Regulatory Assistance Project Workshop).

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

**Filed:** June 3, 1992, 3:19 p.m.

TRD-9207613

**Tuesday, June 30, 1992, 9 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 public forum in Project Number 10780. (Public Forum-Integrated Resource Planning).

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

**Filed:** June 3, 1992, 3:19 p.m.

TRD-9207614

**Wednesday, July 1, 1992, 9 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 public forum in Project Number 10780: (Public Forum-Demand Side Management).

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

**Filed:** June 3, 1992, 3:19 p.m.

TRD-9207615

**Thursday, July 2, 1992, 9 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 public forum in Project Number 10780: (Public Forum-Externalities).

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

**Filed:** June 3, 1992, 3:19 p.m.

TRD-9207616

**Tuesday, July 7, 1992, 9 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 public forum in Project Number 10780: (Public Forum-Purchased Power).

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

**Filed:** June 3, 1992, 3:20 p.m.

TRD-9207617

**Wednesday, July 8, 1992, 9 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 public forum in Project Number 10780: (Public Forum-Transmission Access).

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

**Filed:** June 3, 1992, 3:20 p.m.

TRD-9207618

**Monday, July 27, 1992, 9 a.m. (Rescheduled from June 15, 1992, 9 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 10831-application of Southwestern Bell Telephone Company to revise its tariff to redefine the point of demarcation ("Demarc") and the location of the network.

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

**Filed:** June 3, 1992, 3:14 p.m.

TRD-9207610

**Thursday, August 27, 1992, 10 a.m. (Rescheduled from August 24, 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 11177-application of Southwestern Bell Telephone Company to offer common channel signaling/signaling system seven "CCS/SS7" interconnection service as an intrastate access service offering.

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

**Filed:** June 3, 1992, 3:16 p.m.

TRD-9207611

## State Securities Board

**Thursday, July 16, 1992, 9 a.m. (Revised agenda).** The State Office of Administrative Hearings of the State Securities Board will meet at 300 West 15th Street, Fourth Floor, Room 408, Austin. According to the agenda summary, the board will conduct a hearing to determine whether an order should be issued revoking the registration of Omni Securities, Inc. as a securities dealer and Michael T. Churchill as the designated officer of Omni Securities, Inc.

**Contact:** John Morgan, 221 West Sixth Street, Austin, Texas 78701, (512) 474-2233.

**Filed:** June 2, 1992, 4:25 p.m.

TRD-9207568

## Texas Guaranteed Student Loan Corporation

**Thursday, June 11, 1992, 11 a.m.** The Search Committee of the Texas Guaranteed Student Loan Corporation will meet at 12015 Park 35 Circle, Colonnade Building, Suite 300, Austin. According to the complete agenda, the committee will discuss approval of the minutes of April 16, 1992; review proposals and take action concerning retaining services of a professional personnel agency; and adjourn.

**Contact:** Peggy Irby, 12015 Park 35 Circle, Austin, Texas 78754, (512) 835-1900.

**Filed:** June 3, 1992, 10:20 a.m.

TRD-9207589

## Teacher Retirement System of Texas

**Thursday, June 11, 1992, 9:30 a.m.** The Investment Advisory Committee of the Teacher Retirement System of Texas will meet at 1000 Red River Street, Fifth Floor Board Room, Austin. According to the agenda summary, the committee will discuss approval of the March 16, 1992 minutes; review of Mid Cap Portfolio; investment outlook and market conditions; consider recommended allocation of cash flow for current quarter; review of investments; consider changes to approved common stock lists; review of portfolio performance; report of Real Estate Finance Committee; and consideration of entering into agreements whereby TRS would become a liquidity provider for public entities. (A quorum of the board of trustees may

attend and enter into discussions, but no official board action will take place.)

Contact: Mary Godzik, 1000 Red River Street, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 3, 1992, 3:39 p.m.

TRD-9207621

**Thursday, June 11, 1992, 1:30 p.m.** The Board of Trustees of the Teacher Retirement System of Texas will meet at 1000 Red River Street, Fifth Floor Board Room, Austin. According to the complete agenda, the board will hear report of budget committee; review proposed 1992-1993 operating budget; and meet in executive session to discuss personnel.

Contact: Mary Godzik, 1000 Red River Street, Austin, Texas 78701-2698, (512) 397-6400.

Filed: June 3, 1992, 3:39 p.m.

TRD-9207622

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**Texas Board of Veterinary  
Medical Examiners**

**Thursday-Friday, June 11-12, 1992, 8:30 a.m. (Revised agenda).** The Texas Board of Veterinary Medical Examiners will meet at 1946 South IH-35, Fourth Floor Conference Room, Austin. According to the revised agenda summary, the board will consider a request by Herbert Corum, D.V.M. for return of his DEA/DPS controlled substances certificates; petition by G. David McCarroll, D. V.M. for reissuance of cancelled (delinquent) license; and a letter concerning renewal of his veterinary license by Bill McCaleb.

Contact: Buddy Matthijetz, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: June 3, 1992, 11:32 a.m.

TRD-9207596

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**Texas Water Commission**

**Wednesday, June 10, 1992, 9 a.m. (Revised agenda).** 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 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) 463-7905.

Filed: June 2, 1992, 10:39 a.m.

TRD-9207508

**Wednesday, June 10, 1992, 9 a.m. (Revised agenda).** 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 consider various matters within the regulatory jurisdiction of the commission, including specifically the adoption of new or amended agency regulations. 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, rescheduling 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) 463-7905.

Filed: June 2, 1992, 10:39 a.m.

TRD-9207509

**Wednesday, June 10, 1992, 9 a.m. (Revised agenda).** 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 consider various matters within the regulatory jurisdiction of the commission, including specifically the adoption of new or amended agency regulations. 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, rescheduling 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) 463-7905.

Filed: June 2, 1992, 2:26 p.m.

TRD-9207537

**Thursday-Friday, June 11-12, 1992, 7 p.m. and 9 a.m. respectively. (Revised agenda).** The Texas Water Commission will meet at the Sinclair Elementary School (Cafeteria), 6126 Sinclair Road, San Antonio. According to the revised agenda summary, the commission will consider an application by Safety-Kleen Corporation for a permit (Proposed Permit Number HW50246-001) to authorize the operation of a Class I hazardous waste storage and processing facility. The hazardous wastes will be generated off-site from sources such as auto repair shops and dry cleaners. The facility is located at 5243 Sinclair Road,

about one mile south of Gonzales Highway, just east of Highway 410, within the City of San Antonio City limits, in Bexar County.

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

Filed: June 2, 1992, 4:59 p.m.

TRD-9207571

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**Regional Meetings**

**Meetings Filed June 2, 1992**

**The Bexar Appraisal District Appraisal Review Board** met at 535 South Main, San Antonio, June 5, 1992, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511. TRD-9207510.

**The Brazos Valley Development Council Board of Directors** will meet at the Council Office, 3006 East 29th, Suite #2, Bryan, June 11, 1992, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9207527.

**The Capital Area Planning Council Economic Development District Board** will meet at 2520 IH-35 South, Suite 100, Austin, June 10, 1992, at 1:30 p.m. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD-9027550.

**The Capital Area Planning Council Executive Committee** will meet at 2520 IH-35 South, Suite 100, Austin, June 10, 1992, at 1:30 p.m. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD-9027551.

**The Concho Valley Council of Governments Executive Committee** will meet at 5014 Knickerbocker Road, San Angelo, June 10, 1992, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666. TRD-9207570.

**The Edwards County Appraisal District Board of Directors** will meet at the New County Annex Building, Rocksprings, June 10, 1992, at 9 a.m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9207526.

**The Edwards County Appraisal District Appraisal Review Board** will meet at the New County Annex Building, Rocksprings, June 17, 1992, at 9 a. m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9207525.

**The Hansford Appraisal District Board** will meet at 709 West Seventh Street,

Spearman, June 10, 1992, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081, (806) 659-5575. TRD-9207528.

The Trinity River Authority of Texas Executive Committee will meet at 5300 South Collins, Arlington, June 9, 1992, at 11 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9207507.



### Meetings Filed June 3, 1992

The Canyon Regional Water Authority Board met at the East Central Offices, FM 1628 Near Highway 87, Sayers, June 8, 1992, at 7:30 p.m. Information may be obtained from David J. Davenport, P.O. Box 188, Marion, Texas 78124, (512) 420-2323. TRD-9207593.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees will meet at 408 Mulberry Drive, Brownwood, June 9, 1992, at 5 p.m. Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext. 102. TRD-9207594.

The Concho Valley Council of Governments Private Industry Council will meet at 5014 Knickerbocker Road, San Angelo, June 10, 1992, at 3:30 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666. TRD-9207573.

The Erath County Appraisal District Appraisal Review Board will meet at 1390 Harbin Drive, Board Room, Stephenville, June 10-11, 1992, at 9 a.m. Information may be obtained from Nicolle Minder, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9207560.

The High Plains Underground Water Conservation District Number One Board of Directors will meet at 2930 Avenue Q, Conference Room, Lubbock, June 9, 1992, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9207592.

The Johnson County Rural Water Supply Corporation Committee met at the JCRWSC Office, Highway 171 South, Cleburne, June 8, 1992, at 9 a.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9207629.

The Lee County Appraisal District Appraisal Review Board will meet at 289 South Main Street, Giddings, June 12, 1992, at 10 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9207575.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, June 16, 1992, at 9 a.m. (Revised agenda). Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9207608.

The Mental Health and Mental Retardation Authority of Brazos Valley Board of Trustees met at 804 Texas Avenue, Conference Room A, Bryan, June 4, 1992, at 1:30 p.m. The emergency status was necessary as the board needed approval of Haldol purchase prior to the price increase on June 26, 1992, which would result in a considerable savings to the center. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467. TRD-9207591.

The Nolan County Central Appraisal District Board of Directors met at the Nolan County Courthouse, Third Floor, Sweetwater, June 9, 1992, at 7 a.m. Information may be obtained from Lane Compton, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9207619.

The Permian Basin Regional Planning Commission Board of Directors will meet at the PBRPC Offices, Midland International Airport, Midland, June 10, 1992, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 60660, Midland, Texas 79711, (915) 563-1061. TRD-9207601.

The San Antonio River Authority Water Policy Committee will meet at the SARA General Office, Second Floor Conference Room, 100 East Guenther, Bexar County, San Antonio, June 9, 1992, at 11:30 a.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373. TRD-9207574.

The South Franklin Water Supply Corporation Board of Directors will meet at the Office of South Franklin Water Supply Corporation, Highway 115 South of Mt. Vernon, June 9, 1992, at 7 p.m. Information may be obtained from Richard Zachary, P.O. Box 591, Mt. Vernon, Texas 75457, (903) 860-3400. TRD-9207590.

The Wood County Appraisal District Appraisal Review Board met at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, June 8-12, 1992, at 9 a.m. Information may be obtained from W. Carson Wages or Becky Anderson, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9207620.



### Meetings Filed June 4, 1992

The Austin Transportation Study Policy Advisory Committee will meet at the Joe C.

Thompson Conference Center, Room 2.102, 26th and Red River Streets, Austin, June 9, 1992, at 6 p.m. Information may be obtained from Joseph P. Gieselman, 811 Barton Springs Road, Suite 700, Austin, Texas 78704, (512) 472-7483. TRD-9207630.

The Bandera County Appraisal District Appraisal Review Board will meet at the Appraisal District Office at the north end of Ninth Street, Bandera, June 15, 1992, at 9 a.m. Information may be obtained from P. H. Coates, IV, P.O. Box 1119, Bandera, Texas 78003, (512) 796-3039. TRD-9207646.

The Cass County Appraisal District Board of Directors met at the Cass County Appraisal District Office, 502 North Main Street, Linden, June 8, 1992, at 7 p.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9207640.

The Coryell County Appraisal District Board of Directors will meet at the National Bank, 408 South Main Street, Copperas Cove, June 9, 1992, at 1:30 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9207643.

The Coryell County Appraisal District Appraisal Review Board will meet at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, June 10, 1992, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9207633.

The Limestone County Appraisal District Board of Directors will meet at the Board Room, Limestone County Courthouse, Second Floor, Groesbeck, June 10, 1992, at 1 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9207634.

The Limestone County Appraisal District Appraisal Review Board will meet at the Appraisal District Meeting Room, Second Floor, Limestone County Courthouse, Groesbeck, June 8-12, 1992, at 9 a.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9207635.

The Nolan County Central Appraisal District Board of Review will meet at the Nolan County Courthouse, Third Floor, Sweetwater, June 10, 1992, at 9 a.m. Information may be obtained from Lane Compton, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9207642.

The Region 14 Quality Work Force Planning Committee will meet at the Memorial Medical Center of East Texas, Dining Room, 1201 Frank, Lufkin, June 17, 1992, at 9:30 a.m. Information may be obtained

from Richard Pulaski, P.O. Box 1768, Lufkin, Texas 75902, (409) 633-5246. TRD-9207641.

The Rusk County Appraisal District Board of Directors will meet at the Administrative Office, 107 North Van Buren, Henderson, June 11, 1992, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-3578. TRD-9207636.

The San Patricio County Appraisal District Board of Directors will meet at 1146 East Market, Sinton, June 11, 1992, at 9:30

a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD-9207638.

The Sulphur-Cypress Soil and Water Conservation District #419 will meet at 1809 West Ferguson, Suite B, Mt. Pleasant, June 10, 1992, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson, Suite B, Mt. Pleasant, Texas 75455, (903) 572-5411. TRD-9207637.

The Tax Appraisal District of Bell County Board of Directors will meet at the

Tax Appraisal District Building, 411 East Central Avenue, Belton, June 10, 1992, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29. TRD-9207639.

The Wise County Appraisal District Board of Directors will meet at 206 South State Street, Board Room, Decatur, June 11, 1992, at 7:30 p.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9207644.



# 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 Bond Review Board

### Bi-Weekly Report on the 1992 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of May 16, 1992-May 29, 1992.

Total amount of state ceiling remaining unreserved for the \$242,886,000 subceiling for qualified mortgage bonds under the Act as of May 29, 1992: \$96, 873,380.

Total amount of state ceiling remaining unreserved for the \$151,803,750 subceiling for state-voted issues under the Act as of May 29, 1992: \$51,803, 750.

Total amount of state ceiling remaining unreserved for the \$65,058,750 subceiling for qualified small issues under the Act as of May 29, 1992: \$30, 708,750.

Total amount of state ceiling remaining unreserved for the \$43,372,500 subceiling for residential rental project issues under the Act as of May 29, 1992: \$9,907,500.

Total amount of state ceiling remaining unreserved for the \$364,329,000 subceiling for all other bonds requiring an allocation under the Act as of May 29, 1992: \$33,064,000.

Total amount of the \$867,450,000 state ceiling remaining unreserved as of May 29, 1992: \$222,357,000.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from May 16, 1992 through May 29, 1992: San Antonio HFC; MAGI, Inc. The Commons Apartment; residential rental; \$12,500, 000; San Antonio HFC; Walker & Associates Barrington Oaks Apartments; residential rental; \$5,200,000; San Antonio HFC; The Prime Group Sunrise Apartments; residential rental; \$5 million.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a certificate of allocation pursuant to the Act from May 16, 1992-May 29, 1992: none.

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from May 16, 1992-May 29, 1992: Ector County IDC; Safe Tire Disposal; qualified small issue; \$4,700,000; San Antonio HFC; Walker & Associates Stonegate Apartments; residential rental; \$4, 800,000.

Following is a comprehensive listing of applications which released a portion or their reserved amount pursuant to the Act from May 16, 1992-May 29, 1992: San Antonio HFC; MAGI, Inc. Stonegate Apartments; residential rental; \$1, 700,000; Dallas County HFC; mortgage credit certificates; \$2.00.

Issued in Austin, Texas, on June 1, 1992.

TRD-9207499

Tom K. Pollard  
Executive Director  
Texas Bond Review Board

Filed: June 1, 1992

For further information, please call: (512) 463-1741

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## Texas Department of Commerce Product Commercialization Fund Application Announcement

The Texas Department of Commerce is now accepting applications for the second round of the product commercialization fund program.

The Texas product commercialization fund provides working capital to assist small companies taking an innovative, new technology-based product or process to the marketplace. Companies are selected for investment in a competitive process based on the product's potential for commercial success and the product's potential economic impact on Texas.

Technologies to be considered for funding in this round are limited to the following: innovative recycling or waste minimization-related products or processes; and innovative renewable energy or energy-saving products or processes.

Funding will be in the form of a loan or loan guaranty. The size of each investment may not be less than \$25,000, or exceed \$200,000. Applicants are required to have a minimum 1:1 matching funding commitment from a co-investor. Loans for recycling/waste minimization products will be made at market rate; loans for renewable energy/energy-saving products will be made at a zero interest rate. Collateral may be required.

The deadline for application is July 31, 1992.

Copies of the application are available from the following sources: Austin-Texas Department of Commerce Office of Advanced Technology, (512) 320-9561; Dallas-North Texas Small Business Development Center, (214) 565-5832; Houston-University of Houston Small Business Development Center, (713) 752-8400; Lubbock-Northwest Texas Small Business Development Center, (806) 745-3973; San Antonio-South Texas Border Region Small Business Development Center (512) 224-0791.

For further information, please contact Annette Argall at the Texas Department of Commerce Office of Advanced Technology: (512) 320-9561.

Issued in Austin, Texas, on June 3, 1992.

TRD-9207588

Cathy Bonner  
Executive Director  
Texas Department of Commerce

Filed: June 3, 1992

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

◆ ◆ ◆  
**Comptroller of Public Accounts**  
**Availability of Drawing Procedures**

Notice of Availability of Lottery Drawing Procedures: The Lottery Division of the Comptroller of Public Accounts announces the availability of Drawing Procedures for the first instant game, Lone Star Millions. These procedures contain the eligibility and entry requirements for a preliminary and grand prize drawing; the number and manner of selecting winners; the drawing procedures to be used at preliminary and grand prize drawings; and the forms to be completed to document the phases of preliminary and grand prize drawings.

**Contact Persons:** Persons interested in obtaining a copy of these procedures should contact Sandy Joseph, Disclosure Officer, Comptroller of Public Accounts, 111 East 17th Street, Austin, Texas 78774, (512) 475-0411. Persons with specific questions regarding these procedures should contact Scott Murphy, Drawings Coordinator, Texas Lottery, Austin, Texas 78774, (512) 323-3700.

**Drawings Schedule:** It is anticipated that preliminary drawings will be held on Tuesday of each week for 12 consecutive weeks beginning June 9, 1992. It is anticipated that grand prize drawings will be held on Friday of each week for 12 consecutive weeks beginning June 18, 1992. The grand prize drawings will be held each week in a different Texas city.

Issued in Austin, Texas, on June 2, 1992.

TRD-9207513 Charles Johnstone  
Senior Legal Counsel, General Law  
Section  
Comptroller of Public Accounts

Filed: June 2, 1992

For further information, please call: (512) 475-0411

◆ ◆ ◆  
**Lottery Television Network and  
Production Services**

Notice of Request for Proposals: Pursuant to the State Lottery Act, the Lottery Division of the Comptroller of Public Accounts announces its request for proposals (RFP) for lottery television network and production services.

**Contact Persons:** Parties interested in making a proposal should contact Charles C. Johnstone, Senior Legal Coun-

sel, Comptroller of Public Accounts, 111 East 17th Street, Room 113, Austin, Texas 78774, (512) 463-4091, for a complete copy of the RFP. The RFP will be available for pickup at the previous address on Wednesday, June 10, 1992, between 1 p.m. and 5 p.m. (CST), and during normal business hours thereafter.

**Closing Date:** Proposals must be received by Charles Johnstone no later than 4 p.m. (CST), on July 1, 1992. Proposals received after this date and time will not be considered.

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

The Lottery Division reserved the right to accept or reject any or all proposals submitted. The Lottery Division is under no legal or other requirements to execute a resulting contract on the basis of this notice or the distribution of the RFP. Neither this notice nor the RFP commits the Lottery Division to pay for any costs incurred prior to the execution of the contract.

The anticipated schedule of events is as follows: RFP available-June 10, 1992; letter of intent to propose due-June 19, 1992; proposals due-July 1, 1992, by 4 p.m.; announcement of apparent successful proposer-July 13, 1992.

Issued in Austin, Texas, on June 2, 1992.

TRD-9207514 Charles Johnstone  
Senior Legal Counsel, General Law  
Section  
Comptroller of Public Accounts

Filed: June 2, 1992

For further information, please call: (512) 463-4091

◆ ◆ ◆  
**Office of Consumer Credit  
Commissioner**

**Notice of Rate Ceilings**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04 as amended (Texas Civil Statutes, Articles 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer <sup>(1)</sup>/Agricultural/ Commercial <sup>(2)</sup> thru \$250,000</u>	<u>Commercial<sup>(2)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/08/92-06/14/92	18.00%	18.00%

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

[graphic]

Issued in Austin, Texas, on June 1, 1992.

TRD-9207576 Al Endsley

Consumer Credit Commissioner

Filed: June 3, 1992



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

◆ ◆ ◆  
**Texas Department of Health**  
**Notice of Emergency Cease and Desist**  
**Order**

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Matthew J. Brown, D.C. (registrant-R14109) of Grapevine to cease and desist using any sources of radiation in his possession until all violations found during a recent inspection of his operations have been corrected. The bureau determined that the continued use of sources of radiation at this facility constitutes a threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions to correct the violations and the method to prevent their recurrence.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, The Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on June 1, 1992.

TRD-9207473      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: June 1, 1992

For further information, please call: (512) 834-6688

◆ ◆ ◆  
**Notice of Intent to Revoke a Radioactive**  
**Material License**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following licensee: Chaparral Inspection Company, Midland, L03139.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of radioactive material; order the licensee to divest himself of such radioactive material; and order the licensee to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid and the items in the complaint are corrected within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, or if the fee is not paid or the items in the complaint are not corrected, the radioactive material license will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the

Bureau of Radiation Control, The Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on June 1, 1992.

TRD-9207472      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: June 1, 1992

For further information, please call: (512) 834-6688

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

Notice is given to the public of the intent to file with the Public Utility Commission of Texas (PUC) an application pursuant to PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for ZoCom Technologies, Inc., Dallas.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for approval of Plexar-Custom Service for ZoCom Technologies, Inc. pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 11217.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for ZoCom Technologies, Inc. The geographic service market for this specific service is the Dallas area.

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

Issued in Austin, Texas, on June 1, 1992.

TRD-9207553      Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 2, 1992

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

◆ ◆ ◆  
**Texas Water Commission**  
**Public Notice**

The Texas Water Commission published in the April 7, 1992, issue of the *Texas Register*, (17 TexReg 2493) the first priority enforcement list (PEL) identifying illegal tires sites for which no responsible party had been identified. The following is an update to the first PEL published to include additional sites identified. Copies of the PEL can be obtained from the Texas Water Commission, Municipal Solid Waste Division, Waste Tire Recycling Fund Program (WTRF), at 8407 Wall Street, Austin, Texas 78754.

Any questions regarding the implementation or operation of this program should be directed to the staff of the WTRF at (512) 834-6683.

PRIORITY ENFORCEMENT LIST

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<u>Site #</u>	<u>District</u>	<u>County</u>	<u>Name</u>	<u>#Tires</u>
70059	1	Potter	4400 Block Amarillo Boulevard East	4,000
70060	1	Potter	7408 Amarillo Boulevard East	3,000
70061	2	Lubbock	Worsham	2,000
70058	4	Tarrant	SW Corner of W. Lancaster & Jennings Avenue	2,000
70046	4	Tarrant	Green Valley Race Way	2,000
70052	4	Ellis	Telico	300,000
70057	5	Gregg	Longview Industrial Dist.	5,000
70062	7	Harris	Victor Denenburg Business Park	2,500

PEL List Page 2

70064	7	Galveston	S. H. Reed	650
70047	8	Bexar	Anna Thompson	1,000,000
70048	8	Bexar	Laurence Irvine	75,000
70049	8	Bexar	Willie A. Castoreno	75,000
70050	8	Bexar	Albert Corrales	25,000
70055	8	Bexar	Airplane Tire Salvage	150,000
70054	8	Bexar	Gabino Castoreno	50,000
70051	12	Nueces	William T. Pulliam	6,000
70063	14	Travis	A.I.S.D. Maintenance & Yard	3,000
70053	14	Travis	Jackson Tire Company	3,000
70056	14	Burnet	David's Auto Parts	2,000
70065	14	Burnet	Dr. Bob Hughs Ranch	1,500
70066	14	Bastrop	Lewis Jones Property	1,900
70067	14	Bastrop	Jones & Son	2,500
70069	14	Travis	Jones Tire Service	800

Additionally, the following sites are being removed from the PEL due to their successful clean-up:

70038	6	Jefferson	Jones Property	1,000-1,500
32218	7	Montgomery	Porter Tire Company	30,000
32431	7	Harris	James S. Tompkins	45,000
70043	7	Harris	72.46 Acres on N. Lake Houston Parkway	8,000
70025	8	Hays	J & R Tires	1,200
32126	9	Taylor	Clyde Johnson	20,000

PEL List Page 3

32232	11	Hidalgo	Guillermo Cantu	10,000
31964	12	Jim Wells	A.T. Rental Tire Disposal	30,000

Issued in Austin, Texas, on June 3, 1992.

TRD-9207587      Mary Ruth Holder  
                         Director, Legal Division  
                         Texas Water Commission

Filed: June 3, 1992

For further information, please call: (512) 834-6683



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## 1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

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