

Texas Register

Volume 17, Number 44, June 12, 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- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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*.

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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.

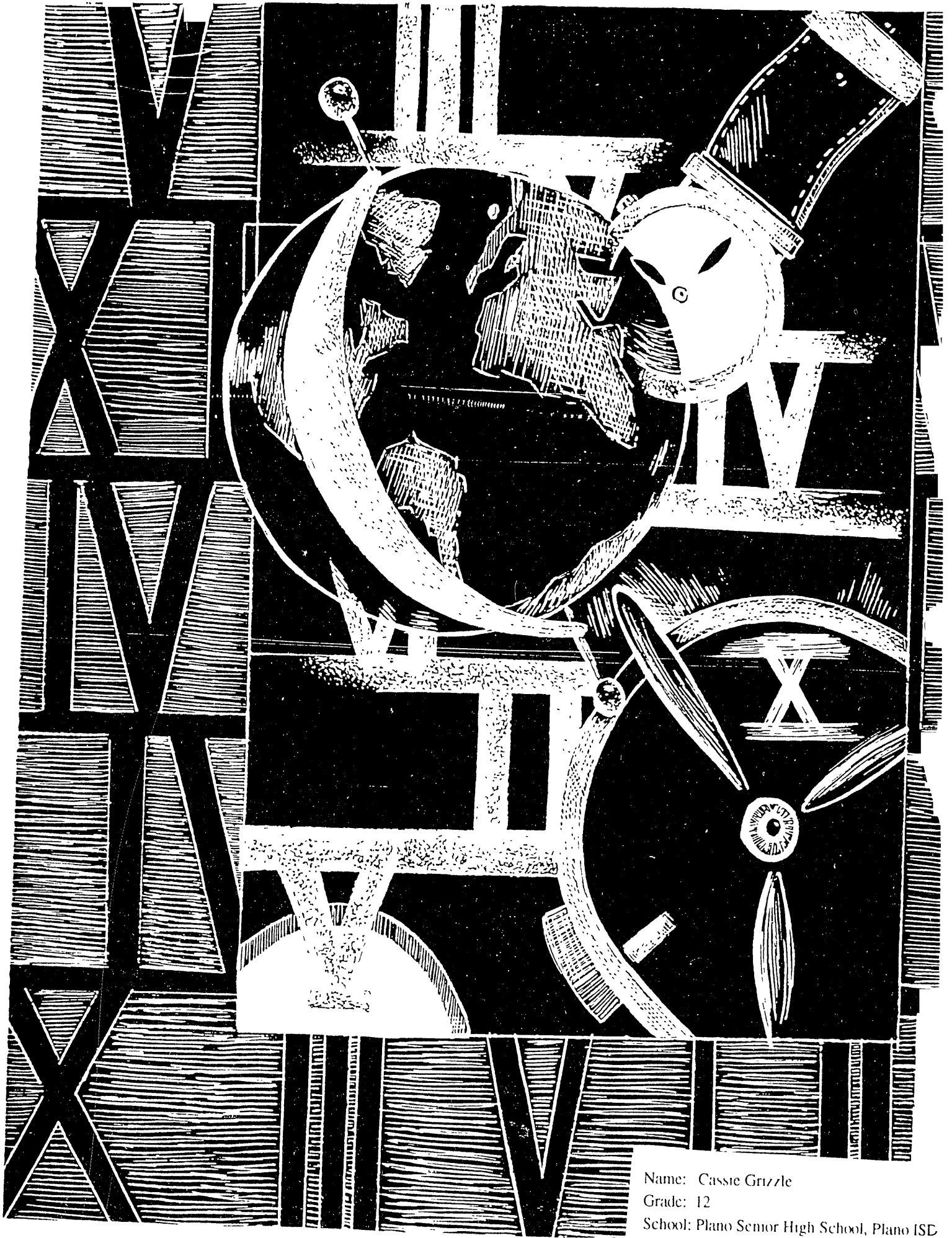
The artwork will be judged and published in four categories divided by grades, K-3, 4-6, 7-9, 10-12. All pictures will be numbered sequentially in each category and have a number reflecting the group. Example "K-1" will indicate that the picture was drawn by a student in grades K-3, the one indicates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

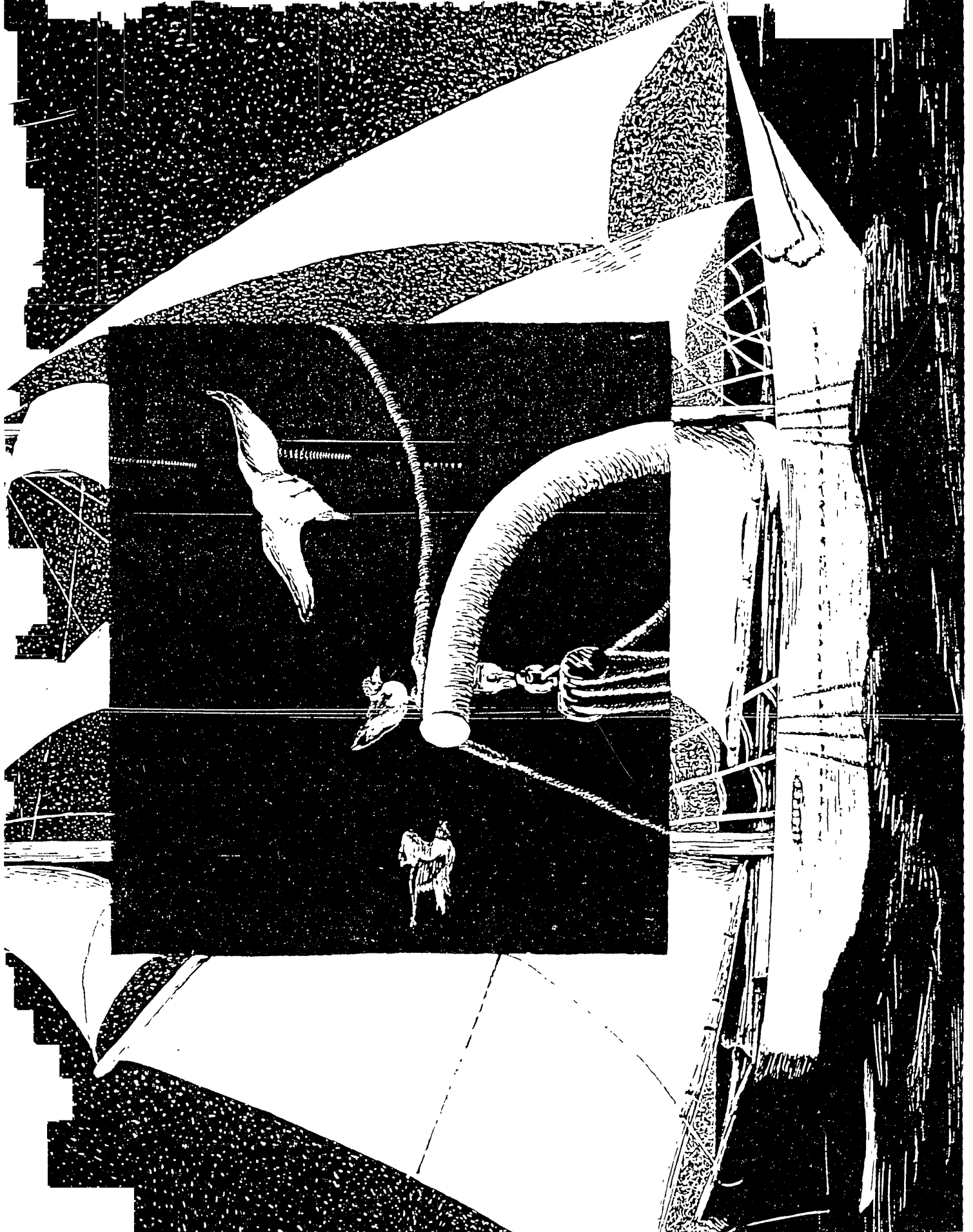
More details about the contest will be published soon, so keep watching the Register or if you have any questions please contact Roberta Knight at (512) 463-5561.

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.



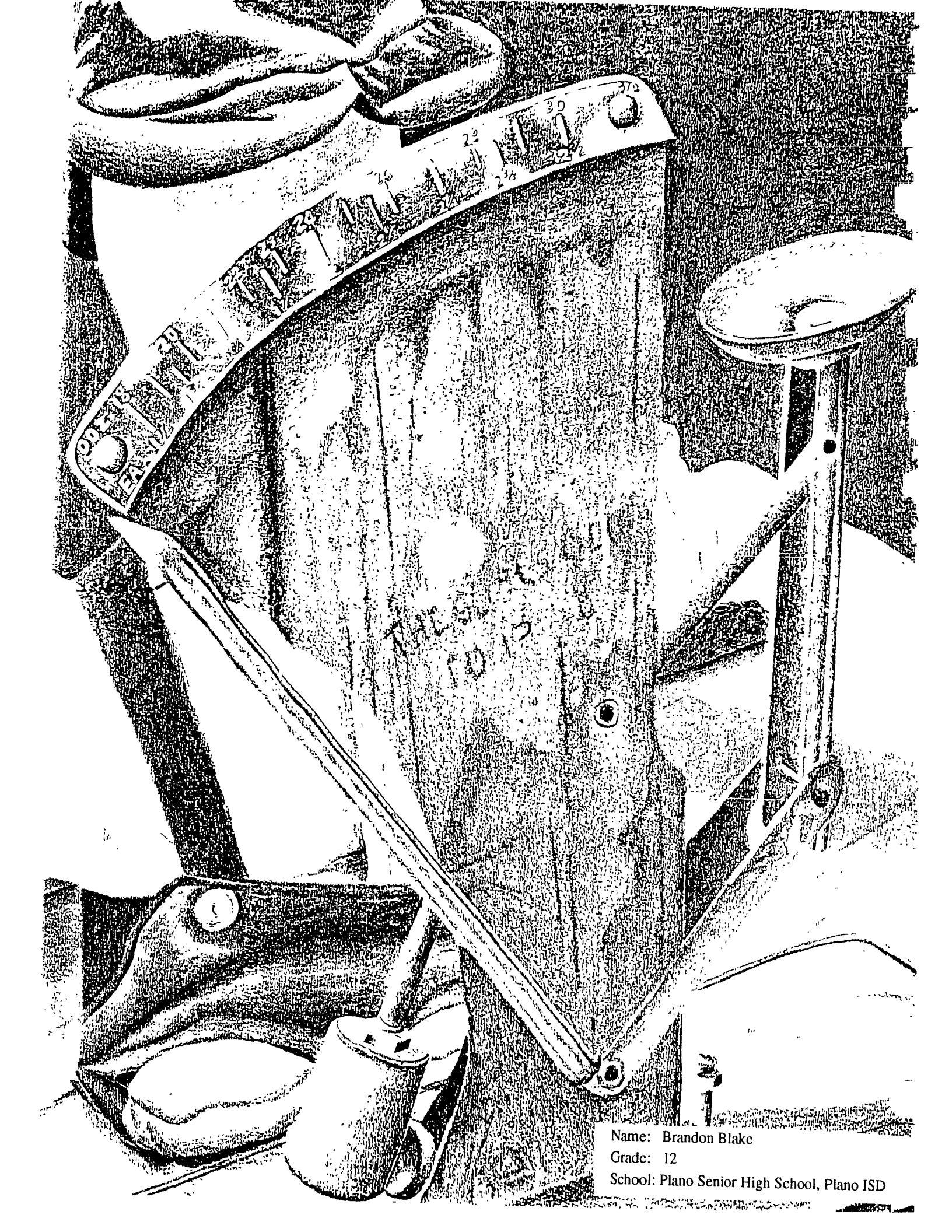
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Name: Meredith K. Lee

Grade: 12

School: Plano Senior High School, Plano ISD



Name: Brandon Blake
Grade: 12
School: Plano Senior High School, Plano ISD



Name: Julie Alcantara
Grade: 12
School: Plano Senior High School, Plano ISD

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 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 143. Administrative Guidelines for Registration of Real Estate Investment Trusts

• 7 TAC §§143.1, 143.3, 143.8

The State Securities Board proposes amendments to §§143.1, 143.3, and 143.8, concerning administrative guidelines for registration of real estate investment trusts. The amendments, along with proposals to repeal existing §§143.12-143.21 and create new §§143.12-143.23, have the overall effect of reflecting provisions that were included in the most recent amendments to the North American Securities Administrators' Association, Inc. (NASAA) real estate investment trust guidelines.

Michael Northcutt, director, securities registration division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Northcutt 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 continued uniformity with other states in applying standards for registration of real estate investment trust offerings. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Denise Voigt Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The amendments are 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.

§143.1. Introduction.

- (a) (No change.)

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

(1) Administrator—Referred to as securities commissioner throughout these guidelines.

(2)[(1)] Acquisition expenses—Expenses including, but not limited to, legal fees and expenses, travel and communications expenses, costs of appraisals, nonrefundable option payments on property not acquired, accounting fees and expenses, title insurance, and miscellaneous expenses relating to selection and acquisition of properties, whether or not acquired.

(3)[(2)] Acquisition fee—The total of all fees and commissions paid by any party in connection with the making or investing in mortgage loans or the purchase or development of property by a REIT, except a development fee paid to a person not affiliated with a sponsor in connection the actual development of a project after acquisition of the land by the REIT. Included in the computation of such fees or commissions shall be any real estate commission, selection fee, development fee, nonrecurring management fee, or any fee of a similar nature, however designated.

(4)[(3)] Adviser—The person(s) or entity responsible for directing or performing the day-to-day business affairs of a REIT, including a person or entity to which an adviser subcontracts substantially all such functions. To the extent the provisions of these guidelines are germane they shall apply to self-administered REITs.

(5)[(4)] Affiliate—

(A) Any person directly or indirectly controlling, controlled by, or under common control with another person;

(B) any person owning or controlling 10% or more of the outstanding voting securities or beneficial interests of such other person;

(C) any officer, director, trustee, general partner of such person; and

(D) if such other person is an officer, director, trustee, or partner of another entity, then the entity for which that person acts in any such capacity.

(6)[(5)] Average invested assets—For any period, [shall mean] the average of the aggregate book value of the assets of the trust invested, directly or indirectly, in equity interests in and loans secured by real estate, before reserves for depreciation or bad debts or other similar non-cash reserves computed by taking the average of such values at the end of each month during such period.

(7)[(6)] Competitive real estate commission—Real estate or brokerage commission paid for the purchase or sale of a property which is reasonable, customary, and competitive in light of the size, type, and location of such property.

(8) [(7)] Contract price for the property—The amount actually paid or allocated to the purchase, development, construction, or improvement of a property exclusive of acquisition fees and acquisition expenses.

(9) [(8)] Declaration of trust—The declaration of trust, certificate or articles of incorporation, or other governing instrument pursuant to which a REIT is organized.

(10) Independent expert—A person with no material current or prior business or personal relationship with the adviser or trustees who is engaged to a substantial extent in the business of rendering opinions regarding the value of assets of the type held by the REIT.

(11)[(9)] Independent trustee(s)—The trustee(s) of a REIT who are not affiliated, directly or indirectly, with an adviser of the REIT, whether by ownership of, ownership interest in, employment by, any material business or professional relationship with, or serves as an officer or director of, such adviser or an affiliated business entity of such adviser. A trustee shall not be considered independent if he or she is serving as a trustee for more than three REITs organized by a sponsor. Independent trustee(s) shall also mean those who perform no other services for the REIT, except as trustee(s). An indirect relationship shall include

circumstances in which a member of the immediate family of a trustee has one of the foregoing relationships with an adviser of the REIT or the REIT for which he serves as trustee.

(12)[(10)] Initial investment—That portion of the initial capitalization of the REIT contributed by the sponsor or its affiliates pursuant to §143.17 [143.16] of this title (relating to Minimum Capital).

(13)[(11)] Leverage—The aggregate amount of indebtedness of a REIT for money borrowed (including purchase money mortgage loans) outstanding at any time, both secured and unsecured.

(14)[(12)] Net assets—The total assets (other than intangibles) at cost before deducting depreciation or other non-cash reserves less total liabilities, calculated at least quarterly on a basis consistently applied.

(15)[(13)] Net income—For any period, total revenues applicable to such period, less the expenses applicable to such period other than additions to reserves for depreciation or bad debts or other similar non-cash reserves. If the adviser receives an incentive fee, net income, for purposes of calculating total operating expenses in §143.15(b) [143.14(b)] of this title (relating to Total Expenses), shall exclude the gain from the sale of the REIT's assets.

(16)[(14)] Offering and organizational expenses—Those expenses incurred in connection with and in preparing a REIT for registration and subsequently offering and distributing it to the public, including sales commissions paid to broker-dealers in connection with the distribution of the shares of the REIT and all advertising expenses.

(17)[(15)] Prospectus—Shall have the meaning given to that term by the Securities Act of 1933, §2(10), including a preliminary prospectus; provided, however, that such term as used herein shall also include an offering circular as described in Rule 256 of the General Rules and Regulations under the Securities Act of 1933 or, in the case of an intrastate offering, any document by whatever name known, utilized for the purpose of offering and selling securities to the public.

(18)[(16)] Real estate investment trust (REIT)—A corporation, trust, or association (other than a real estate syndication) which is engaged primarily in investing in equity interests in real estate (including fee ownership and leasehold interests) or in loans secured by real estate or both.

(19) Roll-up—A transaction involving the acquisition, merger, conversion, or consolidation either directly or indirectly of the REIT and the issuance

of securities of a roll-up entity. Such term does not include:

(A) a transaction involving securities of the REIT that have been or at least 12 months listed on a national securities exchange or traded through the National Association of Securities Dealers Automated Quotation National Market System; or

(B) a transaction involving the conversion to corporate, trust, or association form of only the REIT if, as a consequence of the transaction there will be no significant adverse change in any of the following:

- (i) shareholders' voting rights;
- (ii) the term of existence of the REIT;
- (iii) sponsor or adviser compensation;
- (iv) the REIT's investment objectives.

(20) Roll-up entity—A partnership, real estate investment trust, corporation, trust, or other entity that would be created or would survive after the successful completion of a proposed roll-up transaction.

(21)[(17)] Shares—Shares of beneficial interest or of common stock of a REIT of the class that has the right to elect the trustees of such REIT.

(22)[(18)] Shareholders of a REIT—The registered holders of its shares.

(23)[(19)] Sponsor—Any person directly or indirectly instrumental in organizing, wholly or in part, a REIT or any person who will manage or participate in the management of a REIT, and any affiliate of any such person but would not include a person whose only relationship with the REIT is as that of an independent property manager, whose only compensation is as such. Sponsor also does not include wholly independent third parties such as attorneys, accountants, and underwriters whose only compensation is for professional services.

(24)[(20)] Total operating expenses—All operating, general, and administrative expenses of the REIT as determined under generally accepted accounting principles except the expenses of raising capital, interest payments, taxes, non-cash expenditures (e.g., depreciation, amortization, bad debt reserve), fees paid in compliance with §143.15(d) [143.14(d)] of this title, and the costs related directly to asset acquisition, operation, and disposition. The exclusion from total operating expenses for costs re-

lated directly to asset acquisition, operation, and disposition is intended to allow exclusion of expenses incurred on the individual property level but not to allow the exclusion of operating, general, and administrative expenses incurred on the REIT level (including advisers' fees other than fees paid in compliance with §143.15(d) [143.14(d)] of this title.

(25)[(21)] Trustee(s)—The member(s) of the board of trustees or directors or other body which manages the REIT.

(26)[(22)] Unimproved real property—The property of a REIT which has the following three characteristics:

(A) an equity interest in property which was not acquired for the purpose of producing rental or other operating income;

(B) has no development or construction in process on such land; and

(C) no development or construction on such land is planned in good faith to commence on such land within one year.

§143.3. Trustees.

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

(f) Responsibilities of trustees. The declaration of trust shall specifically charge the trustees of the real estate investment trust (REIT) with a fiduciary duty to the shareholders to supervise the relationship of the REIT with the adviser. The declaration of trust shall set forth the specific requirements for and shall require the approval of at least a majority of the independent trustees of matters to which this subsection and §143.4 of this title (relating to Investment Policy); §143.6 of this title (relating to Reports and Meetings); §143.13 [143.12] of this title (relating to Advisory Contract); §143.14 [143.13] of this title (relating to Adviser Compensation); §143.15 [143.14] of this title (relating to Total Expenses); §143.16 [143.15] of this title (relating to Leverage); §143.18 [143.17] of this title (relating to Appraisal); §143.19 [143.18] of this title (relating to Indemnification); §143.20 [143.19] of this title (relating to Distribution Reinvestment Plans); and §143.21 [143.20] of this title (relating to Other Limitations).

(g) (No change.)

§143.8. Access to [Inspection of] Records.

Any shareholder and any designated representative thereof shall be permitted access to all records of the real estate investment trust (REIT) at all reasonable times, and may inspect and copy any of

them. Inspection of the REIT books and records by the securities commissioner shall be provided upon reasonable notice and during normal business hours. The declaration of trust shall include the following provisions regarding access to the list of shareholders.

(1) Listing. An alphabetical [A] list of the names, [and] addresses, and business telephone numbers of the [all] shareholders of the REIT along with the number of shares held by each of them (the shareholder list) shall be maintained as a part of the books and records of the REIT and shall be available for inspection by any shareholder or the shareholder's designated agent at the home office of the REIT upon the request of the shareholder [Inspection of the REIT books and records (including shareholder records) by the securities commissioner shall be provided upon request upon reasonable notice and during normal business hours. Inspection of such books and records by shareholders shall be permitted to the same extent as permitted under law applicable to shareholders of a corporation organized in the jurisdiction in which the REIT is organized].

(2) Updates. The shareholder list shall be updated at least quarterly to reflect changes in the information contained therein.

(3) Availability. A copy of the shareholder list shall be mailed to any shareholder requesting the shareholder list within 10 days of the request. The copy of the shareholder list shall be printed in alphabetical order, on white paper, and in a readily readable type size (in no event smaller than 10-point type). A reasonable charge for copy work may be charged by the REIT.

(4) Purposes. The purposes for which a shareholder may request a copy of the shareholder list include, without limitation, matters relating to shareholders' voting rights under the REIT agreement, and the exercise of shareholders' rights under federal proxy laws.

(5) Failure to furnish. If the adviser or trustees of the REIT neglects or refuses to exhibit, produce, or mail a copy of the shareholder list as requested, the adviser, and the trustees shall be liable to any shareholder requesting the list for the costs, including attorneys' fees, incurred by that shareholder for compelling the production of the shareholder list, and for actual damages suffered by any shareholder by reason of such refusal or neglect. It shall be a defense that the actual purpose and reason for the requests for inspection or for a copy of the shareholder list is to secure such list of shareholders or other information for the

purpose of selling such list or copies thereof, or of using the same for a commercial purpose other than in the interest of the applicant as a shareholder relative to the affairs of the REIT. The REIT may require the shareholder requesting the shareholder list to represent that the list is not requested for a commercial purpose unrelated to the shareholder's interest in the REIT. The remedies provided hereunder to shareholders requesting copies of the shareholder list are in addition to, and shall not in any way limit, other remedies available to shareholders under federal law, or the laws of any state.

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 4, 1992.

TRD-9207672 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption: July 13, 1992

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

◆ ◆ ◆
• 7 TAC §§143.12-143.21

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

The State Securities Board proposes the repeal of §§143.12-143.21, concerning administrative guidelines for registration of real estate investment trusts. The repeals, along with proposals to create new §§143.12-143.23 and amend §§143.1, 143.3, and 143.8, have the overall effect of reflecting provisions that were included in the most recent amendments to the North American Securities Administrators' Association, Inc. (NASAA) real estate investment trust guidelines.

Michael Northcutt, director, securities registration division, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Northcutt also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be continued uniformly with other states in applying standards for registration of real estate investment trust offerings. There is no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Denise Voight Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The repeals are 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.

§143.12. Advisory Contract.

§143.13. Adviser Compensation.

§143.14. Total Expenses.

§143.15. Leverage.

§143.16. Minimum Capital.

§143.17. Appraisal.

§143.18. Indemnification.

§143.19. Distribution Reinvestment Plans.

§143.20. Other Limitations.

§143.21. Use of Forecasts.

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 4, 1992.

TRD-9207674 Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption: July 13, 1992

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

◆ ◆ ◆
• 7 TAC §§143.12-143.23

The State Securities Board proposes new §§143.12-143.23, concerning administrative guidelines for registration of real estate investment trusts. The new sections, along with proposals to repeal current §§143.12-143.21 and amend §§143.1, 143.3, and 143.8, have the overall effect of reflecting provisions that were included in the most recent amendments to the North American Securities Administrators' Association, Inc. (NASAA) real estate investment trust guidelines.

Michael Northcutt, director, securities registration division, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Northcutt 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 contin-

ued uniformity with other states in applying standards for registration of real estate investment trust offerings. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Denise Voight Crawford, State Securities Board, P.O. Box 13167, Austin, Texas 78711-3167.

The new sections are 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.

§143.12. Voting of Adviser and Trustee Shares. With respect to shares owned by the adviser, the trustees, or their affiliates, neither the adviser, nor the trustees, nor their affiliates may vote or consent on matters submitted to the shareholders regarding the removal of the adviser, the trustees, or their affiliates regarding any transaction between the real estate investment trust (REIT) and any of them. In determining the requisite percentage in interest of shares necessary to approve a matter on which the adviser, the trustees, and their affiliates may not vote or consent, any shares owned by any of them shall not be included.

§143.13. Advisory Contract. It shall be the duty of the trustees to evaluate the performance of the adviser before entering into or renewing an advisory contract. The criteria used in such evaluation shall be reflected in the minutes of such meeting. Each contract for the services of an adviser entered into by the trustees shall have a term of no more than one year. Each advisory contract shall be terminable by a majority of the independent trustees, or the adviser on 60 days' written notice without cause. In the event of the termination of such contract, the adviser will cooperate with the real estate investment trust (REIT) and take all reasonable steps requested to assist the trustees in making an orderly transition of the advisory function. The qualifications of the adviser shall be set forth in the prospectus relating to the initial public offering of the shares of the REIT and the trustees shall determine that any successor adviser possesses sufficient qualifications:

- (1) to perform the advisory function for the REIT; and
- (2) to justify the compensation provided for in its contract with the REIT.

§143.14. Adviser Compensation. The independent trustees shall determine from time to time and at least annually that the

compensation which the real estate investment trust (REIT) contracts to pay to the adviser is reasonable in relation to the nature and quality of services performed and that such compensation is within the limits prescribed by these guidelines. The independent trustees shall also supervise the performance of the adviser and the compensation paid to it by the REIT to determine that the provisions of such contract are being carried out. Each such determination shall be based on the factors set forth in paragraphs (1)-(7) of this section and all other factors such independent trustees may deem relevant and the findings of such trustees on each of such factors shall be recorded in the minutes of the trustees:

- (1) the size of the advisory fee in relation to the size, composition, and profitability of the portfolio of the REIT;
- (2) the success of the adviser in generating opportunities that meet the investment objectives of the REIT;
- (3) the rates charged to other REITs and to investors other than REITs by advisers performing similar services;
- (4) additional revenues realized by the adviser and its affiliates through their relationship with the REIT, including loan administration, underwriting or broker commissions, servicing, engineering, inspection, and other fees, whether paid by the REIT or by others with whom the REIT does business;
- (5) the quality and extent of service and advice furnished by the adviser;
- (6) the performance of the investment portfolio of the REIT, including income, conservation or appreciation of capital, frequency of problem investments, and competence in dealing with distress situations; and
- (7) the quality of the portfolio of the REIT in relationship to the investments generated by the adviser for its own account.

§143.15. Total Expenses.

(a) Organization, offering, and acquisition expenses-determined annually. The declaration of trust shall provide that the independent trustees will determine, from time to time but at least annually, that the total fees and expenses of the real estate investment trust (REIT) are reasonable in light of the investment experience of the REIT, its net assets, its net income, and the fees and expenses of other comparable advisers in real estate. Each such determination shall be reflected in the minutes of the meeting of the trustees. The organization, offering, and acquisition expenses shall be limited by the following.

- (1) The organization and offering expenses paid in connection with the REIT's formation or the syndication of its

shares shall be reasonable and shall in no event exceed an amount equal to 15% of the proceeds raised in an offering.

(2) The total of all acquisition fees and acquisition expenses paid by the REIT in connection with the purchase of a property by the REIT shall be reasonable and shall in no event exceed an amount equal to 6.0% of the contract price for the property, or, in the case of a mortgage loan, 6.0% of the funds advanced, unless a majority of the trustees (including a majority of the independent trustees) not otherwise interested in the transaction approve the transactions as being commercially competitive, fair, and reasonable to the REIT.

(b) Total operating expenses.

(1) The total operating expenses of the trust shall (in the absence of a satisfactory showing to the contrary) be deemed to be excessive if they exceed in any fiscal year the greater of 2.0% of its average invested assets or 25% of its net income for such year. The independent trustees shall have the fiduciary responsibility of limiting such expenses to amounts that do not exceed such limitations unless such independent trustees shall have made a finding that, based on such unusual and non-recurring factors which they deem sufficient, a higher level of expenses is justified for such year. Any such finding and the reasons in support thereof shall be reflected in the minutes of the meeting of the trustees.

(2) Within 60 days after the end of any fiscal quarter of the trust for which total operating expenses (for the 12 months then ended) exceeded 2.0% of average invested assets or 25% of net income, whichever is greater, there shall be sent to the shareholders of the trust a written disclosure of such fact, together with an explanation of the factors the independent trustees considered in arriving at the conclusion that such higher operating expenses were justified.

(3) In the event the independent trustees do not determine such excess expenses are justified, the adviser shall reimburse the REIT at the end of the 12-month period the amount by which the aggregate annual expenses paid or incurred by the REIT exceed the limitations herein provided.

(c) Real estate property brokerage commissions on resale of property. If an adviser, trustee, sponsor, or affiliate provides a substantial amount of the services in the effort to sell the property of the REIT, then he may receive up to one-half of the brokerage commission paid but in no event to exceed an amount equal to 3.0% of the contracted for sales price. In addition, the amount paid when added to the sums paid to unaffiliated parties in such a capacity shall not exceed the lesser of the competitive real estate commission or an amount equal to 6.0% of the contracted for sales price.

(d) Incentive fees.

(1) An interest in the gain from the sale of assets of the REIT, for which full consideration is not paid in cash or property of equivalent value, shall be allowed provided the amount or percentage of such interest is reasonable. Such an interest in gain from the sale of REIT assets shall be considered presumptively reasonable if it does not exceed 15% of the balance of such gain remaining after payment to shareholders, in the aggregate, of an amount equal to 100% of the original issue price of REIT shares, plus an amount equal to 6.0% of the original issue price of the REIT shares (reduced by prior distribution of gain from the sale of REIT assets) per annum cumulative.

(2) In the case of multiple advisers, advisers and affiliates shall be allowed incentive fees provided such fees are distributed by a proportional method reasonably designed to reflect the value added to REIT assets by each respective adviser or affiliate.

§143.16. Leverage. The aggregate borrowings of the real estate investment trust (REIT), secured and unsecured, shall be reasonable in relation to the net assets of the REIT and shall be reviewed by the trustees at least quarterly. The maximum amount of such borrowings in relation to the net assets shall, in the absence of a satisfactory showing that a higher level of borrowing is appropriate, not exceed 300%. Any excess in borrowing over such 300% level shall be approved by a majority of the independent trustees and disclosed to shareholders in the next quarterly report of the REIT, along with justification for such excess.

§143.17. Minimum Capital. Prior to the initial public offering, the sponsor, or its affiliate, shall contribute to the real estate investment trust (REIT) an amount not less than the lesser of:

(1) 10% of the total net assets upon completion of the offering; or

(2) \$200,000 as an initial investment. The sponsor or its affiliate may not withdraw this initial investment for a period of one year following completion of the public offering and may only sell shares representing this initial investment through the market on which the REIT shares are normally traded.

§143.18. Appraisal. The consideration paid for real property acquired by the real estate investment trust (REIT) shall ordinarily be based on the fair market value of the property as determined by a majority of the trustees. In cases in which a majority of the independent trustees so determine, and

in all cases in which assets are acquired from the advisers, trustees, sponsors, or affiliates, such fair market value shall be as determined by a qualified independent real estate appraiser selected by the independent trustees.

§143.19. Indemnification.

(a) Indemnification allowed. The trustees and adviser of the real estate investment trust (REIT) shall be deemed to be in a fiduciary relationship to the public investors, and the prospectus shall so state. The trustees and adviser may be indemnified by the REIT for losses arising from the operation of the REIT if all of the following conditions are met:

(1) the trustee or adviser has determined, in good faith, that the course of conduct which caused the loss or liability was in the best interests of the REIT; and

(2) such liability or loss was not the result of negligence or misconduct by the trustee or adviser; and

(3) such indemnification or agreement to hold harmless is recoverable only out of the assets of the REIT and not from the shareholders.

(b) Indemnification prohibited. Indemnification will not be allowed for any liability imposed by judgment, and costs associated therewith, including attorneys' fees, arising from or out of a violation of state or federal securities laws associated with the offer and sale of REIT shares. Indemnification will be allowed for settlements and related expenses of lawsuits alleging securities law violations, and for expenses incurred in successfully defending such lawsuits, provided that a court either:

(1) approves the settlement and finds that indemnification of the settlement and related costs should be made; or

(2) approves indemnification of litigation costs if a successful defense is made.

(c) Undertaking required. Every application for registration must contain an undertaking that such parties seeking indemnification will apprise the court of the positions of the securities commissioner and the SEC with respect to indemnification for securities laws violations, before seeking court approval for indemnification.

§143.20. Distribution Reinvestment Plans. All distribution reinvestment plans shall, at the minimum, provide for the following:

(1) all material information regarding the distribution to the shareholder and the effect of reinvesting such distribution, including the tax consequences

thereof, shall be provided to the shareholder at least annually; and

(2) each shareholder participating in the plan shall have a reasonable opportunity to withdraw from the plan at least annually after receipt of the information required in paragraph (1) of this section.

§143.21. Other Limitations. The real estate investment trust (REIT) may not:

(1) invest more than 10% of its total assets in unimproved real property or mortgage loans on unimproved real property;

(2) invest in commodities or commodity future contracts. Such limitation is not intended to apply to interest rate futures, when used solely for hedging purposes;

(3) invest in or make mortgage loans unless an appraisal is obtained concerning the underlying property. In cases in which a majority of the independent trustees so determine, and in all cases in which the transaction is with the adviser, trustees, sponsor, or affiliates, such an appraisal must be obtained from an independent, qualified appraiser concerning the underlying property. This appraisal shall be maintained in the REIT's records for at least five years, and shall be available for inspection and duplication by any shareholder. In addition to the appraisal, a mortgagee's or owner's title insurance policy or commitment as to the priority of the mortgage or the condition of the title must be obtained. Further, the adviser and trustees shall observe the following policies in connection with investing in or making mortgage loans.

(A) The REIT shall not invest in real estate contracts of sale, otherwise known as land sale contracts, unless such contracts of sale are in recordable form and are appropriately recorded in the chain of title.

(B) The REIT shall not make or invest in mortgage loans, including construction loans, on any one property if the aggregate amount of all mortgage loans outstanding on the property, including the loans of the REIT, would exceed an amount equal to 85% of the appraised value of the property as determined by appraisal unless substantial justification exists because of the presence of other underwriting criteria.

(C) The REIT shall not make or invest in any mortgage loans that are subordinate to any mortgage or equity interest of the adviser, trustees, sponsors, or affiliates of the REIT.

(4) issue redeemable equity securities;

(5) issue debt securities unless the historical debt service coverage (in the most recently completed fiscal year) as adjusted for known changes is sufficient to properly service that higher level of debt;

(6) issue opinions or warrants to purchase its shares to the adviser, trustees, sponsors, or affiliates except on the same terms as such options or warrants are sold to the general public. The REIT may issue options or warrants to persons not so connected with the REIT but not at exercise prices less than the fair market value of such securities on the date of grant and for consideration (which may include services) that in the judgment of the independent trustees, has a market value less than the value of such option on the date of grant. Options or warrants issuable to the adviser, trustees, sponsors, or affiliates shall not exceed an amount equal to 10% of the outstanding shares of the REIT on the date of grant of any options or warrants;

(7) invest in the equity securities of any non-governmental issuer, including other REITs or limited partnerships for a period in excess of 18 months. Such investments in entities affiliated with the sponsor, adviser, trustees, or affiliates thereof will not be permitted unless accomplished in accord with §143.3(c)(4) of this title (relating to Trustees);

(8) issue its shares on a deferred payment basis or other similar arrangement.

§143.22. Appraisal and Compensation.

(a) Appraisal. In connection with a proposed roll-up, an appraisal of all real estate investment trust (REIT) assets shall be obtained from a competent, independent expert. If the appraisal will be included in a prospectus used to offer the securities of a roll-up entity, the appraisal shall be filed with the commission and the states as an exhibit to the registration statement for the offering. Accordingly, an issuer using the appraisal shall be subject to liability for violation of the Securities Act of 1933, §11, and comparable provisions under state laws for any material misrepresentations or material omissions in the appraisal. REIT assets shall be appraised on a consistent basis. The appraisal shall be based on an evaluation of all relevant information, and shall indicate the value of the REIT's assets as of a date immediately prior to the announcement of the proposed roll-up transaction. The appraisal shall assume an orderly liquidation

of REIT assets over a 12-month period. The terms of the engagement of the independent expert shall clearly state that the engagement is for the benefit of the REIT and its investors. A summary of the independent appraisal, indicating all material assumptions underlying the appraisal, shall be included in a report to the investors in connection with a proposed roll-up.

(b) Shareholder rights. In connection with a proposed roll-up, the person sponsoring the roll-up shall offer to shareholders who vote "no" on the proposal the choice of:

(1) accepting the securities of the roll-up entity offered in the proposed roll-up; or

(2) one of the following:

(A) remaining as shareholders of the REIT and preserving their interests therein on the same terms and conditions as existed previously; or

(B) receiving cash in an amount equal to the shareholders' pro-rata share of the appraised value of the net assets of the REIT.

(c) Shareholder democracy rights. The REIT shall not participate in any proposed roll-up which would result in shareholders having democracy rights in the roll-up entity that are less than those provided for under §143.3 of this title (relating to Trustees), §143.6 of this title (relating to Reports and Meetings), §143.7 of this title (relating to Special Meetings), §143.10 of this title (relating to Change in Declaration of Trust), §143.11 of this title (relating to Termination of REIT), and §143.12 of this title (relating to Voting of Advisor and Trustee Shares).

(d) Limitations. The REIT shall not participate in any proposed roll-up which includes provisions which would operate to materially impede or frustrate the accumulation of shares by any purchaser of the securities of the roll-up entity (except to the minimum extent necessary to preserve the tax status of the roll-up entity). The REIT shall not participate in any proposed roll-up which would limit the ability of an investor to exercise the voting rights of its securities of the roll-up entity on the basis of the number of REIT shares held by that investor.

(e) Rights of access. The REIT shall not participate in any proposed roll-up in which the investors' rights of access to the records of the roll-up entity will be less than those provided for under §143.8 of this title (relating to Access to Records).

(f) Costs. The REIT shall not participate in any proposed roll-up in which any of the costs of the transaction would be borne by the REIT if the roll-up is not approved by the participants.

§143.23. Use of Forecasts.

(a) Where permitted. The presentation of predicted future results of operations of the REIT shall be permitted if more than 75% of the net subscription proceeds are specified to assets disclosed in the prospectus by which shares are first offered to the public. The covers of the prospectus must contain in bold face language the following statement: "Forecasts are contained in this prospectus (offering circular). Any predictions and representations, written or oral, which do not conform to those contained in the prospectus (offering circular) shall not be permitted."

(b) Specific requirements and prohibitions. Forecasts shall be included in the prospectus, offering circular or sales material of the REIT only if they comply with the following requirements.

(1) Forecasts shall be realistic in their predictions and shall clearly identify the assumptions made with respect to all material features of the presentation.

(2) Forecasts should be reviewed by an independent certified public accountant in accordance with the Guide For A Review of A Financial Forecast as promulgated by the American Institute of Certified Public Accountants, and that person or firm should be identified in the prospectus or offering circular as being responsible for the review of the forecasts.

(3) No forecasts shall be permitted in any sales literature which does not appear in the prospectus or offering circular.

(4) If any forecasts are included in the sales literature, all forecasts must be presented.

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 4, 1992.

TRD-9207673

Richard D. Latham
Securities Commissioner
State Securities Board

Earliest possible date of adoption: July 13, 1992

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

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TITLE 22. EXAMINING BOARDS

Part VIII. Texas Appraiser Licensing and Certification Board

Chapter 153. Provisions of the Texas Appraiser Licensing and Certification Act

• 22 TAC §153.15

The Texas Appraiser Licensing and Certification Board proposes an amendment to §153.15, concerning experience required for certification or licensing. The amendment allows applicants for the state licensed real estate appraiser category only, to meet the experience requirement by submitting an experience affidavit rather than by submitting an affidavit together with an experience log. This does not effect the requirements for either the certified general real estate appraiser or certified residential real estate appraiser.

Renil C. Liner, 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. Liner also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to allow additional real estate appraisers, particularly those from rural areas, to qualify for licensure. There will be no effect on small businesses. Implementation of this amendment will result in no additional anticipated economic cost to applicants for state licensed real estate appraiser above the current cost.

Comments may be submitted to Renil C. Liner, Commissioner, Texas Appraiser Licensing and Certification Board, P.O. Box 12188, Austin, Texas 78711-2188.

The amendment is proposed under the Texas Appraiser Licensing and Certification Act, Texas Civil Statutes, Article 6573a.2, which provides the Texas Appraiser Licensing and Certification Board with authority to adopt rules and regulations necessary for the performance of its duties.

§153.15. Experience Required for Certification or Licensing.

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

(f) As an alternative to complying with the provisions of the subsection (e)(2) of this section, experience claimed by an applicant for the state licensed real estate appraiser may be submitted on the Appraisal Experience Affidavit, TALCB Form 2.1 or its successor, and the submission of an Appraisal Experience Log, TALCB Form 3.1 or its successor, will not be required.

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 4, 1992.

TRD-9207662

Renil C. Liner
Commissioner
Texas Appraiser Licensing
and Certification Board

Earliest possible date of adoption: July 13, 1992

For further information, please call: (512) 465-3950

TITLE 31. NATURAL RE- SOURCE AND CONSER- VATION

Part II. Parks and Wildlife Department

Chapter 65. [Fisheries &] Wildlife

Subchapter O. Late Season Migratory Game Bird Procla- mation

• 31 TAC §§65.331-65.335

The Texas Parks and Wildlife Department proposes amendments to 31 TAC §§65.331-65.335, concerning the Late Season Migratory Game Bird Proclamation. The amendments add definitions for personal abode and public cold storage plant, delete the use of livestock as a prohibited means of taking, adjust season dates to conform with weekend opening dates, provide a one canvasback bag limit, discontinue the extended falconry season for geese, sandhill cranes, and snipe, and modify other extended falconry seasons to conform with federal regulations.

The proposed amendments are based upon studies which track trends in relative abundance of the various waterfowl species and regulate the taking of migratory game birds consistent with their populations which maintains viable populations for future seasons.

Robin Riechers, staff economist, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Riechers 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 permit taking of the waterfowl species consistent with the waterfowl populations. There will be no effect on small businesses. It is anticipated there will be no fiscal implications to persons who are required to comply with the rules as proposed.

The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rules as proposed will not impact local economics.

Comments on the rules as proposed may be submitted to Robert Jessen, Migratory Game Bird Program Leader, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; telephone (512) 389-4578 or 1-800-792-1112, extension 4578.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

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

Final destination—The personal abode [permanent residence] of the hunter, the personal abode [permanent residence] of another person receiving a dead migratory game bird, or a public cold storage plant [commercial processing facility] after the bird has been finally processed.

Personal abode—One's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

Public cold storage plant—Any plant in which game is stored for a person other than the owner of the plant (Parks and Wildlife Code, §62.029(a)).

§65.332. Means, Methods, and Special Requirements.

(a) (No change.)

(1) (No change.)

(2) positions in the open or from a blind or other place of concealment except a sinkbox [and except by use of livestock as a means of concealment,] on land, or water;

(3)-(6) (No change.)

(b) The following means and methods are unlawful in the taking of migratory game birds:

(1)-(4) (No change.)

[(5) by the use of livestock as a means of concealment;]

(5)[(6)] by the use of recorded or electrically amplified birdcalls or sounds;

(6)[(7)] by the use of live birds as decoys;

(7) [(8)] by the means or aid of motor-driven land, water, or air conveyance or sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; and

(8) [(9)] by the aid of baiting, or on or over any baited area, or where migratory birds are lured, attracted, or enticed by bait. However, nothing in this subsection shall prohibit:

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

(c)-(d) (No change.)

(e) Tagging requirements.

(1) No person shall possess more than one daily bag limit of freshly killed migratory game birds while in the field or while returning from the field to one's hunting camp, automobile or other motor-driven land conveyance, aircraft, temporary lodging facility, personal abode or public cold storage plant [permanent residence or commercial processing facility].

(2) No person shall give, put, or leave any migratory game birds at any place or in the custody of another person or receive, possess, or give to another any freshly killed migratory game bird as a gift, except at the personal abode [permanent residence] of the donor or donee, unless the birds are tagged by the hunter with the following information:

(A)-(D) (No change.)

(3) (No change.)

(f)-(g) (No change.)

§65.333. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the U. S. Fish and Wildlife Service.

(1) Ducks, coots, and mergansers: open seasons.

(A) High Plains Mallard Management Unit: November 21, 1992 [16, 1991]-January 10, 1993 [5, 1992] from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany

to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas-Oklahoma state line in Wilbarger County.

(B) Remainder of the state: November 21 [23]-November 29, 1991 [December 1, 1991] and December 12, 1992 [7, 1991]-January 10, 1993 [5, 1992], from 1/2 hour before sunrise to sunset.

[(C) Special provision: The season is closed on canvasbacks.]

(2) Geese.

(A) West of U.S. Highway 81: October 17, 1992 [12, 1991]-January 31, 1993 [26, 1992].

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), November 14, 1992 [9, 1991]-February 21, 1993 [16, 1992]. Dark goose species (Canada, black-brant, and white-fronted) November 14, 1992 [9, 1991]-January 24, 1993 [19, 1992]. Canada Geese only, January 25-31, 1993 [20-26, 1992]. During the period January 25-31, 1993 [20-26, 1992] the Canada goose bag limit is two per day. Possession limit is twice the daily bag limit.

(C)-(D) (No change.)

(3)-(5) (No change.)

§65.334. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits are as follows.

(1) Ducks, coots, and mergansers.

(A) Ducks: the daily bag limit is three ducks which may include no more than two mallards (no more than one of which may be a female mallard), one mottled duck, one pintail, one canvasback, one redhead, or [and] two wood ducks. Possession limit shall be twice the daily bag limit.

(B)-(C) (No change.)

(2)-(5) (No change.)

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

§65.335. Extended Falconry Season.

(a) (No change.)

(b) It is lawful to take migratory game birds by means of falconry during the open seasons prescribed in §65.333 of

this title (relating to Open Seasons) and during the following extended falconry seasons [during the following prescribed open seasons].

(1) Ducks, coots, and mergansers.

(A) High Plains Mallard Management Unit. (See description §65.333(b)(1)(A) of this title). January 11, 1993-February 26, 1993 from 1/2 hour before sunrise to sunset.

(B) Remainder of the state. November 30, 1992-December 11, 1992 and January 11, 1993-February 26, 1993 from 1/2 hour before sunrise to sunset. [November 16, 1991, for 107 consecutive days from 1/2 hour before sunrise to sunset.]

[(2) Geese.

[(A) West of U.S. Highway 81: October 12, 1991, for 107 consecutive days from 1/2 hour before sunrise to sunset.

[(B) East of U.S. Highway 81: November 9, 1991, for 107 consecutive days from 1/2 hour before sunrise to sunset.

[(3) Sandhill cranes. October 26, 1991, for 107 consecutive days from 1/2 hour before sunrise to sunset in that portion of Texas lying west of a line beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 at Victoria, thence eastward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence northeast along Farm Road 616 to its junction with State Highway 35, thence northeast along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. Highway 290, thence westward along U. S. Highway 290 to its junction with Interstate Highway 35 at Austin, thence north along Interstate Highway 35 (following 35 West through Fort Worth) to the Texas-Oklahoma state line. Special provision: §65.333(b)(3)(D) of this title (relating to Open Seasons), concerning sandhill crane permits applies.

[(4) Common snipe (Wilson's snipe or jacksnipe). October 26, 1991, for 107 consecutive days from 1/2 hour before sunrise to sunset.

(2) [(5)] Woodcock. February 1, 1993-February 26, 1993 [October 26, 1991, for 107 consecutive days] from 1/2 hour before sunrise to sunset.

(c)-(d) (No change.)

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207757

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Earliest possible date of adoption: July 13, 1992

For further information, please call: 1-800-792-1112, ext. 4433 or (512) 389-4433

Part X. Texas Water Development Board

Chapter 355. Research and Planning Fund

Subchapter B. Economically Distressed Areas Facility Engineering

• 31 TAC §355.73

The Texas Water Development Board (the board) proposes an amendment to §355.73, concerning funding for economically distressed areas facility engineering under the research and planning fund.

The board is proposing to replace the "ability to pay" formula in its rules relating to financial assistance with a "buy-in" calculation which will result in an amount that includes financial assistance for capacity in a political subdivision's water or wastewater system. The board had been using the "ability to pay" formula in determining the amount of financial assistance to political subdivisions under the economically distressed areas program.

The amendment to §355.73 expands the information to be submitted to the board in planning reports funded under the Economically Distressed Areas Program. The additional information in the planning reports will allow the board to use the "buy-in" calculation to determine the amount of financial assistance to a political subdivision under the Economically Distressed Areas Program.

The proposal is made in order to allow the board to continue the efficient implementation of the Economically Distressed Areas Program which provides financial assistance to those eligible counties which contain residential areas without any or with seriously inadequate water supply and sewer services creating serious and unacceptable health hazards and threatening the public health, safety and welfare.

Susan Morgan, director of finance, has determined that for the first five-year period the new sections will be in effect, there will not be fiscal implications for state or local government as a result of enforcing or administering the sections. There will be no impacts on small business as a result of enforcing the sections as proposed.

Ms. Morgan 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 include: providing financial assistance for economically distressed areas based on the provider utility's cost of service, thereby eliminating any potential that existing ratepayers are subsidizing economically distressed area residents or that the board is providing subsidies to existing customers; providing consistency and predictability in funding economically distressed areas projects; allowing colonia residents to become customers of utilities on an equal footing with existing customers; recognizing economies of scale in providing service; and encouraging regionalization. There will be no effect on small businesses. There will be no economic cost to persons who are required to comply with the sections as proposed. The agency has determined there will be no possible impact on local economies.

Written comments may be sent to Todd Chenoweth, Project Director, Economically Distressed Areas, P.O. Box 13231, Austin, Texas 78711, and must be received by July 9, 1992.

The amendment is proposed under the authority of the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code and §16.342, which requires the board to adopt rules to carry out the Economically Distressed Areas Program.

§355.73. Scope of Facility Plan.

(a) A facility plan shall incorporate appropriate data from applicable existing planning reports and shall consist of:

(1)-(9)(No change.)

(10) estimated water usage and wastewater flows for the project area after completion of the project together with an explanation of the basis of the estimation;

(11) percentage of total existing utility water and/or wastewater system capacity that will be used to serve the colonia;

(12) percentage of proposed water and wastewater capacity that will serve economically distressed areas and non-economically distressed areas;

(13) the historical cost to the utility to build the system capacity, by source of funds;

(14)[(10)] a detailed implementation schedule for designing, permitting, financing, and constructing the facilities, and for any other major milestones. If the project is to be phased, major milestones, costs and descriptions for each component and segment of the project shall be provided;

(15)[(11)] details or drafts of any proposed interlocal agreement or other agreements or contracts needed to implement the project;

(16)[(12)] a determination of the amount of funds available from federal, state, local, and private organizations for plans and specifications, project construction, and operation of the recommended facilities;

(17)[(13)] a user charge system, including the analysis of a distressed areas water financing fee; and

(18)[(14)] a determination of the feasibility of financing water or wastewater services by creating a conservation and reclamation district.

(b) (No change.)

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207816

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Earliest possible date of adoption: July 13, 1992

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

Chapter 363. Rules Relating to Financial Programs

Subchapter A. General Provisions

Prerequisites to Release of State Funds

• 31 TAC §363.44

The Texas Water Development Board (board) proposes new §363.44 concerning the movement of funds between approved projects for financial assistance. Section 363.44 provides that with the approval of the executive administrator, borrowers may transfer funds remaining from one or more board-approved projects to other board-approved projects without returning to the board for separate approval. The proposed section saves the political subdivisions time and costs associated with submitting engineering and financial information to the board when the borrower's ability to repay the loan has already been established for the funds remaining, and when the project(s) the funds would be transferred to has already been approved by the board.

Susan Morgan, director of finance, has determined that for each year of the first five years the proposed new section is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

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

be increased effectiveness and decreased costs to the political subdivisions and to the board. There will be no effect on small businesses. For each year of the first five years the section as proposed is in effect, there will be no anticipated economic cost to persons required to comply with the section as proposed. The board staff has determined that the section will have no impact on local economics.

Comments may be submitted to Dan Black, Development Fund Manager, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711. Comments will be accepted for 30 days following publication.

The new section is proposed under the Texas Water Code, §6.101, which authorizes the board to adopt rules necessary to carry out its powers and duties.

§363.44. Movement of Funds Between Approved Projects. If approved by the executive administrator, a borrower may transfer remaining excess funds from one or more board-approved projects to other board-approved projects. Applicants must comply with any new requirements triggered by the transfer of funds.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207815
Suzanne Schwartz
General Counsel
Texas Water Development Board

Earliest possible date of adoption: July 13, 1992

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

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Subchapter E. Economically Distressed Areas Program

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• 31 TAC §363.502, §363.505

The Texas Water Development Board (the board) proposes the adoption of amendments to 31 TAC §363.502 and §363.505, concerning rules relating to financial programs.

The amendment to §363.502 deletes the definition of the phrase "ability to pay" which is no longer used in the board's rules relating to financial programs. The board is proposing to replace the "ability to pay" formula, which the board has been using in determining the amount of financial assistance to political subdivisions under the economically distressed areas program, with a calculation which will result in an amount that includes financial assistance for capacity in a political subdivision's water or wastewater system.

The amendment to §363.505 details how the board will determine the amount of financial assistance to an applicant under the Economically Distressed Areas Program.

The proposals are made in order to allow the board to continue the efficient implementation of the Economically Distressed Areas Program which provides financial assistance to

those eligible counties which contain residential areas without any or with seriously inadequate water supply and sewer services creating serious and unacceptable health hazards and threatening the public health, safety, and welfare.

Susan Morgan, director of finance, has determined that for the first five-year period the new sections will be in effect, there will not be fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Morgan also has determined that for each year of the first five years the sections will be in effect, the public benefit anticipated as a result of enforcing the rules will include: providing financial assistance for economically distressed areas based on the provider utility's cost of service, thereby eliminating any potential that existing ratepayers are subsidizing economically distressed area residents or that the board is providing subsidies to existing customers; providing consistency and predictability in funding economically distressed areas projects; allowing colonia residents to become customers of utilities on an equal footing with existing customers; recognizing economies of scale in providing service; and encouraging regionalization. There will be no impacts on small business as a result of the sections as proposed. There will be no economic cost to persons who are required to comply with the sections as proposed. The agency has determined there will be no possible impact on local economies.

Written comments may be sent to Todd Chenoweth, Project Director, Economically Distressed Areas, P.O. Box 13231, Austin, Texas 78711, and must be received by July 9, 1992.

The amendments are proposed under the authority of the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code and §16.342, which requires the board to adopt rules to carry out the Economically Distressed Areas program.

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

[Ability to pay—Rates, fees, and charges that the average customer to be served by the project will be able to pay based on a comparison of what other families of similar income who are similarly situated pay for comparable service. The board will calculate ability to pay based on the following model:

$$(A) \quad L_n Q = a + b L_n HI + c L_n HV - d AP + e L_n NP \text{ where:}$$

- (i) Q = yearly amount of water consumed per household;
- (ii) a = intercept;
- (iii) b = parameter for household income;

- (iv) c = parameter for housing value;
- (v) d = parameter for price;
- (vi) e = parameter for number of persons per house;
- (vii) L_n = the natural logarithm
- (viii) HI = average household income;
- (ix) HV = average housing value;
- (x) AP = average price for water; and
- (xi) NP = number of persons per household.

[(B) the board will calculate parameter values for each of the described factors and intercept values based on a multiple regression analysis of available U.S. census and utility data.]

Provider utility—The entity which will provide water supply or wastewater service to the economically distressed area.

§363.505. Calculation of Financial Assistance.

(a) The board's financial assistance will be determined by the provisions of this section, including calculating:

(1) capacity within the applicant's existing water or wastewater plants and associated facilities which will be funded by the board to serve the project area. The amount of financial assistance for existing system capacity shall be based on the percentage of the system capacity necessary to serve the project area. The percentage of system capacity for the project is then multiplied by the historical plant cost to the utility. This amount will be paid directly by the board in grant funds upon completion of construction and acceptance of the project to the extent other funds and system revenues are not sufficient to pay for such capacity; and

(2) revenue available for repayment of debt service. Existing rates of the provider utility, adjusted for any subsidy to the system, estimated water usage in the project area, and number of connections for the projected 20-year needs will be used to calculate project revenues. In the absence of a provider utility, rates will be based upon the amount paid by similarly situated customers to similarly situated provider utilities. Projected operations and maintenance expenses will be deducted from this sum to produce a

revenue available for repayment of debt service. The amount of debt that the revenue will support shall be the minimum amount of financial assistance extended to the applicant as a loan.

(b) By a political subdivision complying with the requirements of the Texas Water Code, §16.349, and by the board compensating utilities for the system costs to provide service to the project area, the board finds it will be providing financial assistance to applicants in a manner such that the rates, fees and charges that the average customer to be served by the project is charged are the same as the rates, fees, and charges that other families of similar income who are similarly situated pay for comparable services.

(c) In determining the amount and form of financial assistance and the amount and form of repayment, the board also will consider sources of funding available to the applicant from federal and private funds, and from other state funds, as well as any other sources of funds to the applicant.

(d) If the amount of financial assistance for which repayment is not required exceeds 50% of the total amount of financial assistance requested from the Economically Distressed Areas Program, including funds for system capacity, plus the total interest on any amount of financial assistance that must be repaid, the applicant will be asked to provide a finding from the Texas Department of Health that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems in the area to be served by the proposed project. [Ability to Pay Calculation. After receiving an application, the executive administrator will perform the ability to pay calculation. The executive administrator will then add the total amount of requested financial assistance for project construction, the amount of financial assistance for plans and specifications tasks previously funded by the board for the project, plus the total interest on any amount of financial assistance that must be repaid. If the amount of financial assistance for which repayment is not required exceeds 50% of the resulting sum, the applicant will be asked to provide a finding from the Texas Department of Health that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems in the area to be served by the proposed project.]

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 5, 1992.

TRD-9207814

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Earliest possible date of adoption: July 13, 1992

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

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**Chapter 375. State Water
Pollution Control Revolving
Fund**

**Prerequisites to Release of
Funds**

• 31 TAC §375.72

The Texas Water Development Board (board) proposes an amendment to §375.72 concerning the state water pollution control revolving fund (SRF). Section 372.72 provides for early loan closing in order to fund the costs of planning and design prior to obtaining construction bids for a wastewater project. The section primarily assists smaller communities which can not undertake the costs of planning and design and, therefore, can not seek a permit without financial assistance. However, most communities can not take advantage of early closing because the section requires that prior to closing, the applicant obtain all required permits from the Texas Water Commission. The proposed amendment allows for early loan closings to pay for the costs of planning, application and design before all permits have been issued by the Texas Water Commission. Applicants must present documentation that the permits are expected to be issued.

Susan Morgan, director of finance, has determined that for each year of the first five years the section is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Morgan 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 increased effectiveness of the early loan closing provisions of the SRF program. There will be no effect on small businesses. For each year of the first five years the section as proposed is in effect, there will be no anticipated economic cost to persons who are required to comply with the section as proposed. The board staff has determined that the rules will have no impact on local economics.

Comments on the proposed amendments may be submitted to Robert Fleming, Assistant Director of the Engineering Division, P.O. Box 13231, Austin, Texas 78711.

The amendment is proposed under the Texas Water Code, §6.101, which authorizes the board to adopt rules necessary to carry out its powers and duties and under the Texas Water Code, §15.605, which requires the board to adopt rules necessary for the SRF.

§375.72. Loan Closing.

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

(c) Loan closing prior to completion of design. In the event financial assistance is needed by the applicant to complete design of a project, the executive administrator will so advise the board. The board at its option may authorize the executive administrator to close the loan for planning and design without requiring the submittals in subsection (a)(1), (2), (12), and (13) of this section. However, these submittals will be required prior to delivery of funds for building purposes. Applicants wishing to close prior to obtaining required commission permits will be required to present documentation that the required permits are expected to be issued.

(d) (No change.)

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

Issued in Austin, Texas, on June 4, 1992.

TRD-9207817

Suzanne Schwartz
General Counsel
Texas Water Development
Board

Earliest possible date of adoption: July 13, 1992

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

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**TITLE 34. PUBLIC FI-
NANCE**

**Part VII. State Property
Tax Board**

**Chapter 155. Tax Record
Requirements**

• 34 TAC §§155.6, 155.37, 155.51,
155.60

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

The Comptroller of Public Accounts proposes the repeal of §§155.6, 155.37, 155.51, and 155.60, concerning exemption applications for residence homesteads, current and delinquent tax receipts, miscellaneous exemptions, and application for exemption of goods exported from Texas. The duties and responsibilities of the State Property Tax Board were transferred to the Comptroller of Public Accounts on November 26, 1991. Senate Bill 45, 72nd Legislature, 1991, Second Called Session, provides that State Property Tax Board rules remain in effect until "amended, repealed, withdrawn or otherwise superseded" by the comptroller. The sections on

which repeal is proposed have been superseded by the comptroller.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the repeals are in effect there will be no significant revenue impact on state or local government as a result of enforcing the repeals.

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

Comments on the proposal may be submitted to Barbara Truesdale, Manager, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

The repeals are proposed under Senate Bill 45, §68(c), 72nd Legislature, 1991, Second Called Session, which provides that all forms, rules, and procedures adopted by the State Property Tax Board and in effect on or after the effective date of Senate Bill 45, 72nd Legislature, 1991, Second Called Session, remain in effect as if adopted by the comptroller until amended, repealed, withdrawn, or otherwise superseded by the comptroller.

§155.6. *Exemption Applications for Residence Homesteads.*

§155.37. *Current and Delinquent Tax Receipts.*

§155.51. *Miscellaneous Exemptions.*

§155.60. *Application for Exemption of Goods Exported from Texas.*

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 4, 1992.

TRD-9207717
Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: July 13, 1992

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

Chapter 157. Tax Assessor Education Requirements

• 34 TAC §§157.21-157.25

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

The Comptroller of Public Accounts proposes the repeal of §§157.21-157.25, concerning education rules. The duties and responsibilities of the State Property Tax Board were transferred to the Comptroller of Public Accounts on November 26, 1991. Senate Bill 45, 72nd Legislature, 1991, Second Called Session, provides that State Property Tax Board rules remain in effect until "amended, repealed, withdrawn or otherwise superseded" by the comptroller. The sections on which repeal is proposed are no longer necessary to administer the comptroller's property tax administration duties.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the repeals are in effect there will be no significant revenue impact on state or local government as a result of enforcing the repeals.

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

Comments on the repeals may be submitted to Barbara Truesdale, Manager, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

The repeals are proposed under Senate Bill 45, §68(c), 72nd Legislature, 1991, Second Called Session, which provides that all forms, rules, and procedures adopted by the State Property Tax Board and in effect on or after the effective date of Senate Bill 45, 72nd Legislature, 1991, Second Called Session, remain in effect as if adopted by the comptroller until amended, repealed, withdrawn, or otherwise superseded by the comptroller.

§157.21. *Tax Professional Training and Education.*

§157.22. *Courses of Instruction.*

§157.23. *Instructor Approval.*

§157.24. *Course Approval and Administration.*

§157.25. *Protest Procedure.*

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 4, 1992.

TRD-9207715
Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: July 13, 1992

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

Chapter 163. Reporting Procedures

• 34 TAC §§163.1-163.3

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

The Comptroller of Public Accounts proposes the repeal of §§163.1-163.3, concerning the delinquent state ad valorem tax lists. The duties and responsibilities of the State Property Tax Board were transferred to the Comptroller of Public Accounts on November 26, 1991. Senate Bill 45, 72nd Legislature, 1991, Second Called Session, provides that State Property Tax Board rules remain in effect until "amended, repealed, withdrawn or otherwise superseded" by the comptroller. The sections on which repeal is proposed are no longer necessary to administer the comptroller's property tax administration duties.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the repeals are in effect there will be no significant revenue impact on state or local government as a result of enforcing the repeals.

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

Comments on the repeals may be submitted to Barbara Truesdale, Manager, Property Tax Division, 4301 Westbank Drive, Building B, Suite 100, Austin, Texas 78746-6565.

The repeals are proposed under Senate Bill 45, §68(c), 72nd Legislature, 1991, Second Called Session, which provides that all forms, rules, and procedures adopted by the State Property Tax Board and in effect on or after the effective date of Senate Bill 45, 72nd Legislature, 1991, Second Called Session, remain in effect as if adopted by the comptroller until amended, repealed, withdrawn, or otherwise superseded by the comptroller.

§163.1. *Definitions.*

§163.2. *Reporting Current State Ad Valorem Tax for 1980 and All Succeeding Years.*

§163.3. *Reporting Delinquent State Ad Valorem Tax for 1979 and All Prior Tax Years.*

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 4, 1992

TRD-9207716
Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: July 13, 1992

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

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

In-Home and Family Support Program

• **40 TAC §48.2702, §48.2705**

The Texas Department of Human Services (DHS) proposes amendments to §48.2702, concerning application procedures, and §48.2705, concerning the service plan, in its Community Care for Aged and Disabled chapter. The purpose of the amendment to §48.2702 is to simplify the application process. The purpose of the amendment to §48.2705 is to make the bid procedure consistent with state purchasing bid requirements.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

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 a clearer policy and faster services to applicants. 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 Linda Lamb at (512) 450-3199 in DHS's Community Care Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-142, 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.

§48.2702. Application.

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

(d) If no funds are available to serve an applicant at the time of application, the applicant's name is placed on DHS's IH/FSP waiting list. The applicant is advised in writing that the application

will be processed as soon as funds become available. [If no slot is available, the applicant's name and relevant data are recorded on the IH/FSP waiting list and the applicant is advised via the appointment letter/notice of waiting list status form about his status on the waiting list.

[(1) Should a slot become available within 90 days of receipt of the application, an appointment is scheduled and the applicant receives notification of the appointment.

[(2) If after 90 days a slot is not available, the applicant is denied but his name is retained on the waiting list. The applicant is entitled to written notification of the denial. The applicant is notified that, should his status on the waiting list change, he will be contacted and he may reapply.]

(e) -(h) (No change.)

§48.2705. Service Plan.

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

(d) The applicant or the applicant's responsible party [household] must obtain [is responsible for obtaining] three written bids to determine the lowest cost for capital expenditures, architectural modification(s), or both, [for any item/service] that cost [costs] \$1,000 or more [than \$250].

(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 5, 1992.

TRD-9207745

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

Proposed date of adoption: September 1, 1992

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

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TITLE 43. TRANSPORTATION

Part I. Texas Department of Transportation

Chapter 1. Administration

Substance Abuse Program

• **43 TAC §§1.100-1.107, 1.109**

The Texas Department of Transportation proposes amendments to §§1.100-1.107 and §1.109, concerning the Substance Abuse Program. These amended sections are proposed to comply with recent revisions in 28 TAC §169.1 and §169.2, promulgated by the Texas Worker's Compensation Commission

which require a state agency to include in its substance abuse policy statement a prohibition against the use of inhalants; to comply with revised regulations issued by the United States Coast Guard under Title 46, Code of Federal Regulations, Part 16, concerning programs for chemical drug and alcohol testing of commercial vessel personnel, which clarify covered crewmembers and activities, provide for testing a vessel's entire crew, and reporting a positive test result; and to conform with a technical notice requirement of the Drug Free Workplace Act of 1988, Title 41, United States Code, §§701-707, which includes the consequences for employees who violate criminal drug statutes in the workplace.

Section 1.100 is amended by changing the name "State Highway and Public Transportation Commission" to "Texas Transportation Commission."

Section 1.101 is amended to include new and expanded definitions of terms. The term "aftercare" is amended to include the term "inhalant." The term "counseling" is amended to include the term "inhalants" and a provision allowing employee assistance program staff to prescribe the frequency and duration of counseling sessions in consultation with counseling program staff, as appropriate. The term "crewmember" is amended to expand the definition to include individuals who occupy a position, or perform the duties and functions of a position, required by the vessel's certificate of inspection; who perform the duties and functions of patrolmen or watchmen; or is specifically assigned the duties of warning, mustering, or controlling the movement of passengers during emergencies. The term "department" is amended to reflect the statutorily revised designation of this agency's name. The term "Employee Assistance Program (EAP)" is amended to include the term "inhalant." The term "inappropriate use of an inhalant" is added since many inhalants are legal and are commonly found in a business setting. The term "inhalant" is added to specify those substances whose inappropriate use is prohibited. The term "operation of a vessel" is added to clarify the definition of a "crewmember." The definition of "program" is amended to include the inappropriate use of inhalants. The definition of "rehabilitation treatment" is amended to include the term "inhalant."

Section 1.102 is amended to prohibit the inappropriate use of inhalants; to prohibit employees from performing official duties while under the influence of inhalants; to encourage employees to voluntarily use employee assistance, counseling, or rehabilitation treatment programs to deal with inhalant abuse, and to inform them that the department will conduct education sessions to inform employees of the dangers of inhalant abuse in the workplace.

Section 1.103 is amended by changing the dates for implementation of testing for all employees in safety sensitive positions. The dates to begin testing are deferred due to the additional time required to properly identify employees in safety sensitive positions.

Section 1.104 is amended by including a provision for selecting a ship at random and

testing its entire crew to facilitate the random testing of crewmembers.

Section 1.105 and §1.106 are amended to add the stipulation that in the case of a crewmember, the department shall report a positive drug test result in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI).

Section 1.106 is also amended by outlining the personnel actions which will be taken against employees who: experience work related problems as a result of the inappropriate use of inhalants; voluntarily admit having a problem with inhalants; or are observed inappropriately using inhalants in the workplace. This section is also amended to specify that when an employee has been convicted of a criminal drug statute violation in the workplace, the department will notify the employee within 30 days that he or she is required to successfully complete counseling or rehabilitation or be subject to termination. A third amendment to §1.106 includes adding language which clarifies the penalties for employees who do not successfully complete counseling or rehabilitation treatment after being mandatorily referred.

Section 1.107 is amended by outlining the treatment options available to employees who have an inhalant abuse problem and adding a provision which allows employee assistance program staff to prescribe the content, frequency, and duration of counseling sessions in consultation with counseling program staff, as appropriate.

Section 1.109 is amended by replacing the phrase "deputy director" with "associate executive director."

Leslie A. Clark, director, division of human resources, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Clark 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 a safe working environment for the department's employees, and to enhance measures for protecting the safety of those members of the public who use the state highway system, including bridges and ferry boat segments, and further to assure that the department as an agency of the state government fully complies with applicable federal and state laws and regulations concerning use or abuse of alcohol, drugs, or inhalants in the workplace. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the proposed sections, and there will be no impact on local economies or overall employment as a result of enforcing the proposed sections.

The Texas Department of Transportation will conduct a public hearing, pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, to receive data, comments, views, and/or testimony concerning the proposed amend-

ments. The public hearing will be held on Thursday, July 2, 1992, at 10 a.m. 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 or testimony, either orally or in writing, however questioning of those making presentations will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the presiding authority reserves the right to restrict testimony in terms of time or 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 proposed amendments may be submitted to Leslie A. Clark, Director, Division of Human Resources, Texas Department of Transportation, Dewitt C. Greer Building, 125 East 11th Street, Austin, Texas 78701-2483 no later than July 12, 1992.

The amendments are proposed under Texas Civil Statutes, Article 6666, which provide the Texas Transportation Commission with the authority to promulgate rules for the conduct of the work of the Texas Department of Transportation.

§1.100. Purpose. The sections under this undesignated head set forth the Texas [State Highway and Public] Transportation Commission's policy and the procedures for its implementation, evidencing the department's commitment to achieving an alcohol and drug-free workplace, which protects the health and safety of its most valuable resource, its employees, as well as the health and safety of the public. In addition, these sections are intended to demonstrate the department's commitment to rehabilitating and restoring employees whose performance may be impaired by alcohol or drug abuse.

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

Aftercare—Usually, the second phase in rehabilitation treatment for alcohol, inhalant, and/or drug dependency, which follows intensive inpatient treatment or intensive outpatient treatment, and which may consist of weekly counseling sessions, the frequency and duration of which is designated by the treatment center's staff physician.

Counseling—A type of treatment which targets those employees who have been assessed by EAP staff as being nondependent on alcohol, inhalants, and/or drugs. (This treatment includes the five EAP counseling sessions in addition to other recommended educational and/or counseling sessions, the frequency and duration of which is to be prescribed by EAP staff, in consultation with counseling program staff, as appropriate.)

Crewmember—An individual who is on board a vessel acting under the authority of a license, certificate of registry, or merchant mariner's document whether or not the individual is a member of the vessel's crew; or engaged or employed on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, certificate of registry, or merchant mariner's document; or occupies a position, or performs the duties and functions of a position, required by the vessel's certificate of inspection; performs the duties and functions of patrolmen or watchmen; or is specifically assigned the duties of warning, mustering, or controlling the movement of passengers during emergencies.

Department—The Texas [State] Department of [Highways and Public] Transportation.

Employee Assistance Program (EAP)—A program designed to assist employees and their family members in dealing with emotional and personal problems, including alcohol, inhalant, and drug abuse, affecting or potentially affecting the employee's work performance and safety.

Inappropriate use of an inhalant—The use of an inhalant in a manner other than that for which it was intended.

Inhalant—A breathable chemical that produces mind-altering vapors. (This may include volatile solvents, aerosols, nitrites, and anesthetics.)

Operation of a vessel—To navigate, steer, direct, manage, or sail a vessel, or to control, monitor, or maintain the vessel's main or auxiliary equipment or systems. This includes determining the vessel's position, piloting, directing, the vessel along a desired trackline, keeping account of the vessel's progress through the water, ordering or executing changes in course, rudder position or speed, and maintaining a lookout; controlling, operating, monitoring, maintaining, or testing the vessel's propulsion and steering systems, electric power generators, bilge, ballast, fire, and cargo pumps, deck machinery including winches, windlasses, and lifting equipment, lifesaving equipment and appliances, firefighting systems and equipment, and navigation and communication equipment; and mooring, anchoring, and line handling, loading or discharging of cargo or fuel, assembling

or disassembling of tows, and maintaining the vessel's stability and watertight integrity.

Program—The department's substance abuse program which implements the policy and procedures for prevention, deterrence, and rehabilitation aimed at eliminating the possession, use, distribution, sale, or consumption of dangerous drugs or alcohol, and the inappropriate use of inhalants in the workplace.

Rehabilitation treatment—Medical and psychological treatment for alcohol, inhalant, and/or drug dependency, which usually consists of intensive inpatient treatment followed by aftercare or intensive outpatient treatment followed by aftercare, and which may include individual counseling, group counseling, and education.

§1.102. Policy.

(a) The consumption of alcohol, the inappropriate use of an inhalant, and the illegal use, possession, distribution, dispensation, transportation, sale, or manufacture of dangerous drugs is prohibited in the workplace. This prohibition includes any violation of state and federal controlled substance acts. Each employee, as a condition of employment, must comply with this section and must signify his or her acknowledgment by signing a form prescribed by the department.

(1) (No change.)

(2) Each employee must notify his or her supervisor of a conviction on charges of criminal drug statute violations occurring in the workplace, no later than five days after such conviction. Pursuant to the Drug Free Workplace Act 1988, 41 United States Code, §§701-707 [(1989)], the department will in turn notify the appropriate federal agency of such conviction within 10 days of receipt of the notice.

(b) (No change.)

(c) An employee is also prohibited from performing official duties while under the influence of alcohol, inhalants, or illegally used drugs or, if performance is impaired, while under the influence of lawfully prescribed or over-the-counter substances.

(d) (No change.)

(e) An employee who violates the policies and prohibitions of this section or who fails to pass or refuses to submit to an approved alcohol or drug test will be subject to consistently applied discipline, up to and including termination.

(1) (No change.)

(2) The department will provide employee assistance programs and encourage employees to voluntarily use the services of employee assistance programs,

counseling, or rehabilitation treatment programs to deal with alcohol, inhalant, or drug abuse before it affects job performance. Successful completion of such programs may mitigate the need for discipline.

(f) (No change.)

(g) The department will conduct an alcohol and drug-free awareness program which will provide all employees and supervisors with initial and ongoing periodic training regarding the department's policy, the personnel actions that will be taken for violations of the policy, the specifics of the program, the dangers of alcohol, inhalant, and drug abuse in the workplace, and the available employee assistance, counseling, and rehabilitation treatment programs.

§1.103. Applicability.

(a) A crewmember, an employee in a safety sensitive position, and a final applicant for a crewmember or safety sensitive position, will be subject to alcohol and drug tests as provided in this section.

(1) (No change.)

(2) A final applicant for or an employee engaged in a safety sensitive position which involves work in the maintenance of roadways, bridges, and/or right-of-way will be subject to the following categories of tests beginning on the dates indicated:

(A) pre-employment on October 1, 1992 [April 1, 1991];

(B) post accident on October 1, 1992 [April 1, 1991];

(C) reasonable cause on July 1, 1993 [January 1, 1992]; and

(D) random on October 1, 1993 [April 1, 1992].

(3) A final applicant for or an employee engaged in a safety sensitive position which involves work other than maintenance of roadways, bridges, and/or right-of-way will be subject to the following categories of tests beginning on the dates indicated:

(b)-(c) (No change.)

§1.104. Test Categories and Requirements.

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

(d) Random.

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

(3) Random selection of crewmembers may be accomplished by periodically selecting one or more vessels

and testing all crewmembers, provided each vessel remains equally subject to selection.

§1.105. Test Procedures.

(a) (No change.)

(b) The medical review officer will administer drug tests according to Department of Health and Human Services (DHHS) guidelines and alcohol blood tests according to Coast Guard guidelines. DHHS guidelines are summarized as follows.

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

(3) Reporting and reviewing of drug test results.

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

(F) In the case of an individual holding a license, certificate of registry, or merchant mariners document, the department shall report the positive drug test result in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI) pursuant to 46 Code of Federal Regulations, Part 16, §16.201, Application.)

§1.106. Personnel Actions.

(a) Consequences of failing an alcohol or drug test.

(1) (No change.)

(2) Covered employee.

(A) A covered employee who fails an alcohol or drug test will be terminated unless he or she meets each of the following criteria:

(i)[(A)] is referred to the Employee Assistance Program (EAP) and successfully completes counseling or an alcohol or drug rehabilitation treatment program, which may include aftercare for a length of time to be specified by the rehabilitation treatment program's staff physician. The rehabilitation treatment program must be approved by the Texas Department of Mental Health and Mental Retardation or by the Texas Commission on Alcohol and Drug Abuse (successful completion of counseling or rehabilitation treatment program must be certified to the substance control officer in writing by EAP staff or the rehabilitation treatment center's staff physician);

(ii)[(B)] passes an alcohol or drug test after successfully completing counseling or rehabilitation treatment; and

(iii)[(C)] consents, in writing on a form to be prescribed by the

director, Human Resources Division, to increased unannounced testing for a period of up to 24 months. [; and]

(B)(D) If [if] a crewmember fails an alcohol or drug test:

(i) the department shall report the positive test result in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI) and shall remove the individual from duties which directly affect the safe operation of the vessel as soon as practicable; and

(ii) the crewmember will be terminated unless he or she meets the requirements of subparagraph (A) of this paragraph and is found by the medical review officer to be drug-free and to pose a sufficiently low risk for subsequent illegal drug use to justify his or her return to work. (The medical review officer shall determine the length of time, up to 60 months, during which the crewmember will be subject to increased, unannounced testing.)

(3) Subsequent actions. Except as provided in subsection (i) [(h)] of this section, when a covered employee has experienced work related problems as a result of alcohol or drug use or the inappropriate use of inhalants and has been reinstated under paragraph (2) of this subsection, subsequent disciplinary action will not be taken for the previous work related problems provided the problems cease after reinstatement.

(b) (No change.)

(c) Voluntary admission of an alcohol, inhalant, or drug problem.

(1) An employee who voluntarily admits having a problem with alcohol, inhalant, or drug abuse will be referred to [an] EAP for counseling or rehabilitation treatment.

(2) Disciplinary action will not be taken against an employee who voluntarily admits having a problem with alcohol, inhalant, or drug abuse, provided, however, that in the case of a covered employee, the admission occurs prior to a determination that the covered employee should be tested pursuant to §1.104 of this title (relating to Test Categories and Requirements). The referred employee must successfully complete counseling or a rehabilitation treatment program, and provide a letter from EAP staff or the treatment program's staff physician certifying the success to the substance control officer.

(d) Conviction of criminal drug statute violations in the workplace. As soon as the department becomes aware of a criminal drug statute violation in the workplace, either by notification from the convicted employee or other appro-

priate means, the following procedure shall be followed within 30 days.

(1) Employees who are convicted of criminal drug statute violations in the workplace which pertain to the sale, distribution, transportation, or manufacture of dangerous drugs shall be subject to the procedures outlined in subsection (f) of this section.

(2) Employees who are convicted of criminal drug statute violations in the workplace which involve the possession of a dangerous drug shall be required to successfully complete counseling or a rehabilitation treatment program. Failure to successfully complete counseling or a rehabilitation treatment program shall result in immediate termination.

(e)(d) Impaired performance due to lawful use of drugs. When due to the use of lawfully prescribed or over-the-counter substances, the employee is unable to perform his or her assigned duties or perform any duty in a safe manner, the employee will be subject to temporary reassignment of duties or be required to take leave.

(f)(e) Sale, distribution, transportation, or manufacture of dangerous drugs inside and/or outside the workplace. If an employee is reasonably suspected of selling, distributing, transporting, or manufacturing dangerous drugs inside and/or outside the workplace, due to direct observation of such acts in the workplace or by reason of the indictment, arrest, or charge of selling, distributing, transporting, or manufacturing dangerous drugs inside or outside the workplace the following procedure shall be followed.

(1) The employee will be placed on immediate suspension with pay, which would be administrative leave, pending appropriate investigation and confirmation, and if such acts are confirmed, shall be subject to immediate termination.

(2) The employee shall immediately be provided with a letter which:

(A) summarizes the facts upon which such action is taken;

(B) notifies the employee that selling, distributing, transporting, or manufacturing dangerous drugs inside and/or outside the workplace subjects the employee to termination;

(C) advises the employee that he or she will have a specified period of time in which to provide a reasonable explanation; and

(D) advises the employee that if his or her response is insufficient or not acceptable or if an investigation by law enforcement, the department, or other authorities confirms the suspicion, the employee will be terminated.

(3) When suspicious behavior is observed in the workplace, the matter should be turned over to law enforcement authorities at the earliest possible time and a request made of such authorities to investigate.

(4) The employee shall be terminated if:

(A) the employee fails to respond within the specified period or to provide an acceptable explanation; and/or

(B) investigation by law enforcement or other authorities confirms the suspicion that the employee was selling, distributing, transporting, or manufacturing dangerous drugs.

(5) If the investigation reveals that the employee was using dangerous drugs inside the workplace and not selling, distributing, transporting, or manufacturing dangerous drugs inside and/or outside the workplace, the employee will be required to successfully complete counseling or a rehabilitation treatment program.

(6) If the investigation reveals that the employee was using dangerous drugs outside the workplace and not selling, distributing, transporting, or manufacturing dangerous drugs inside and/or outside the workplace, the employee will be given the opportunity to successfully complete counseling or a rehabilitation treatment program.

(g)(f) Suspicious substance found. If a substance which appears to be a dangerous drug is found within an area under the effective control of an employee, actions contained in subsection (f) [(e)] of this section shall be followed.

(h)(g) Alcohol consumption, [or] drug use, or the inappropriate use of inhalants in the workplace. If an employee is directly observed consuming an alcoholic beverage, [or] taking a dangerous drug, whether orally or by inhalation or injection, or inappropriately using an inhalant in the workplace, the following procedure shall be followed.

(1) The employee will be placed on immediate suspension with pay (administrative leave), pending the employee's response, and if such response is unacceptable, shall be subject to immediate termination.

(2) The employee will be immediately provided with a letter which:

(A) summarizes the observed circumstances and behavior;

(B) notifies the employee that the consumption of alcohol, [or] use of dangerous drugs, or the inappropriate use of an inhalant in the workplace subjects the employee to termination;

(C) advises the employee that he or she will have a specified period of time in which to provide a reasonable explanation; and

(D) advises the employee that if his or her response is insufficient or not acceptable, or if he or she refuses to successfully complete counseling or rehabilitation treatment, the employee will be terminated.

(3) The employee shall be terminated if he or she fails to respond within the specified period or to provide an acceptable explanation, or refuses to successfully complete counseling or rehabilitation treatment.

(i)[(h)] Recurrence of substance abuse. Upon a third occurrence [recurrence] of the necessity to refer an employee to EAP, counseling, or rehabilitation treatment under the department's substance abuse program, the employee will not be referred but will be terminated.

(j) Failure to successfully complete counseling. Employees who are required to successfully complete counseling or a rehabilitation treatment program in accordance with this section, shall be subject to termination if they fail to successfully complete counseling or a rehabilitation treatment program.

§1.107. Counseling and Rehabilitation Treatment. Except as provided in §1.106(i) [(h)] of this title (relating to Personnel Actions), a covered employee who fails an alcohol or drug test or an employee who voluntarily admits to or is otherwise established to have an alcohol, inhalant, or drug abuse problem shall be referred to EAP for assessment and referral to counseling or a rehabilitation treatment program. The department will pay for the cost of five EAP counseling sessions which includes an initial assessment. An EAP counselor shall evaluate a referred employee to determine the extent of the dependence upon alcohol, inhalants, or drugs and as may be appropriate will refer the employee to:

(1) a counseling program which provides education and/or counseling sessions, the content, frequency, and duration of which is to be prescribed by the EAP staff in consultation with the counseling program staff, as appropriate, and which

may include group or individual education and/or counseling sessions;

(2)-(3) (No change.)

§1.109. Challenge. Any challenge by an employee to a department action relating to the sections under this undesignated head concerning the department's substance abuse program shall be in accordance with the following procedure.

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

(3) If the employee remains dissatisfied with determinations made at the informal meeting, he or she may submit a request in writing to the associate executive [deputy] director, support operations, for a formal hearing. The hearing will be conducted in accordance with §§1.21-1.63 of this title (relating to Contested Case Procedure); provided, however, that the hearing shall not be open to the public unless requested by the employee.

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 4, 1992.

TRD-9207693

Diane L. Northam
Legal Administrative
Assistant
Texas Department of
Transportation

Earliest possible date of adoption: July 13, 1992

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

Chapter 11. Design Division

Environmental and Public Involvement for Highway Improvement Projects

• 43 TAC §11.82, §11.85

The Texas Department of Transportation proposes amendments to §11.82 and §11.85, concerning environmental and public involvement for highway improvement projects. Senate Bill 352, 72nd Legislature, 1991, enacted Texas Civil Statutes, Article 6673g, which require the Texas Transportation Commission to provide a procedure for a public hearing to be requested on an environmental review for which a public hearing is not required by law. Senate Bill 352 also amended Texas Civil Statutes, Article 6674w-1, by requiring the department to adopt rules providing abutting landowners and affected local governments and public officials with notice and opportunity for comment on major highway projects, and an additional notice and opportunity for comment on major highway projects when certain conditions have changed significantly from the time the project originally underwent public review and comment, and also providing procedures for informing such persons of

impending construction. Senate Bill 2, 72nd Legislature, First Called Session, 1991, amended Texas Civil Statutes, Article 6673g, to require the commission to provide for early coordination of department environmental reviews with the Texas Parks and Wildlife Department and the Texas Natural Resources Conservation Commission. In order to comply with the recent legislative requirements and to continue with the department's desire to have an open public comment process throughout project development, it is necessary to propose amendments to §11.82 and §11.85.

Section 11.82 is amended to include new definitions for the terms "affected local government," "affected public official," and "environmental clearance". Section 11.85 is amended to: include a procedure for a public hearing to be requested on an environmental review for which a public hearing is not required by law; provide for early coordination of environmental reviews with the Texas Parks and Wildlife Department and the Texas Natural Resources Conservation Commission; provide abutting landowners and affected local governments and public officials with notice and opportunity for comment on major highway projects, and an additional notice and opportunity for comment on major highway projects when certain conditions have changed significantly from the time the project originally underwent public review and comment; and provide procedures for informing such persons of impending construction.

William A. Lancaster, P.E., Director, Division of Highway Design, 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 cost of \$300,000 total for 1992-1996. There will be no effect on local government as a result of administering the sections.

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

Mr. Lancaster 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 a more effective and uniform administration of project development with a specific emphasis on the environment, and improve coordination with state natural resource agencies. 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.

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 amendments. The public hearing will be held at 9 a.m. on Tuesday, June 30, 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 8:30 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 Ken Bohuslav, P.E., Division of Highway Design, Environmental Section, 125 East 11th Street, Austin, Texas 78701. All comments should be submitted no later than 5 p.m. on July 13, 1992.

The amendments are proposed under Texas Civil Statutes, Articles 6666, 6673g, and 6674w-1 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 providing notice and public involvement in project development.

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

Affected local government—The governing body of a county or municipality in which a project is located.

Affected public official—An elected official of a county or municipality in which a project is located, or a member of the United States Congress or the Texas Legislature in whose district a project is located.

Department—Texas [State] Department of [Highways and Public] Transportation.

Environmental clearance—The final environmental approval, by the division of a state project; usually the approval of a categorical exclusion, or the granting of a finding of no significant impact or a record of decision. (Clearance may be granted conditioned on the approval of coordination or mitigation efforts which may follow.)

§11.85. Early Coordination and Public Involvement.

(a) Early coordination. Early coordination with appropriate agencies, local

governmental entities, and the public shall play a vital role in project planning and environmental development of state projects. District offices and the division shall be responsible for initiating early coordination and the continuation of coordination with local governmental entities and applicable agencies throughout project planning.

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

(3) During early coordination the division will be responsible for:

(A) (No change.)

(B) providing state project data and analyses to applicable agencies, which shall include coordination of environmental reviews and mitigation proposals with the Texas Natural Resources Conservation Commission and the Texas Parks and Wildlife Department, prior to the written report explaining the department's decision regarding a project, thereby assisting in the determination of state project impacts and mitigation plans.

(b) Public involvement. Public involvement shall be encouraged as an important element of project planning. It shall be initiated by the pertinent district office and will depend on and be consistent with the type and complexity of each state project.

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

(3) An opportunity for public hearing, as another form of public involvement, shall be afforded for state projects in order to determine local interest for holding a public hearing, when required under Texas Civil Statutes, Article 6674w-1, or when the state project requires the acquisition of significant amounts of right-of-way; there is a substantial change in the layout or function of the connecting roadways or of the facility being improved; there is measurable adverse impact on abutting real property; or there is otherwise a substantial social, economic, or environmental effect.

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

(C) Notices of the opportunity for public hearing shall also be mailed to landowners abutting the roadway as identified by tax rolls, and affected local governments and public officials.

(D)[(C)] No further action will be taken to hold a public hearing if at the end of the time set for affording an opportunity for a public hearing no requests are received. (However, the district office will be responsible for submitting a certified statement to this effect to the division.)

(4) (No change.)

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

(C) Notices of the public hearing shall also be mailed to landowners abutting the roadway as identified by tax rolls, and affected local governments and public officials.

(i)-(ii) (No change.)

(D)[(C)] The public shall have 10 days after the close of a public hearing to submit written comments to the district office regarding a proposed state project.

(E)[(D)] Public hearings shall be considered complete on the submission by the district office of a verbatim transcript and its certification to the division for review and approval.

(5) (No change.)

(c) (No change.)

(d) Public involvement on projects where a public hearing is not required by law. For projects for which a public hearing is not required by law the department will hold a public hearing in accordance with subsection (b) (4) of this section if at least 10 individuals request a hearing.

(e) Public involvement following project approval. The department shall offer an additional opportunity for public hearing for projects which have already undergone public review and comment, and which involve either the addition of a project on new location and in which conditions relating to land use traffic volumes and traffic patterns have changed significantly from the time the project originally underwent public review and comment. The opportunity for public hearing will be afforded in accordance with subsection (b)(3) (A)-(D) of this section.

(f) Notice of construction. The department will send notice of impending construction of a project to landowners abutting the roadway as identified by tax rolls, and affected local governments and public officials.

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 5, 1992.

TRD-9207764

Diane L. Northam
Legal Administrative
Assistant
Texas Department of
Transportation

Earliest possible date of adoption: July 13, 1992

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



Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes, does not apply to board action under Articles 5.96 and 5.97.

The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)

The State Board of Insurance, will conduct a public hearing under Docket Number R-1906 at 9 a.m., July 15, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin. The hearing is for the purpose of considering a proposal submitted by staff of the Texas Department of Insurance with regard to amendments to Rule 48 of the Texas Automobile Rules and Rating Manual (the manual) and to the Automobile Liability Experience Rating Plan (the plan).

The board will consider options regarding how to administer the plan. These options will include the amendments filed in staff's petition on May 14, 1992. Under the proposed amendments filed in staff's petition on May 14, 1992. Under the proposed amendments all companies writing auto insurance will be required to calculate the experience modifier for each eligible risk and to furnish the department a copy of the complete rating data no later than 45 days prior to the effective date of the rating. Staff's amendments also implement the removal of "a qualified entity" (as that expression is used in the current manual and plan) from having any role in the administration of the plan. The board will also consider the option of allowing a single qualified entity to administer the plan.

Additionally, the board will consider any issues relating to how the start up would work and provisions for adequate time periods for implementation of any rule changes. Such issues may include, but are not limited to, the allowance of a time lag for compliance and basing the effective date of the changes on a specified policy expiration date.

The board may consider the issue of whether to require any particular format for the exchange of information between companies and any other issues relating to the plan, qualified entities, calculation of modifiers, and retention of information. The board will also

consider the cost of the various alternatives for administration of the plan.

Copies of the full text of staff's amendments to Manual Rule 48 and the plan are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Teexas 78701. For further information or to request copies of the petition, please contact Lynette Brown at (512) 322-4147 and refer to Reference Number A-0692-30-1.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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.

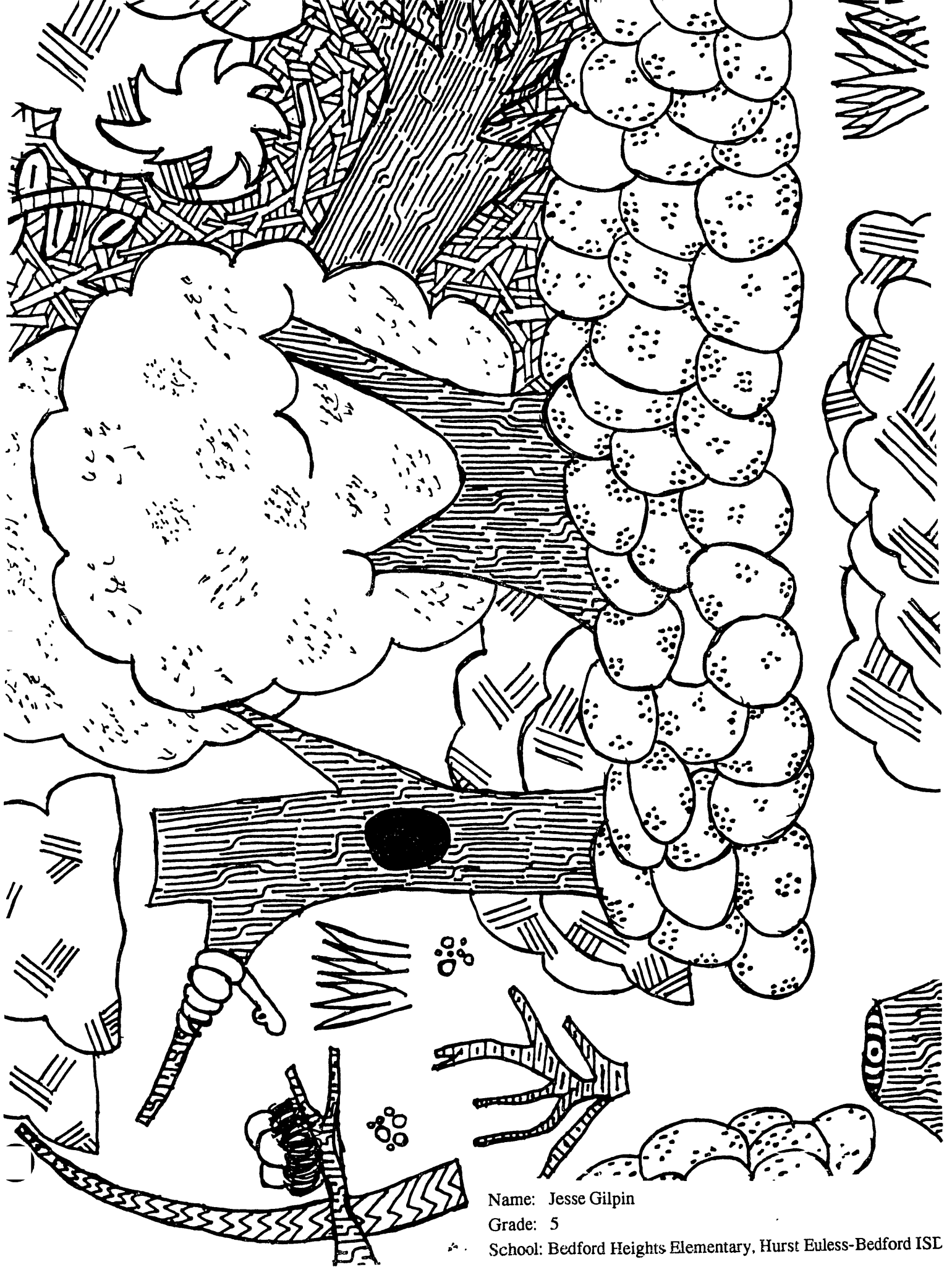
Issued in Austin, Texas, on June 5, 1992.

TRD-9207751

Linda K. von Quintus-Dom
Chief Clerk
Texas Department of
Insurance

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





Name: Jesse Gilpin

Grade: 5

School: Bedford Heights Elementary, Hurst Eules-Bedford ISL

Withdrawn Sections

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*.

TITLE 28. INSURANCE.

Part I. Texas Department of Insurance

Chapter 3. Life, Accident and Health Insurance and Annuities

Subchapter A. Requirements for Filing of Policy Forms, Riders, Amendments, and Endorsements for Life Accident and Health Insurance and Annuities

• 28 TAC §3.3

The Texas Department of insurance has withdrawn from consideration for permanent adoption a proposed amendment which appeared in the December 13, 1991, issue of the *Texas Register* (16 TexReg 7153). The effective date of this withdrawal is June 8, 1992.

Issued in Austin, Texas, on June 8, 1992

TRD-9207803 Linda K. von Quintus-Dom
Chief Clerk
Texas Department of
Insurance

Effective date: June 8, 1992

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 331. Underground Injection Control

Subchapter A. General Provisions

• 31 TAC §331.3

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed amendment to §331.3 which appeared in the March 24, 1992, issue of the *Texas Register* (17 TexReg 2185). The effective date of the withdrawal is June 3, 1992.

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

TRD-9207628 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: June 3, 1992

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

Subchapter C. General Standards and Methods

• 31 TAC §331.47

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed amendment to §331.47 which appeared in the March 24, 1992, issue of the *Texas Register* (17 TexReg 2185). The effective date of this withdrawal is June 3, 1992.

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

TRD-9207626 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: June 3, 1992

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

Subchapter D. Standards for Class I Wells Other than Salt Cavern Solid Waste Disposal Wells

• 31 TAC §§331.62-331.65, 331.67, 331.68

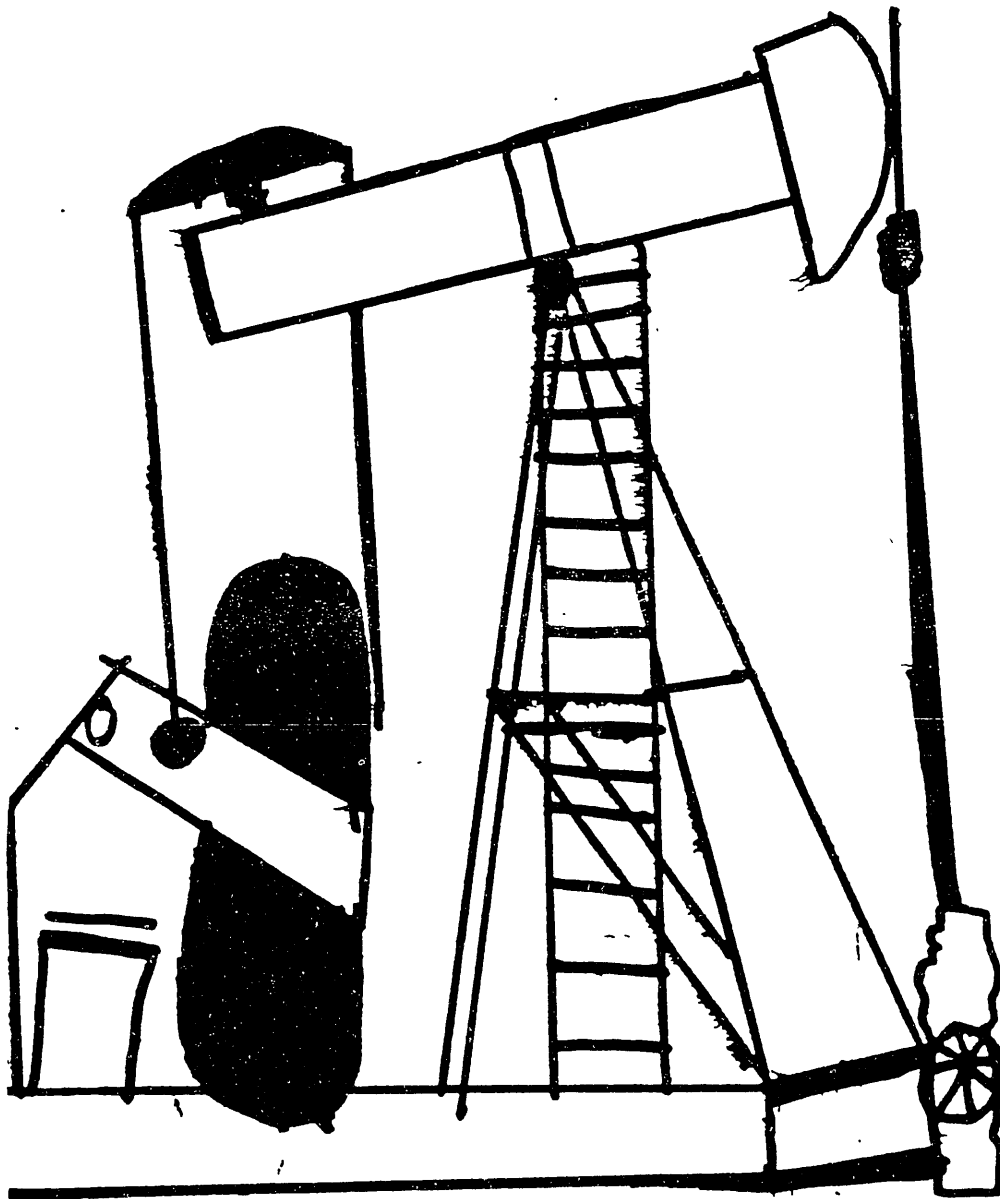
The Texas Water Commission has withdrawn from consideration for permanent adoption proposed amendments to §§331.62-331.65, 331.67, and 331.68 which appeared in the March 24, 1992, issue of the *Texas Register* (17 TexReg 2185). The effective date of the withdrawal is June 3, 1992.

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

TRD-9207625 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: June 3, 1992

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



Name: Andrew Swindell

Grade: 4

School: Moss Haven Elementary, 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 81. Elections

Voter Education

• 1 TAC §81.301

The Office of the Secretary of State adopts new §81.301, concerning voter education, with changes to the proposed text as published in the February 18, 1992, issue of the *Texas Register* (17 TexReg 1373).

The new section is necessary to ensure that the conduct of a student mock election does not affect the proper and efficient conduct of a general, special, or primary election.

The new section will prescribe the procedures necessary to conduct a student mock election in accordance with the Election Code and the laws of the State of Texas. Paragraph (9) was deleted and paragraph (10) was renumbered as paragraph (9).

Several comments were received regarding the adoption of the new section. While each supported the education aspects of mock student elections, concerns regarding voting at the polling place were noted. The statute permits but does not require that student mock elections occur at the adult polling places. These rules establish specific special guidelines to eliminate interference with or confusion regarding the adult voting process.

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

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

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

(A) the commissioners court, for a student mock election held in conjunc-

tion with an election ordered by the governor or a county authority;

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

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

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

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

(4) The student mock election, if held in conjunction with a general, special, or primary election, shall not be disruptive nor infringe upon any rights provided a legal registered voter.

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

(B) An official polling place may be used to conduct a student mock election by an entity, provided that the entity has submitted an application to the Secretary of State's Office pursuant to the rules and guidelines hereby prescribed and has secured final approval from the local authority and the secretary of state before the

60th day before the day of the student election. (The application is available through the Secretary of State's Office.)

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

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

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

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

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

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

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

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

This agency hereby certifies that the 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 March 23, 1992.

TRD-9207691 Audrey Selden
Assistant Secretary of
State
Office of the Secretary of
State

Effective date: June 25, 1992

Proposal publication date: February 18, 1992

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

TITLE 4. AGRICULTURE

Part III. Texas Feed and Fertilizer Control Service :

Chapter 61. Feed

Labeling

• 4 TAC §61.21, §61.22

The Texas Feed and Fertilizer Control Service adopts amendments to §61.21 and §61.22 concerning labeling, without changes to the proposed text as published in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2660).

The amendments simplify and clarify previous rules.

The amendments delete prohibition of negative labeling, delineate conditions under which declaration of contents can be made in the ingredient statement, set forth requirements for determining net weights, expend methods allowed for statement of minerals, specify conditions under which microorganisms must be listed, change requirements for feeds containing more than 16% sugar, conformance to standard of identity, declaration of micro-organism, moisture, standardize state requirements for labeling vitamins and minerals with national standard.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, §141.004, which provides the Texas Feed and Fertilizer Control Service with the authority to adopt rules as necessary for the enforcement of this Chapter following notice and a public hearing.

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 College Station, Texas, on June 2, 1992.

TRD-9207647 George W. Latimer, Jr.
Texas State Chemist
Texas Feed and Fertilizer
Control Service

Effective date: June 25, 1992

Proposal publication date: April 17, 1992

For further information, please call: (409) 845-1121

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Housing and Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

• 10 TAC §9.1, §9.3

The Texas Department of Housing and Community Affairs adopts amendments to §9.1 and §9.3, concerning allocation of program funds, with changes to the proposed text as published in the March 31, 1992, issue of the *Texas Register* (17 TexReg 2319).

The amended sections concern the eligibility of small business incubator activities for the Texas Capital Fund under the Texas Community Development Program (TCDP). The amended sections allow Texas Capital Funds to be made available to eligible units of local government to provide financing for small business incubators.

The amended sections establish the standards and procedures by which TDHCA will allocate these funds to eligible units of local government in Texas. The amended sections include threshold requirements and selection procedures and criteria.

One comment was received from the Texas Department of Criminal Justice. Clarification was required concerning whether a research and development authority established under Chapter 382, Texas Local Government Code, is included within the definition of "incubator" or "incubator sponsor." Section 9.1(a)(9) has been changed to specifically include such authorities within the definition of "incubator sponsor." The Texas Department of Criminal Justice also asked whether the term "enterprise zone" as used in §9.3(h)(2) includes reinvestment zones created under Chapters

311 and 312 of the Texas Tax Code. Although designation of an area as an enterprise zone constitutes designation of the area as a reinvestment zone, the reverse is not true. An area designated as a reinvestment zone is not required to meet the standards of pervasive poverty, unemployment, and economic distress that are required for the area to be designated as an enterprise zone. For these reasons, a reinvestment zone that has not also been designated as an enterprise zone, may not be considered under §9.3(h)(2). In addition, §9.3(g)(2) has been changed to ensure consistency with the definition of "Slum or Blighted Area" in §9.1(a)(17).

The amendments are adopted under Texas Civil Statutes, Article 4413(501), §2.07, which provide the Texas Department of Housing and Community Affairs with the authority to allocate CDBG nonentitlement area funds to eligible counties and municipalities according to department rules.

§9.1. General Provisions.

(a) (No change.)

(1)-(7) (No change.)

(8) Incubator—An incubator or small business incubator is defined as a facility within which small businesses share space, equipment, and support personnel and have access to professional consultants for advice related to the technical and management aspects of conducting a commercial enterprise.

(9) Incubator sponsor—A non-profit organization or entity including a quasi-governmental entity, a junior college, an institution of higher learning as defined by the Education Code, §61.003, a private college or university, a small business development center, a development corporation created under state law, or a research and development authority established under Chapter 382, Texas Local Government Code that enters into a written agreement with the applicant to establish, operate, and administer a small business incubator.

(10) Local government—A unit of general local government.

(11) Low-and moderate-income person—A member of a family which earns less than 80% of the area median family income, as defined under the United States Department of Housing and Urban Development §8 Assisted Housing Program.

(12) Nonentitlement area—An area which is not a metropolitan city or part of an urban county as defined in 42 United States Code, §5302.

(13) Permanent job—A job for which continuation of employment is not dependent on funds provided through the Texas Community Development Program.

(14) Poverty—The current official poverty line established by the director

of the Federal Office of Management and Budget.

(15) Primary beneficiary—A low- or moderate-income person.

(16) Regional review committee—A regional community development review committee, one of which is established in each of the 24 state planning regions established by the governor pursuant to Texas Local Government Code, §391.003.

(17) Slum or blighted area—An area which has been designated a state enterprise zone, or an area within a municipality or county that is detrimental to the public health, safety, morals, and welfare of the municipality or county because the area:

(A) has a predominance of buildings or other improvements that are dilapidated, deteriorated, or obsolete due to age or other reasons;

(B) is prone to high population densities and overcrowding due to inadequate provision for open space;

(C) is composed of open land that, because of its location within municipal or county limits, is necessary for sound community growth through replatting, planning, and development for predominantly residential uses; or

(D) has conditions that exist due to any of the causes enumerated in subparagraphs (A)-(C) of this paragraph or any combination of those causes that:

(i) endanger life or property by fire or other causes; or

(ii) are conducive to:

(I) the ill health of the residents;

(II) disease transmission;

(III) abnormally high rates of infant mortality;

(IV) abnormally high rates of juvenile delinquency and crime; or

(V) disorderly development because of inadequate or improper platting for adequate residential development of lots, streets, and public utilities.

(18) Slum or blight, spot basis—A building which has been declared as a slum or blight and has multiple and unattended building code violations, and

qualifies as slum or blighted on a spot basis under local law.

(19) State review committee—The State Community Development Review Committee established pursuant to Texas Civil Statutes, Article 4413(501), §2.10.

(20) Underemployed person—A person who works less than 40 hours per week not by choice, at a salary that is not commensurate with his skills and experience.

(21) Unemployed person—A person between the ages of 16 and 64, inclusive, who is not presently working but is seeking employment.

(22) Unit of general local government—An entity defined as a unit of general local government in 42 United States Code, §5302(a)(1), as amended.

(b)-(e) (No change.)

(f) Citizen participation.

(1) (No change.)

(2) Application requirements. Prior to submitting an application, an applicant for Texas Community Development Program funding shall satisfy the following requirements.

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

(F) The second public hearing must include a discussion of the proposed project, the amount of funds being requested, the estimated amount of funds proposed for activities that will benefit low- and moderate-income persons, or in the case of the small business incubator program may include the fulfillment of the national objective of aiding in the prevention or elimination of slums or blight, and the plans of the applicant to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with Texas Community Development Program funds, if applicable. The notice must include the location and hours when the application is available for review.

(3)-(5) (No change.)

(g)-(n) (No change.)

§9.3. Texas Capital Fund.

(a) General provisions. This fund covers projects which will result in either an increase in new, permanent employment within a community or retention of existing permanent employment; or may, in the case of the small business incubator program, include the fulfillment of the national objective in eliminating slum or blight. All jobs being created or retained must primarily benefit low- and moderate-income persons.

A minimum of 51% of all of the jobs ultimately created or retained must have been for people who at the time of their employment had total family income below the low- and moderate-income limit for the county where the development occurred. If the project is designed to aid in the prevention or elimination of slums or blight, then it must meet the area slum or blight or spot slum or blight criteria and threshold requirements outlined in the pre-application. Eligible activities include the loan program, the infrastructure program, the real estate development program, and the small business incubator program. The loan program provides financing for activities such as machinery and equipment, working capital, the purchase of land and depreciable property, new construction, and rehabilitation of commercial or industrial facilities. The public infrastructure program provides funds for eligible activities such as the construction or improvement of water/wastewater facilities, public roads, natural gas-line services, electric-power services, and railroad spurs. The real estate development program provides a contract to an eligible applicant for the acquisition, construction, or rehabilitation of real estate in support of a specific business (either a for-profit entity or a non-profit entity). The small business incubator program provides funds for an eligible applicant to acquire, construct, or rehabilitate real estate and to provide public improvements in support of a nonprofit incubator sponsor. The terms and criteria for the loan program, the public infrastructure program, the real estate development program, and the small business incubator program are further defined in the pre-application guidelines for the programs. A firm financial commitment from all funding sources other than the United States Department of Commerce Economic Development Administration is required upon submission of a pre-application. A letter from the United States Department of Commerce Economic Development Administration inviting a formal application under its public works program must be included in the pre-application if applicable. The leverage ratio between all funding sources and Texas Capital Funds must not be less than 1:1. In order for an applicant to be eligible for Texas Capital funding under the low and moderate income persons benefit objective, the cost per job calculation must not exceed \$25,000.

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

(3) The department will not consider any application for funding in which the business or incubator sponsor to be assisted thereunder has filed under the Federal Bankruptcy Code, and the matter is in the process of being adjudicated or in which such business has been adjudicated bankrupt.

(4) The department will only consider applications that provide funding for one business or incubator sponsor.

(5) (No change.)

(6) A business or incubator sponsor which is currently being provided assistance from the Texas Capital Fund must create at least 50 permanent jobs in each additional proposed Texas capital fund project in order for such project to be considered for funding, with the exception of Small Business Incubator Program projects that have met the national objective of aiding in the prevention or elimination of slums or blight.

(7) A Texas capital fund or governor's special assistance fund for small and minority businesses contractor must satisfactorily close out a contract in support of a specific business/incubator sponsor in order to be eligible to receive additional funds under the Texas capital fund for the same business/incubator sponsor.

(8) (No change.)

(b) (No change.)

(c) Selection procedures. The department has entered into an interagency cooperation contract with the Texas Department of Commerce by which the Texas Department of Commerce performs marketing and underwriting services for this fund. Applications under this section are reviewed by the Texas Capital Fund Advisory Committee after they have been evaluated by staff of the Texas Department of Commerce. The Advisory Committee is appointed by the executive director of the Texas Department of Commerce and the community development block grant division director of the department. The Texas Department of Commerce and the department have equal representation on the Advisory Committee. The Texas Capital Fund Advisory Committee and staff make recommendations to the department's executive director for final award. The application and selection procedures consist of the following steps.

(1) (No change.)

(2) Upon receipt of a pre-application containing financial information on the business or incubator sponsor to be considered for funding, the staff of the Texas Department of Commerce performs an initial review to determine whether the pre-application is complete and whether the activities proposed are eligible for funding. In those instances where the staff of the Texas Department of Commerce determines that the pre-application is either incomplete or that the activities are ineligible for funding, the pre-application is returned for the applicant to complete or is cited as ineligible. The staff at the Texas Department of Commerce then conducts a review of each

complete pre-application to make threshold determinations with respect to:

(A)-(D) (No change.)

(E) whether there is evidence that at least 51% of the permanent jobs created or retained will benefit low- and moderate-income persons and/or in the case of the Small Business Incubator Program may meet the national objective of aiding in the prevention or elimination of slums or blight.

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

(5) The staff of the Texas Department of Commerce generates scores on selection criteria related to leverage ratio, cost per job, minority hiring, and project feasibility. Scores on factors in these categories are derived from information provided by the applicant. An infrastructure, loan, or real estate development program applicant must receive at least 60 points out of a possible 100 points to be considered for funding. An applicant that receives at least 60 points on such criteria may be invited to send a representative to make a presentation to the Texas Capital Fund Advisory Committee. An application submitted under the Small Business Incubator Program is not scored, however, an applicant must meet the minimum threshold requirements specified in the pre-application.

(6)-(10) (No change.)

(d) Selection criteria. The following is an outline of the selection criteria used for selection of projects under the Texas Capital Fund Infrastructure, Loan and Real Estate Development Programs. One hundred points are available. The terms and criteria used in this subsection are further defined in the pre-application guidelines for these programs.

(1)-(4) (No change.)

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

(g) Threshold requirements for the small business incubator program. The following is an outline of threshold requirements used for selection of projects under the Texas Capital Fund Small Business Incubator Program. The terms and criteria used in this subsection are further defined in the pre-application guidelines for this program. In order for its pre-application to be considered, an applicant must meet either Paragraphs (1), (2), or (3) of this subsection.

(1) Low and moderate income persons benefit objective. Document that at least 51% or more of all the persons to benefit from the economic development activities qualify as low and moderate income persons.

(2) Area slums/blight objective. Document the boundaries of the area designated as a slum or blighted, document the conditions which qualified it under the definition in §9.1(a)(17), and the way in which the assisted activity addressed one or more of the conditions which qualified the area as slum or blighted.

(3) Spot slum/blight objective. To show how this objective will be met, the applicant must:

(A) document that the project qualifies as slum or blighted on a spot basis under local law;

(B) describe the specific condition of blight or physical decay that is to be treated;

(C) for rehabilitation carried out under this category, describe the specific conditions detrimental to public health and safety which will be corrected; and

(D) provide details and scope of the proposed rehabilitation, by structure.

(4) The staff at Texas Department of Commerce conducts a review of each complete pre-application to make threshold determinations with respect to the feasibility of each incubator project based on the soundness of the project. Factors examined include firm commitments for financial contributions; the jobs to be created or retained; the history of the incubator; the financial condition of the incubator, including a full review of the credit analysis and cash flow projections; the feasibility study and business plan; pre-lease commitments; demonstrated proof of community support; demonstrated linkages with related small business programs and educational institutions; and evidence of strong management experience of the incubator sponsor.

(h) Additional criteria for the small business incubator program.

(1) A minimum 10% equity injection (of the total project costs) in the form of cash, land, buildings, equipment, furniture, or fixtures by the applicant and/or incubator sponsor is required.

(2) An incubator project located in a designated enterprise zone receives special consideration.

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-9207658

Anne O. Paddock
Assistant General Counsel
Texas Department of
Housing and
Community Affairs

Effective date: June 25, 1992

Proposal publication date: March 31, 1992

For further information, please call: (512) 320-9526

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protec- tion

• 16 TAC §23.45

The Public Utility Commission of Texas adopts an amendment to §23.45, concerning billing, with changes to the proposed text as published in the December 27, 1991, issue of the *Texas Register* (16 TexReg 7687).

The commission adopts amendments to subsection (f)(1)(A) so that end-user customers are properly informed regarding the entity who is responsible for setting the rates for the service for which the end-user customer is billed. Subsection (f)(1)(A) is revised slightly from the December published version in response to specific comments received by the commission, which are discussed *infra*.

The section as adopted will require a telephone utility, when billing customers for services provided by private pay telephone providers, to identify on the bill the private pay telephone provider whose rates are used to calculate the charges for such services. These private pay telephone providers use automated call completion technology to complete operator service calls, e.g., third number billed calls, calling card calls, and collect calls.

All of the following submitted comments in response to the December 27, 1991, *Texas Register* publication: Intellicall, Inc. (Intellicall); OAN Services, Inc. (OAN); Texas Statewide Telephone Cooperative, Inc. (TSTCI); and Texas Telephone Association (TTA).

Generally, commenters supported the proposed amendment in that it would provide additional consumer information. However, commenters were concerned that other factors (e.g., technical problems involved in implementing the requirements of the amendment) might outweigh the consumer benefits.

When a local exchange carrier (LEC) bills a customer for a call that was completed by a private pay telephone provider using automated operator service call completion technology, the amendment requires the LEC to identify that private pay telephone provider on the bill. Currently, such a call may be billed under the name of a billing agent that aggregates calls from many providers of operator services. Intellicall and OAN stated that the amendment will require the private pay telephone provider to purchase (indirectly

through its billing agent) sub-carrier identification (Sub-CIC) services from the LECs. Intellicall and OAN expressed concern that Southwestern Bell Telephone Company's (SWBT's) rates for Sub-CIC services far exceed those of other telephone companies. OAN submitted that the cost of SWBT's Sub-CIC service may outweigh the benefit to consumers of knowing the identity of the private pay telephone provider. The commission is not persuaded by these comments. Neither OAN nor Intellicall demonstrated that SWBT's rates for overall billing and collection services, including Sub-CIC services, are unjust or unreasonable. Although OAN's comparison of SWBT's rates for Sub-CIC services to those of other carriers showed a variance, OAN did not state whether those other carriers recover the entire cost of Sub-CIC services through the rate elements used by OAN for comparison purposes. The commission is not willing to abandon the requirement to better inform consumers based on these comments. If OAN or Intellicall believes that SWBT's rates for billing and collection services are not just and reasonable, either company may file a complaint with the commission.

TSTCI claimed that the costs some LECs will incur to modify their billing systems will outweigh the benefit to consumers of having the private pay telephone provider identified on the bill. TSTCI believes that the benefit to customers of having the private pay telephone provider identified on the bill is minimal because private pay telephone providers often contract with another entity to handle customer inquiries. The commission finds that TSTCI's concerns do not outweigh the benefit to consumers of having the private pay telephone provider identified on the bill. There continues to be customer confusion over using pay telephones. Consumers must be given enough information so that they can make informed choices about what operator services to use. If a consumer is unhappy with the charges for a particular call, the consumer can associate the unacceptable charges with the responsible service provider only if that service provider is identified on the bill. Once the consumer is able to associate unacceptable charges with the responsible service provider, the consumer can make informed choices in the marketplace by listening to the call branding or by checking the posted information to ensure that he/she does not use the services of that provider. When making a billing inquiry about a particular call, the customer may deal with an entity hired by the private pay telephone provider to provide customer service. However, the customer must be able to identify the party truly responsible for the rates and services if the customer is to make informed choices among providers of operator services.

TSTCI submitted that requiring LECs to identify private pay telephone providers that use automated call completion technology to complete operator service calls will only "exacerbate the problems the industry currently has with the rule as revised in 1991." The 1991 revision required LECs to include information on the bill that would identify the telecommunications utilities whose rates were used to calculate the charges for calls listed

on the bill. TSTCI cited the following problems: messages sent for billing must be in an industry standard format; a national standard has not been established for Sub-CICs; and the current standard allows for only one CIC code in the record. TTA stated that "compliance is impossible at this time." However, some LECs are apparently complying with the section's current requirement, even though many of the telecommunications utilities that must be identified on the bill use the services of billing agents and thus require Sub-CIC identification. The only comments the commission received from LECs in this proceeding were those submitted by TSTCI and TTA. Based on information gathered by the commission's staff, it is possible for LECs to implement an interim solution for identifying the entity whose rates are used to bill the call. Existing fields in the standard record format for billing can be used to supply Sub-CIC information. For example, the LEC and the billing agent may agree to use the re-rate fields to supply the information necessary to identify the entity whose rates are used to calculate the charges for the call. Although TSTCI stated that it does not believe the implementation costs are justified, a variable length record could also be used in meeting the requirements of the section. LECs should fully explore these options. An LEC is not required to wait for a new national standard. If an LEC believes that it has good cause for not complying with the section, then a waiver request is the appropriate vehicle for the LEC to present its good cause case.

TTA stated that LECs will be forced to discontinue providing billing and collection functions for many telecommunications utilities. Intellicall expressed its concern that LECs might indeed use this requirement to refuse to provide billing and collection services. The commission finds that LECs cannot simply refuse to provide billing and collection services as a way to comply with the rule. LECs should utilize the waiver process to demonstrate good cause for non-compliance. Unless a LEC is granted a waiver, it must establish a reasonable method for telecommunications utilities and private pay telephone providers, or their billing agents, to provide Sub-CIC information. If the telecommunications utility, private pay telephone provider, or billing agent refuses to comply with a reasonable method, the LEC may be able to discontinue providing the billing and collection service. However, the proper forum for any dispute about the fairness of the billing and collection service provided by an LEC is a complaint case.

TSTCI requested that the rule provide an exception for intraLATA calls placed by a Texas LEC's customer in another LEC's out-of-state territory when that call is rated by the out-of-state LEC and is billed to a telephone number in the Texas LEC's territory (e.g., third number billed, billed to a calling card, or billed collect). TSTCI stressed that these calls: are rated by a regulated local exchange carrier; are billed under the billing LEC's intraLATA portion of the bill; and are under the full authority of the billing LEC for the purpose of making billing adjustments. TSTCI urged the commission to specifically exclude from the requirement alternately-billed

intraLATA calls carried by a regulated LEC. At this time, the commission is willing to make an exception as requested by TSTCI. Subsection (f)(1)(A) is changed to incorporate TSTCI's suggestion.

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

§23.45. *Billing.*

- (a)-(e) (No change.)
- (f) Rendering and form of bills.
 - (1) Telephone utilities.

(A) Bills for telephone service shall be rendered monthly unless otherwise authorized by the commission, or unless service is rendered for a period of less than one month, and shall provide a listing of all charges due and payable including outstanding amounts in the same customer class the utility has chosen to transfer from a customer's prior delinquent account(s). The utility shall provide, at no charge to the customer, a breakdown of local service charges at the time the service is initially installed or modified and upon request. Additionally, a notice shall be included on the customer's bill offering, at no charge to the customer, either an annual or monthly itemized breakdown of all local service charges. The itemized breakdown may be provided as a part of the customer's bill or as a separate mailing. Itemized toll statements shall be included in each bill. If the telephone utility is billing the customer for services provided by another telecommunications utility or for services provided by a private pay telephone provider that uses automated call completion technology to complete operator service calls, the bill shall identify the utility or the private pay telephone provider whose rates are used to calculate the charges for each call listed on the bill. This requirement to identify the entity whose rates are used to calculate the charges does not apply to intraLATA services provided in another state by a regulated local exchange carrier. Customer billing sent through the United States mail shall be sent in an envelope.

(B)-(C) (No change.)

(2)-(3) (No change.)

(g)-(n) (No change.)

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 4, 1992.

TRD-9207770

Mary Ross McDonald
Secretary of the
Commission

Public Utility Commission
of Texas

Effective date: June 26, 1992

Proposal publication date: December 27, 1991

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

◆ ◆ ◆
**Part IV. Department of
Licensing and
Regulation**

**Chapter 75. Air Conditioning
and Refrigeration Contractor
License Law**

◆ ◆ ◆
• 16 TAC §§75.20, 75.40, 75.80,
75.100

The Texas Department of Licensing and Regulation adopts amendments to §§75.20, 75.40, 75.80, and 75.100, concerning air conditioning and refrigeration contractors, without changes to the proposed text as published in the May 5, 1992, issue of the *Texas Register* (17 TexReg 3214).

The amendments clarify existing rules and make department processing more efficient.

Section 75.20 adds a paragraph which describes the work a duct cleaning person can do without a license. Section 75.40 adds the requirement that insurance coverage be submitted on the form furnished by the department. Section 75.80 deletes the provision to assess one-half the fee as an administrative charge on refund requests. Section 75.100 brings air conditioning rules into agreement with the revised rule for boiler repairs in the boiler program and clarifies the tasks an air conditioning and refrigeration contractor can perform on piping.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 8861, which provide the Texas Department of Licensing and Regulation with the authority to promulgate and enforce a code of rules and take all action necessary to assure compliance with the intent and purposes of the Act.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207721

Jack W. Garison
Acting Executive Director
Texas Department of
Licensing and
Regulation

Effective date: June 26, 1992

Proposal publication date: May 5, 1992

For further information, please call: (512) 463-3127

**TITLE 22. EXAMINING
BOARDS**

**Part XXVII. Board of Tax
Professional Examiners**

Chapter 624. Education

◆ ◆ ◆
• 22 TAC §§624.1-624.11

The Board of Tax Professional Examiners adopts new §§624.1-624.11 concerning education. Section 624.7 is adopted with changes to the proposed text as published in the December 20, 1991, issue of the *Texas Register* (16 TexReg 7436). Sections 624.1, 624.2, 624.3, 624.4, 624.5, 624.6, 624.8, 624.9, 624.10, and 624.11 are adopted without changes and will not be republished.

The new sections establish rules for conduct of the education program for property tax officials required of them for certification under state law. This program was guided by rules of an agency that was abolished September 1, 1992, with responsibility transferred to this board.

The new sections will provide guidance to a student population of registrants in property tax agencies and to course providers of professional associations and entrepreneurs.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 8885 as amended by 68th Legislature, which provide the Board of Tax Professional Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

◆ ◆ ◆
§624.7. *Instructors.*

(a) The executive director shall maintain a list of all persons approved as instructors for board approved courses.

(b) The board shall publish qualifications that a person must meet to be approved as an instructor. The qualifications may vary by course. Instructor approval will be contingent upon a person required to register with the board being in good standing with the board.

(c) An individual may be considered for approval as a course instructor by filing an Instructor Approval Request form with the executive director. The director shall either:

(1) deliver a written notice of approval to the applicant within 21 days of the date the application is received; or

(2) with concurrence of the board education committee, deliver a written notice of disapproval, with reasons therefore, to the applicant within 30 days of the date the application is received.

(d) The Education Committee on recommendation of the executive director may withdraw approval of an instructor for:

(1) providing false information on an approval request form;

(2) failure to comply with board rules or board education standards or procedures;

(3) unacceptable teaching skills or methods as evidenced by student, sponsor, or board evaluations.

(4) cancellation, suspension, or revocation of the registration of an instructor who was or is registered with the board whether such action is final or probated.

(e) If the education committee withdraws approval of an instructor, the executive director shall deliver a written notice of withdrawal to the individual within 15 days after the date the committee makes a determination. He shall include with the notice an explanation of the reasons for the action. An instructor whose approval is withdrawn may not request approval for at least one year from the date he receives a notice of withdrawal.

(f) An individual who is denied approval as an instructor or an instructor whose approval is withdrawn will be advised in writing of the procedures for protesting the disapproval or withdrawal, and may protest by filing a petition with the board within 30 days after the date the executive director sends notice of the disapproval or withdrawal.

(g) An instructor shall be placed on the inactive roll when he or she ceases teaching board approved or equivalent courses for a period of three consecutive years. To be placed on the active roll again the instructor must file a new request for approval.

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 3, 1992.

TRD-9207595 Sam H. Smith
Executive Director
Board of Tax Professional
Examiners

Effective date: June 24, 1992

Proposal publication date: December 20, 1991

For further information, please call: (512) 329-7982

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 401. System Administration

Subchapter B. Interagency Agreements

• 25 TAC §401.53

The Texas Department of Mental Health and Mental Retardation adopts amendments to Exhibit J, which is adopted by reference in §401.53, without changes to the proposed text as published in the February 11, 1992, issue of the *Texas Register* (17 TexReg 1185).

The amendment reallocates 78 level-of-care V beds (24 from the north, 12 from the west, 24 from the east, and 18 from the south) and 12 level-of-care VI beds (six from the north and six from the east) to the central region. The reallocation would meet the need evidenced by the applications received to establish ICF/MR facilities in the central region and has been approved by the Interagency Council on ICF/MR Facilities.

No comments were received regarding adoption of the amendment.

The amendment is proposed under the Health and Safety Code, Title 7, §532. 015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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-9207631 Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Effective date: June 25, 1992

Proposal publication date: February 11, 1992

For further information, please call: (512) 465-4670

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 5. Property and Casualty Insurance

Subchapter M. Filing Requirements

• 28 TAC §5.9303

The State Board of Insurance of the Texas Department of Insurance adopts new §5.9303, concerning defining weather-related events as catastrophes or natural disasters, without changes to the proposed text as published in the March 20, 1992, issue of the *Texas Register* (17 TexReg 2115).

Section 5.9303 adopts a definition of a weather-related event as a catastrophe or natural disaster for the purposes of allowing claims resulting from a defined catastrophe or natural disaster to be subject to the additional

time periods for the processing of claims. The adoption of §5.9303 is in furtherance of the legislative directive in the Insurance Code, Article 21.55, §5(d), that the board define an event as a weather-related catastrophe or major natural disaster to effect additional days for the processing of claims.

Section 5.9303 allows an insurer to petition the Texas Department of Insurance to review a weather-related event to determine if such event meets specified conditions that must exist in order to be defined as a catastrophe or natural disaster. The claims handling process set forth in personal lines policies allows specific time periods for the processing of claims. The determination by the Texas Department of Insurance of an event as a weather-related catastrophe or major natural disaster will permit insurers an additional 15 days to process claims arising directly from such an event.

The agency received one set of comments, from the CNA Insurance Companies group. CNA did not specifically oppose the proposed section, but it expressed three concerns with respect to its provisions.

The first comment of the sole commenter focused on the requirement that an individual insurer petition the department for determination that an event is a catastrophe. The commenter expressed a position that such a requirement is burdensome, and suggested that the department instead rely on information service organizations, such as the Property Claims Services, to determine if an exposure is large enough to warrant an extension of time for claims processing. The board disagrees with such a recommendation, since it conflicts with the language of the Insurance Code, Article 21.55, and the intent of the legislature to delegate to the board, not an outside party, the task of defining an event as a catastrophe. The definition of an event as a catastrophe directly affects the processing of claims for consumers, and therefore should remain the responsibility of the board rather than an outside party which does not have such a direct duty to the insurance consumers of Texas. The second comment was directed to the number of days for which claims processing is to be extended under the proposed section. The commenter suggested a more appropriate extension of time would be 30 days, instead of the 15 provided in the proposed section, because of the significant amount of claims processing work associated with weather-related catastrophes and major natural disasters. The board responds that it cannot provide for a time period greater than the 15 days specified in the proposed section. The legislature, in the Insurance Code, Article 21.55, §5(d), has explicitly provided that if an event is found by the Board to be a weather-related catastrophe or major natural disaster, the deadlines otherwise imposed by Article 21.55 are extended for 15 days. The third comment was directed to the threshold level of losses and the aggregate number of claims necessary to support a petition for weather-related catastrophe or major natural disaster. Specifically, it was urged that the threshold level of \$5 million for losses and 3,000 claims in the aggregate for an event to be determined to be a catastrophe is unrealistic condition. The

board disagrees, since the \$5 million for losses and 3,000 for aggregate claims is a threshold standard commonly used nationwide to determine catastrophe loss. It must be the overall event itself determining whether a catastrophe has occurred, rather than whether an event may be a catastrophe to one or more insurance carriers

The section is adopted under the Insurance Code, Articles 21.55, §5(d), and 1.04(b), and Texas Civil Statutes, Articles 6252-13a, §4 and §5. The Insurance Code, Article 21.55, §5(d), authorizes the board to define a weather-related event as a catastrophe or natural disaster for the purpose of providing additional days in the claims handling process. Article 1.04(b) authorizes the board to determine rules in accordance with the laws of this state. Texas Civil Statutes, Article 6252-13a, §4, authorizes and requires each state agency to adopt rules of practice setting forth the nature and requirement of available procedures; §5 prescribes the procedure for adoption of rules by a state administrative agency.

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

Issued in Austin, Texas, on June 8, 1992

TRD-9207804 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: June 29, 1991

Proposal publication date: December 13, 1991

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 5. Funds Management (Fiscal Affairs)

Claims Processing-Payroll

• 34 TAC §5.46

The Comptroller of Public Accounts adopts new §5.46, concerning deductions for certain membership fees, with changes to the proposed text as published in the December 17, 1991, issue of the *Texas Register* (16 TexReg 7315).

The new section defines terms and prescribes procedures for participation in the program under which deductions may be made from an employee's salary or wages to pay membership fees to state employee organizations.

The following is a summary of the changes made to the proposed text.

Subsection (a)(11)-(15) was renumbered. New paragraph (11) was added and provides

a definition of "salary or wage leveling agreement," a term that is used in subsection (b)(6).

Subsection (b)(3)(E) was rewritten to clarify the requirements that apply when a state employee organization changes the amount of membership fees it charges to state employees on an across-the-board basis

Subsection (b)(5) was rewritten to account for the fact that certain state agencies do not pay salaries or wages on the first working day of a month.

Subsection (b)(6) was rewritten to account for the fact that certain state employees are not scheduled to work every month of the year. In addition, the new version of subsection (b)(6) makes eligible organizations responsible for calculating the deduction amount and instructing state employees about how to enter the correct deduction amount on authorization forms.

Subsection (c)(1)(D) was rewritten to eliminate ambiguity

Subsection (c)(2) was changed by adding subparagraphs (D) and (E). Subparagraph (D) authorizes a state agency to accept or return an authorization form when the form postpones the first deduction beyond the effective date determined under the section. Subparagraph (E) requires a state agency to state in writing the reason for the return of an authorization form

Subsection (d)(2) was changed by adding subparagraph (D). The new subparagraph requires a state agency to state in writing the reason for the return of a cancellation form

Subsection (i)(3)(C) was rewritten to account for the fact that certain state agencies do not pay salaries or wages on the first working day of a month.

Subsection (i)(5) was rewritten to provide definitive requirements for paying deducted membership fees directly to subordinate units of eligible organizations. The new subparagraph authorizes the comptroller to require a state employee organization to submit proof that an entity is a subordinate unit of the organization before a payment of deducted membership fees is paid directly to the entity. The comptroller is authorized under this subparagraph to periodically require the organization to submit proof that the entity is still a subordinate unit of the organization

Subsection (j) was rewritten to provide notice that the comptroller will be adopting at a later date a provision about the administrative fees that will be charged to cover start-up costs for the deduction program.

Subsection (o)(5)(B) and (6)(B) was rewritten to provide state employee organizations with more flexibility about submitting authorization and cancellation forms to state agencies.

Subsection (r) was deleted because the section is taking effect after February 1992.

Comments from several sources were received about the proposed text of the new section.

The University of Texas at Austin and Texas A&M University said that they do not pay

salaries or wages to some employees on the first workday of the month. Therefore, it would be impossible for the universities to comply with the requirement to make the deduction from the salaries or wages that are paid on the first workday of the month. The universities suggested a change to the proposed text to provide more flexibility. The comptroller agrees with the suggestion and has changed subsections (b)(5) and (i)(3)(C) accordingly.

Texas A&M University said that some of its employees do not work every month of the year. For example, some of its employees have contracts with the university that require the employees to work only nine months of each year. Some of those employees have asked the university to spread their salary payments evenly over 12 months. The university suggested that the new section specifically account for this type of employee. The comptroller agrees with the suggestion. The adopted text contains a definition of "salary or wage leveling agreement" in subsection (a) and has revised language for subsection (b)(6).

Texas Tech University provided two comments.

First, Texas Tech suggested that each state employee organization or subordinate unit of an organization be informed of the administrative cost of participating. The comptroller has not included this suggestion in the adopted text of the section because provisions about administrative fees will be adopted at a later date.

Second, Texas Tech said it would be expensive to state agencies for state employees to be allowed to pay membership fees through payroll deduction to an unlimited number of eligible state employee organizations. The section does not impose a limit on the number of eligible state employee organizations because the comptroller does not believe statutory authority for the limit exists.

The Texas Public Employees Association (TPEA) provided several comments.

First, TPEA said state employee organizations that are certified within five years after the comptroller assesses the start-up fees should be required to pay a portion of those fees. The fees paid by those organizations should be used to make refunds to the organizations that initially paid the fees. The comptroller has not included this suggestion in the adopted text of the section because provisions about administrative fees will be adopted at a later date.

Second, TPEA said that the amount of start-up fees assessed on each eligible state employee organization should be based on the first six months' participation in the membership fee deduction program instead of the number of members in each organization. The comptroller has not included this suggestion in the adopted text of the section because provisions about administrative fees will be adopted at a later date.

Third, TPEA said that subsection (c)(2)(A) conflicts with subsection (o)(5)(B) and (6)(B). Subsection (o)(5)(B) requires a state agency to return an authorization form to the eligible organization that submitted the form if the

agency receives the form during December. Subsection (o)(6)(B) requires an eligible organization to submit an authorization or cancellation form to a state agency by no later than the 15th calendar day after the organization receives the form. The comptroller does not believe that subsection (c)(2)(A) conflicts with subsection (o)(6)(B) because the former concerns authorization forms while the latter concerns cancellation forms. The comptroller has eliminated the apparent conflict between subsection (c)(2)(A) and subsection (o)(5)(B) by the revision of the latter subsection.

The Texas State Employees Union (TSEU) provided several comments.

First, TSEU suggested that the proposed text of the section be changed to provide a definition of "start-up costs" and an upper limit on those costs. TSEU suggested that state employee organizations be charged no more than \$.10 per member for start-up costs. TSEU said that without the changes, state agencies will use the implementation of the deduction program to make massive and unjustified overhauls of their existing payroll systems. The comptroller has not included this suggestion in the adopted text of the section because provisions about administrative fees will be adopted at a later date.

Second, TSEU suggested that subsection (o)(5) be changed to require state employee organizations to submit authorization forms to state agencies only once each month. The comptroller believes that the organizations should be required to submit the forms within a reasonable time after they receive the forms and has changed subsection (o)(5) accordingly.

Third, TSEU suggested that subsection (c)(2) require state agencies to state the reason for their return of authorization forms. The comptroller agrees with this suggestion and has changed the subsection accordingly. Fourth, TSEU suggested that the section specifically prohibit state agencies from requiring an employee to take any action to establish the deduction other than properly completing an authorization form. The comptroller disagrees with this suggestion because the payroll systems of some state agencies require the completion of additional forms or documentation before new deductions may be established.

Fifth, TSEU suggested the deletion of subsection (e)(1)(C) because its requirements about authorization and cancellation forms are too restrictive. The comptroller disagrees with the suggestion because it is important for administrative reasons for those forms to be consistent.

The new section is adopted under the Texas Government Code, §403.011, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.46. Deductions for Certain Membership Fees.

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

(1) Comptroller—The Comptroller of Public Accounts for the State of Texas.

(2) Eligible organization—A state employee organization that the comptroller has certified in accordance with this section and whose certification has not been terminated.

(3) Employer—A state agency that employs one or more state employees.

(4) Fiscal year—The fiscal year of the State of Texas.

(5) Holiday—A state or national holiday as specified by the General Appropriations Act or Texas Civil Statutes, Article 4591.2.

(6) Include—Is a term of enlargement and not of limitation or exclusive enumeration. The use of the term does not create a presumption that components not expressed are excluded.

(7) Institution of higher education—Has the meaning assigned by the Education Code, §61.003.

(8) May not—Is a prohibition. The term does not mean "might not" or its equivalents.

(9) Membership fee—The dues or fee that a state employee organization requires a state employee to pay to maintain membership in the organization.

(10) Payee identification number—The 14-digit number that the comptroller assigns to each direct recipient of a payment made by the comptroller for the State of Texas.

(11) Salary or wage leveling agreement—A contract or other agreement between a state employee and the employee's employer that requires the employer to pay the employee's total annual salary or wages over 12 months even though the employee is not scheduled to work each of those months.

(12) Salary or wages—Base salary or wages, longevity pay, or hazardous duty pay.

(13) State agency—A department, commission, council, board, office, agency, or other entity of Texas state government, including an institution of higher education.

(14) State employee—An employee of a Texas state agency. The term includes an elected or appointed official, a part-time employee, an hourly employee, a temporary employee, an employee who is not covered by the Position Classification Act of 1961, and a combination of the preceding. The term excludes an independent contractor and the employee of an independent contractor.

(15) State employee organization—An association, union, or other organization that advocates the interests of state employees concerning grievances, compensation, hours of work, or other conditions or benefits of employment.

(16) Workday—A calendar day other than Saturday, Sunday, or a holiday.

(b) Deductions.

(1) Authorization of deductions.

(A) A state employee may authorize one or more monthly deductions from the employee's salary or wages to pay membership fees to eligible organizations.

(B) No state agency or state employee organization may state or imply that a state employee is required to authorize a deduction under this section.

(C) A state employee may provide an authorization only if the employee:

(i) properly completes an authorization form; and

(ii) submits the form to the eligible organization to which the membership fees will be paid.

(D) Neither the comptroller nor a state agency is liable or responsible for any damages or other consequences resulting from a state employee authorizing an incorrect amount of a deduction authorized by this section.

(2) Manual change in the amount of a deduction.

(A) At any time, a state employee may authorize a change in the amount to be deducted under this section from the employee's salary or wages.

(B) A state employee may authorize a change in the amount of a deduction under this section only if the employee:

(i) properly completes an authorization form; and

(ii) submits the form to the affected eligible organization.

(C) Neither the comptroller nor a state agency is liable or responsible for any damages or other consequences resulting from a state employee changing the amount of a deduction authorized by this section.

(3) Automatic change in the amount of a deduction.

(A) A state employee may authorize the employee's employer to change the amount of a deduction under this section from the employee's salary or wages without the employee first submitting an authorization form for the change.

(B) A state employee may provide an authorization under subparagraph (A) of this paragraph only for a change that is needed because an eligible organization has changed the amount of membership fees it charges to state employees. An employee may not provide the authorization for a change that is needed because the employee's salary or wages have increased or decreased.

(C) Even if a state employee provides the authorization under subparagraph (A) of this paragraph, the employee's employer may require the employee to submit a properly completed authorization form to the employer before the employer changes the amount of a deduction under this section from the employee's salary or wages.

(D) A state employee may provide the authorization under subparagraph (A) of this paragraph only if the employee:

- (i) properly completes an authorization form that enables state employees to provide the authorization; and
- (ii) submits the form to the affected eligible organization.

(E) When an eligible organization wants to change the amount of membership fees it charges to state employees, the organization must provide prior written notification of the change to the comptroller. If the comptroller receives the notification on the first calendar day of a month, then the change is effective for the salary or wages paid to state employees on the first workday of the second month following the month in which the comptroller receives the notification. If the comptroller receives the notification after the first calendar day of a month, then the change is effective for the wages and salaries paid to state employees on the first workday of the third month following the month in which the comptroller received the notification.

(4) Sufficiency of salary or wages to support a deduction.

(A) A state employee is solely responsible for ensuring that the em-

ployee's salary or wages are sufficient to support a deduction authorized by this section.

(B) If a state employee's salary or wages are sufficient to support only part of a deduction authorized by this section, then no part of the deduction may be made.

(C) The amount that could not be deducted from a state employee's salary or wages because they were insufficient to support the deduction may not be made up by deducting the amount from subsequent payments of salary or wages to the employee.

(5) Timing of deductions.

(A) Except as provided in subparagraph (B) of this paragraph, a deduction authorized by this section must be made from the salary or wages that are paid on the first working day of a month.

(B) If a state employee does not receive a payment of salary or wages on the first working day of a month, then the employer of the employee may designate the payment of salary or wages to the employee from which a deduction authorized by this section will be made. A deduction authorized by this section may be made only once each month.

(6) Regularity of deductions.

(A) This subparagraph applies to a state employee who is scheduled by the employee's employer to work each month of a year. A deduction authorized by this section must be calculated so that the total membership fee paid by a state employee per year is spread evenly over 12 monthly deductions.

(B) This subparagraph applies to a state employee who is not scheduled by the employee's employer to work each month of a year.

(i) If a state employee has entered into a salary or wage leveling agreement, then a deduction authorized by this section must be calculated so that the total membership fee paid by the employee per year is spread evenly over the months the employee will be paid under the agreement.

(ii) If a state employee has not entered into a salary or wage leveling agreement, then a deduction authorized by this section must be calculated so that the total membership fee paid by the employee per year is spread evenly over the months the employee will be paid.

(C) The eligible organization to which a state employee authorizes a deduction under this section is responsible for calculating the deduction amount in accordance with this paragraph. The eligible organization is also responsible for instructing the state employee about how to enter the correct deduction amount on the authorization form.

(7) Retroactive deductions.

(A) In this paragraph, "retroactive deduction" means a deduction authorized by this section to the extent the purpose of the deduction is:

(i) to correct an error made in a previous month that resulted in the amount of money deducted being less than the amount authorized by a state employee; or

(ii) to catch-up on the amount of membership fees owed by a state employee to an eligible organization because a deduction authorized by this section was not made in one or more previous months.

(B) A retroactive deduction is prohibited unless:

(i) an error described in subparagraph (A)(i) of this paragraph was committed by the employer of the employee; and

(ii) the eligible organization that received the erroneous deduction consents to the retroactive deduction.

(8) Cancellation of deductions.

(A) A state employee may cancel at any time a deduction authorized by this section.

(B) A state employee may cancel a deduction authorized by this section to an eligible organization only if the employee:

(i) properly completes a cancellation form and submits the form to the organization or the employee's employer; or

(ii) provides other written notice of the cancellation to the organization or the employee's employer.

(C) If a state employee submits a cancellation form or other written notice of cancellation to the employee's employer, then the agency must include a copy of the form or notice with the next detail report that the agency sends to the affected eligible organization.

(D) Neither the comptroller nor a state agency is liable or responsible for any damages or other consequences resulting from a state employee cancelling a deduction authorized by this section.

(9) Interagency transfers of state employees. A state employee who transfers from one state agency to a second state agency must be treated by the second state agency as if the employee has not yet authorized any deductions under this section.

(c) Effectiveness of authorization forms.

(1) Effective date of authorization forms

(A) This subparagraph applies if a state agency receives a state employee's properly completed authorization form on the first calendar day of a month.

(i) The first deduction authorized by this section must be made from the employee's salary or wages that are paid on the first workday of the first month following the month in which the agency receives the form

(ii) If an authorization form is submitted to change the amount of a deduction authorized by this section, then the change is effective with the deduction made on the first workday of the first month following the month in which the agency receives the form.

(B) This subparagraph applies if a state agency receives a state employee's properly completed authorization form after the first calendar day of a month.

(i) The first deduction authorized by this section must be made from the employee's salary or wages that are paid on the first workday of the second month following the month in which the agency receives the form. However, the agency may consent for the first deduction to occur from the salary or wages that are paid on the first workday of the first month following the month in which the agency receives the form.

(ii) If an authorization form is submitted to change the amount of a deduction authorized by this section, then the change is effective with the deduction made on the first workday of the second month following the month in which the agency receives the form. However, the agency may consent for the change to be effective with the deduction made on the first workday of the first month following the month in which the agency receives the form.

(C) If the first calendar day of a month is not a workday, then the first workday following the first calendar day is the deadline for the receipt of properly completed authorization forms.

(D) A state agency may not give any effect to an authorization form that the agency receives during December 1992 or during December of a later year.

(E) Eligible organizations are solely responsible for ensuring that properly completed authorization forms are received by the deadline.

(2) Return of authorization forms.

(A) A state agency shall return an authorization form to the eligible organization that submitted the form if the agency received the form during December 1992 or during December of a later year.

(B) A state agency shall return an authorization form to the eligible organization that submitted the form if:

(i) the form is incomplete, contains erroneous data, or is otherwise insufficient; and

(ii) a deficiency listed in clause (i) of this subparagraph makes it impossible for the agency to establish the deduction in accordance with the form.

(C) A state agency shall return an authorization form to the eligible organization that submitted the form if the form is for an individual who is not employed by the agency.

(D) A state agency may either accept an authorization form from or return an authorization form to the eligible organization that submitted the form when the form postpones the first deduction authorized by this section beyond the effective date determined under paragraph (1) of this subsection. If the agency accepts the authorization form, then the agency may not make the deduction effective before the effective date specified on the form.

(E) A state agency shall state in writing the reason for the return of an authorization form. The statement must be attached to the form being returned.

(3) Copies of authorization forms. An eligible organization is solely responsible for making a copy of each authorization form before the organization submits the form to the appropriate state agency.

(d) Effectiveness of cancellation forms and cancellation notices.

(1) Effective date of cancellation forms and cancellation notices.

(A) This subparagraph applies if a state agency receives a state employee's properly completed cancellation form or cancellation notice on the first calendar day of a month. A state employee's cancellation of a deduction authorized by this section is effective for the salary or wages paid to the employee on the first workday of the first month following the month in which the agency receives the cancellation form or cancellation notice.

(B) This subparagraph applies if a state agency receives a state employee's properly completed cancellation form or cancellation notice after the 1st calendar day of a month. A state employee's cancellation of a deduction authorized by this section is effective:

(i) for the salary or wages paid to the employee on the first workday of the second month following the month in which the agency receives the cancellation form or cancellation notice; or

(ii) for the salary or wages paid to the employee on the first workday of the first month following the month in which the agency receives the cancellation form or cancellation notice if the agency consents to this effective date.

(C) If the 1st calendar day of a month is not a workday, then the first workday following the 1st calendar day is the deadline for the receipt of properly completed cancellation forms or cancellation notices.

(D) State employees and eligible organizations are responsible for ensuring that properly completed cancellation forms and cancellation notices are received by the deadline.

(2) Return of cancellation forms and cancellation notices.

(A) A state agency shall return a cancellation form or cancellation notice to the state employee or the eligible organization that submitted the form or notice if:

(i) the form or notice is incomplete, contains erroneous data, or is otherwise insufficient; and

(ii) a deficiency listed in clause (i) of this subparagraph makes it impossible for the agency to cancel the deduction in accordance with the form or

notice.

(B) A state agency shall return a cancellation form or cancellation notice to the state employee or the eligible organization that submitted the form or notice if the form or notice is for an individual who is not employed by the agency.

(C) If a state agency returns a cancellation form or cancellation notice to an eligible organization, then the agency must promptly mail or deliver a copy of the returned form or notice to the state employee who completed it.

(D) A state agency shall state in writing the reason for the return of a cancellation form. The statement must be attached to the form being returned.

(3) Copies of cancellation forms and cancellation notices. A state employee or eligible organization is responsible for making a copy of the employee's cancellation form or cancellation notice before the employee or organization submits the form to the employee's employer.

(e) Authorization and cancellation forms.

(1) The comptroller's approval of authorization and cancellation forms.

(A) An eligible organization may not distribute or provide an authorization or cancellation form to a state employee until the organization has received the comptroller's written approval of the form.

(B) As a condition for retaining its eligibility, an eligible organization must produce an authorization form and a cancellation form that comply with the comptroller's requirements and this section. The organization must produce the forms within a reasonable time after the organization receives its certification from the comptroller.

(C) The comptroller may not approve the authorization or cancellation form of an eligible organization unless:

(i) the form is at least 8 1/2 inches wide;

(ii) the form is at least 11 inches long; and

(iii) the cancellation form clearly informs state employees that they are not required to state a reason for a cancellation; and

(iv) the form complies with the comptroller's requirements for for-

mat and substance.

(D) An eligible organization must revise an authorization or cancellation form upon request from the comptroller. The organization may not distribute or otherwise make available to state employees a revised form until the organization has received the comptroller's written approval of the form.

(2) Distribution of authorization or cancellation forms.

(A) An eligible organization must provide an authorization or cancellation form to a state employee or state agency promptly after receiving:

(i) an oral or written request for the form from the employee or agency; or

(ii) an oral or written request to provide the form to the employee from the comptroller or the employee's employer.

(B) A state agency may maintain a supply of cancellation forms and distribute the forms to its state employees upon request. An eligible organization shall promptly provide the forms to the agency upon request.

(f) Procedural requirements for certifying state employee organizations.

(1) Request for certification.

(A) The comptroller may not certify a state employee organization unless the comptroller receives a written request for certification from an individual who is authorized by the organization to make the request.

(B) The comptroller may not certify a state employee organization if the comptroller receives the organization's request for certification after June 3rd of a fiscal year.

(2) Requirements for requests for certification. The comptroller may not certify a state employee organization unless the organization's request for certification includes:

(A) the organization's complete name;

(B) the street address of the headquarters of the organization;

(C) the mailing address of the headquarters of the organization, if different from the street address;

(D) the full name, title, telephone number, and mailing address of the organization's primary contact;

(E) a specific request for certification as an eligible organization;

(F) a specific agreement to pay the administrative fees charged by the comptroller under this section;

(G) a specific acceptance of the requirements of this section as they exist at the time the request is made or as adopted or amended thereafter;

(H) the payee identification number of the organization; and

(I) the other information that the comptroller deems necessary.

(g) Substantive requirements for certifying state employee organizations.

(1) Membership.

(A) The comptroller may not certify a state employee organization unless it submits persuasive evidence to the comptroller that the organization had a membership of at least 4,000 state employees throughout the 18 months preceding the month in which the comptroller receives the organization's request for certification.

(B) An example of the evidence that the comptroller may review is a membership roster containing the name of each state employee who is a member of the organization, the date each employee joined the organization, and the date through which each employee's membership fees are paid.

(2) Statewide activities. The comptroller may not certify a state employee organization unless it demonstrates to the comptroller that the organization conducts activities on a statewide basis. A state employee organization may satisfy this requirement by submitting any relevant evidence, including newsletters, news articles, correspondence, and membership rosters containing the names and addresses of the organization's members.

(3) Membership fee structure.

(A) The comptroller may not certify a state employee organization unless it proves to the comptroller that the organization had a membership fee structure for state employees throughout the 18 months preceding the month in which the comp-

troller receives the organization's request for certification. A state employee organization may satisfy this requirement by submitting relevant evidence, including dated enrollment forms from state employees, documentation about the fees structure, and financial records.

(B) The comptroller may not certify a state employee organization unless it demonstrates to the comptroller that the membership fees collected from state employees will be equal to an average of at least one-half of the membership fees received by the organization nationwide. A state employee organization may satisfy this requirement by submitting financial records that compare the membership fees to be received from state employees with the membership fees received from other individuals throughout the nation.

(4) Electronic funds transfers. The comptroller may not certify a state employee organization unless:

(A) the organization has submitted a request to be paid through electronic funds transfers under rules adopted by the comptroller; and

(B) the comptroller has approved the request.

(5) Exception.

(A) The comptroller shall certify a state employee organization that demonstrates to the satisfaction of the comptroller that the organization had a membership of at least 4,000 state employees on April 1, 1991. The organization is not required to satisfy any of the other substantive requirements of this subsection except for paragraph (4) of this subsection.

(B) A state employee organization may demonstrate that the organization had a membership of at least 4,000 state employees on April 1, 1991, only by:

(i) submitting a membership roster containing the name of each state employee who was a member of the organization on April 1, 1991;

(ii) the date each employee joined the organization; and

(iii) the date through which each employee's membership fees were paid as of April 1, 1991.

(6) Notifications.

(A) The comptroller shall mail a notice to a state employee organization about the comptroller's approval or disapproval of the organization's request for

certification by no later than the 30th day after the comptroller receives the request if the request is complete in all respects.

(B) The comptroller shall notify each state agency of the comptroller's certification of a state employee organization by no later than the 30th day after the comptroller makes the certification.

(h) Effective date of certification.

(1) General effective date. Except as provided in paragraph (2) of this subsection, the first deduction to pay a membership fee to an eligible organization may be made from salary or wages paid on the first workday of the second month following the month in which the comptroller certifies the organization.

(2) Exception. The first deduction to pay a membership fee to an eligible organization may be made from the salary or wages paid on February 3, 1992, if the comptroller certifies the organization during January 1992.

(i) Payments of deducted membership fees.

(1) Payments by the comptroller through electronic funds transfers. The comptroller shall pay deducted membership fees to an eligible organization by electronic funds transfer unless it is infeasible to do so.

(2) Payments through warrants issued by the comptroller.

(A) This paragraph applies only if it is infeasible for the comptroller to pay deducted membership fees to an eligible organization by electronic funds transfer.

(B) The comptroller shall pay deducted membership fees by warrant.

(C) The comptroller must issue one warrant for each combination of state agency, eligible organization, and payroll voucher submitted by the agency if the agency has at least one state employee from whose salary or wages a deduction is made under this section. The comptroller must make the warrant payable to the organization.

(D) The comptroller must make each warrant available for pick-up by the state agency whose employees' membership fees are being paid by the warrant. The agency must mail or deliver the warrant to the payee of the warrant by no later than the 10th calendar day of the month. If the 10th calendar day of a month is not a workday, then the first workday following

the 10th calendar day is the deadline for the mailing or delivery of warrants.

(3) Payments by institutions of higher education.

(A) This paragraph applies only to membership fees in eligible organizations that have been deducted from salaries or wages that the comptroller does not pay directly to state employees of institutions of higher education.

(B) An institution of higher education shall pay deducted membership fees to an eligible organization by electronic funds transfer unless it is infeasible to do so.

(C) If it is infeasible for an institution of higher education to pay deducted membership fees to an eligible organization by electronic funds transfer, then the institution shall pay the fees by check. The check must be mailed or delivered to the organization by no later than the 20th calendar day of the month following the month when the salary or wages from which the deductions were made were earned. If the 20th calendar day of a month is not a workday, then the first workday following the 20th calendar day is the deadline for the mailing or delivery of checks.

(4) Payment reconciliation and discrepancies.

(A) An eligible organization shall reconcile the detail report provided by a state agency under subsection (p) of this section with the amount of membership fees paid to the organization under the subsection.

(B) An eligible organization must report all discrepancies between the detail report provided by a state agency under subsection (p) of this section and the actual amount of membership fees received under this subsection. The organization must ensure that the agency receives the organization's report of the discrepancies by no later than the 60th calendar day after the day on which the agency mailed the detail report to the organization. If the 60th calendar day is not a workday, then the first workday following the 60th calendar day is the deadline.

(C) A state agency that receives a report of discrepancies from an eligible organization shall investigate the discrepancy and notify the organization of the action to be taken to eliminate the discrepancy. A discrepancy may be eliminated by:

(i) making a retroactive deduction if it is authorized by subsection (b)(7) of this section;

(ii) recovering an excessive payment to an eligible organization of amounts deducted under this section from a subsequent payment to the organization;

(iii) recovering an excessive payment to an eligible organization of amounts deducted under this section by obtaining a refund from the organization in accordance with subsection (o)(7) of this section; or

(iv) the agency making corrections to the detail report if the report is incorrect.

(5) Subordinate units of eligible organizations.

(A) A chapter or other subordinate unit of an eligible organization may receive directly from the comptroller or an institution of higher education a payment of deducted membership fees if:

(i) the fees were deducted under authorization forms that authorized the payment of the fees to the organization; and

(ii) the organization is credited on the accounting records of the State of Texas for the payment.

(B) A request to pay deducted membership fees to a chapter or subordinate unit instead of the parent eligible organization must be submitted to the comptroller by the organization.

(C) The comptroller may grant a request under subparagraph (B) of this paragraph only if the membership fee structure of the chapter or subordinate unit is the same as the membership fee structure of the parent eligible organization.

(D) The comptroller's granting of a request under subparagraph (B) of this paragraph is not a certification of the chapter or subordinate unit as an eligible organization.

(E) The comptroller may require an eligible organization to submit proof that an entity is a chapter or other subordinate unit of the organization before a payment of deducted membership fees is paid directly to the entity. The comptroller may periodically require the organization to submit proof that the entity is still a chapter or other subordinate unit of the organization as a condition for continuing to pay deducted membership fees directly to the entity.

(j) Charging administrative fees to cover start-up costs. The comptroller intends to adopt at a later date provisions relating to the administrative fees that will be charged to cover start-up costs.

(k) Charging administrative fees to cover costs incurred during fiscal year 1992. The comptroller intends to adopt at a later date provisions relating to the administrative fees that will be charged to cover costs incurred during fiscal year 1992.

(l) Charging administrative fees to cover costs incurred during fiscal year 1993. The comptroller intends to adopt at a later date provisions relating to the administrative fees that will be charged to cover costs incurred during fiscal year 1993.

(m) Charging administrative fees to cover costs incurred during fiscal year 1994 and subsequent fiscal years. The comptroller intends to adopt at a later date provisions relating to the administrative fees that will be charged to cover costs incurred during fiscal year 1994 and subsequent fiscal years.

(n) Solicitation. Nothing in this section prohibits the head of a state agency from permitting or prohibiting solicitation by eligible organizations on the premises of the agency.

(o) Responsibilities of eligible organizations.

(1) Disseminating information.

(A) An eligible organization is solely responsible for the dissemination of relevant information to its representatives and employees.

(B) An eligible organization must ensure that its representatives and employees comply with the requirements of this section.

(2) Notification to the comptroller. An eligible organization must notify the comptroller in writing immediately after a change occurs to:

(A) the organization's name;

(B) the street address of the headquarters of the organization;

(C) the mailing address of the headquarters of the organization, if different from the street address; or

(D) the full name, title, telephone number, or mailing address of the organization's primary contact;

(3) Primary contact. The individual that a state employee organization

designates as its primary contact must represent the organization for the purposes of:

(A) communicating with the comptroller, including receiving and responding to correspondence from the comptroller; and

(B) disseminating information, including information about the requirements of this section, to representatives of the organization.

(4) Payee identification number. The payee identification number of an eligible organization must appear on all correspondence from the organization to the comptroller or a state agency.

(5) Acceptance and submission of authorization forms.

(A) An eligible organization must accept an authorization form from a state employee if a refusal to accept the form would violate a law of the United States or the State of Texas.

(B) An eligible organization must make a reasonable effort to ensure that the appropriate state agency receives the original of a state employee's authorization form within a reasonable time after the organization receives the form. If an eligible organization receives an authorization form during the month of December, then the reasonable time deadline does not begin running until the first workday of the following January.

(6) Acceptance and submission of cancellation forms and cancellation notices.

(A) An eligible organization must accept a cancellation form or cancellation notice from a state employee unless:

(i) the employee is not a member of the organization; or

(ii) the employee did not properly complete the cancellation form.

(B) An eligible organization must make a reasonable effort to ensure that the appropriate state agency receives the original of a state employee's cancellation form or cancellation notice within a reasonable time after the organization receives the form or notice.

(7) Refunding excessive payments of amounts deducted under this section.

(A) An eligible organization shall refund a payment of amounts deducted

under this section to the extent the amount exceeds the amount that should have been paid to the organization if:

(i) the organization receives a written request for the refund from a state agency;

(ii) the agency provides reasonable evidence of the overpayment to the organization; and

(iii) no subsequent payments of amounts deducted under this section are anticipated to be made to the organization.

(B) If a refund is required by subparagraph (A) of this paragraph, the organization must ensure that the appropriate state agency receives the refund by no later than the 30th calendar day after the later of:

(i) the date on which the organization receives the agency's written request for the refund; and

(ii) the date on which the organization receives the agency's reasonable evidence of the overpayment.

(p) Responsibilities of state agencies.

(1) Reports of violations. A state agency may report to the comptroller a violation of this section that the agency believes an eligible organization or its representatives or employees might have committed. A report must be made in writing, and a copy of the report must be mailed to the organization at the same time that the original of the report is mailed to the comptroller.

(2) Authorization forms. A state agency:

(A) may accept authorization forms only if they comply with this section;

(B) must ensure that the identifying information for an eligible organization on an authorization form is the same as the identifying information on the notification document received from the comptroller under subsection (g)(6)(B) of this section; and

(C) may not accept an authorization form that contains an obvious alteration without the state employee's written consent to the alteration.

(3) Detail reports to eligible organizations.

(A) This subparagraph applies to the employer of one or more state employees from whose salary or wages de-

ductions authorized by this section are made. An employer must submit a detail report each month to each eligible organization that receives the deductions. The report must be submitted in the manner required by the organizations unless the employer is incapable of complying with the requirement.

(B) A detail report to an eligible organization for a month must include:

(i) the name, in alphabetical order, and social security number of each state employee from whose salary or wages a deduction was authorized by this section for the month, regardless of whether the deduction was actually made; and

(ii) the amount of the deduction made for each employee.

(C) This subparagraph applies when the comptroller or an institution of higher education pays membership fees to an eligible organization by warrant or check. The appropriate state agency must mail the detail report for the payment to the organization by no later than the 20th calendar day of the month in which the payment was made. If the 20th calendar day is not a workday, then the first workday following the 20th calendar day is the deadline for mailing the report.

(D) This subparagraph applies when the comptroller or an institution of higher education pays membership fees to an eligible organization by electronic funds transfer. The appropriate state agency must mail the detail report for the payment to the organization by no later than the 20th calendar day of the month in which the payment was made. If the 20th calendar day is not a workday, then the first workday following the 20th calendar day is the deadline for mailing the report.

(q) Termination of certification.

(1) Termination by the comptroller.

(A) The comptroller may terminate the certification of an eligible organization only if the organization violates:

(i) subsection (e) (1) of this section; or

(ii) subsection (j)(3)(B) of this section.

(B) The comptroller may determine the effective date of a termination under this paragraph. No deduction authorized by this section may be made to an eligible organization on or after the effec-

tive date of a termination under this paragraph.

(C) When the comptroller terminates the certification of an eligible organization, the comptroller shall send written notice of the termination to the organization via certified mail, return receipt requested.

(2) Termination by eligible organizations.

(A) An eligible organization may terminate its participation in the deduction program authorized by this section only by terminating its certification.

(B) An eligible organization may terminate its certification by providing written notice of termination to the comptroller. However, an organization may not provide written notice of termination to the comptroller until the organization has provided written notice of termination to each state employee from whose salary or wages a membership fee to the organization is being deducted.

(C) An eligible organization's termination of its certification is effective beginning with the salary or wages that are paid on the first workday of the third month following the month in which the comptroller receives the organization's proper notice of termination.

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 4, 1992.

TRD-9207713

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: June 26, 1992

Proposal publication date: December 17, 1992

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

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

**Part XIII. Texas
Commission on Fire
Protection**

**Chapter 461. General
Administration**

- 37 TAC §§461.1, 461.3, 461.5, 461.7, 461.9, 461.11, 461.13, 461.15, 461.17, 461.19, 461.21, 461.23, 461.25, 461.27

The Texas Commission on Fire Protection adopts the repeal of §§461.1, 461.3, 461.5, 461.7, 461.9, 461.11, 461.13, 461.15, 461.17, 461.19, 461.21, 461.23, 461.25, and 461.27, without changes as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1809).

The repealed sections consist of the rules of the Fire Department Emergency Board. Those sections are being revised and proposed as new sections by the Texas Commission on Fire Protection, pursuant to the transfer of the powers, duties, rights, and obligations of the Fire Department Emergency Board to the Texas Commission on Fire Protection by Senate Bill 383, the Government Code, §419.

The repeal of the sections will provide for the incorporation of new agency rules and the reorganization and revision of those repealed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Government Code, §§419.051-419.064, which provides the Texas Commission on Fire Protection with the authority to establish rules for the administration of the Fire Department Emergency Program.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207773 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 26, 1992

Proposal publication date: March 10, 1992

For further information, please call: (512) 873-1700

- 37 TAC §§461.1-461.4

The Texas Commission on Fire Protection adopts new §§461.1-461.4, concerning the administration of the Fire Department Emergency Program, without changes to the proposed text as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1809).

The new sections adopted are necessary to define the procedures for electing committee members, to outline the rules governing meetings and inspections, and to define terms used throughout the chapter concerning the Fire Department Emergency Program.

The new sections define the general administration of the Fire Department Emergency Program as it relates to committee members, meetings, and inspections.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Government Code, §§419.051-419.064, which provides the Texas Commission on Fire Protection with the authority to establish rules for the administration of the Fire Department Emergency Program.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207769 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 26, 1992

Proposal publication date: March 10, 1992

For further information, please call: (512) 873-1700

Chapter 463. Application Criteria

- 37 TAC §§463.1, 463.3, 463.5, 463.7, 463.9, 463.11, 463.13

The Texas Commission on Fire Protection adopts the repeal of §§463.1, 463.3, 463.5, 463.7, 463.9, 463.11, and 463.13, concerning the rules for the Fire Department Emergency Board, without changes as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1810).

The repealed sections consist of the rules of the Fire Department Emergency Board. Those sections are being revised and proposed as new sections by the Texas Commission on Fire Protection, pursuant to the transfer of the powers, duties, rights, and obligations of the Fire Department Emergency Board to the Texas Commission on Fire Protection by Senate Bill 383, the Government Code, §419.

The repeal of the sections will provide for the incorporation of new agency rules and the reorganization and revision of those repealed.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Government Code, §§419.051-419.064, which provides the Texas Commission on Fire Protection with the authority to establish rules for the administration of the Fire Department Emergency Program.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207768 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 26, 1992

Proposal publication date: March 10, 1992

For further information, please call: (512) 873-1700

- 37 TAC §§463.1-463.6

The Texas Commission on Fire Protection adopts new §§463.1-463.6, concerning the application process; limitation on loans, scholarships, and grants; application form; competitive needs criteria; criteria for eligibility for loans; contract information, without changes as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1810).

The new sections adopted are necessary to establish procedures for processing loan, grant, and scholarship applications and define the limitations on loans, grants, and scholarships under the Fire Department Emergency Program.

The new sections will define the prerequisites and provide applicants with procedures for applying for loans, scholarships, and grants under the Fire Department Emergency Program.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Government Code, §§419.051-419.064, which provides the Texas Commission on Fire Protection with the authority to establish rules for the administration of the Fire Department Emergency Program.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207775 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 26, 1992

Proposal publication date: March 10, 1992

For further information, please call: (512) 873-1700

Chapter 465. Equipment, Facilities, and Training Standards

- 37 TAC §§465.1-465.3

The Texas Commission on Fire Protection adopts new §§465.1-465.3, concerning equipment, facilities, and training standards, without changes to the proposed text as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1813).

The new sections adopted are necessary to define standards for the purchase or funding of equipment, facilities, and education and training programs under the Fire Department Emergency Program.

The new sections will provide recipients of funds under the Fire Department Emergency Program with guidelines for approved purchases or funding of equipment, facilities, and education and training programs.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Government Code, §§419.051-419.064, which provides the Texas Commission on Fire Protection with the authority to establish rules for the administration of the Fire Department Emergency Program.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207776 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 26, 1992

Proposal publication date: March 10, 1992

For further information, please call: (512) 873-1700



Chapter 501. Flammable Liquids

• 37 TAC §§501.1-501.5, 501.7

The Texas Commission on Fire Protection adopts amendments to §§501.1-501.5, and 501.7, concerning flammable liquids, without changes to the proposed text as published in the March 10, 1992, issue of the *Texas Register* (17 TexReg 1813).

The amendments adopted are necessary to define standards for the safe storage, handling, and use of flammable liquids at retail service stations and to implement the transfer of the administration and regulation of flammable liquids from the State Board of Insurance to the Texas Commission on Fire Protection through the state fire marshal, pursuant to the Health and Safety Code, Chapter 753.

The amendments will provide guidelines for individuals in the business of storage, handling, dispensing, and use of flammable liquids at retail service stations.

No comments were received regarding adoption of the new sections.

The amendments are adopted under the Health and Safety Code, Chapter 753, §753.003, which provides the Texas Commission on Fire Protection with the authority to adopt rules for the safe storage, handling, and use of flammable liquids at retail service stations.

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 5, 1992.

TRD-9207774 Jack Woods
General Counsel
Texas Commission on Fire
Protection

Effective date: June 26, 1992

Proposal publication date: March 10, 1992

For further information, please call: (512) 873-1700



Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.)

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 333 Guadalupe, Austin.)

The State Board of Insurance of the Texas Department of Insurance, at a board meeting on May 6, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, considered a proposal filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance. The staff proposed an amendment to the Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance pertaining to a new workers' compensation classification for retail drug stores and pharmacies. The amendment was proposed in a petition (Reference Number W-0392-15-1), filed by the staff on March 25, 1992. On May 6, 1992, the State Board of Insurance adopted the amendment with changes to the proposed published text.

The new workers' compensation classification for retail drug stores and pharmacies is available to retail drug stores and pharmacies in which the sale of prescription medicine develops over 50% of the total sales of the store. In addition, the new classification in-

cludes the drivers that may also be employees of the drug store or pharmacy.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 5, 1992.

TRD-9207749 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: June 27, 1992

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



The State Board of Insurance of the Texas Department of Insurance, at a Board meeting on May 6, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, considered a proposal filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance. The staff proposed an amendment to the Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers' Liability Insurance pertaining to amending Code 8837-Charitable and Religious Organizations to an "a" rated classification. The amendment was proposed in petition (Reference Number W-0392-14-1), filed by the staff on March 25, 1992. On May 6, 1992, the State Board of Insurance adopted the amendment as proposed.

This notification is made pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

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 5, 1992.

TRD-9207750 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: June 27, 1992

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





Name: Jennifer Whitaker

Grade: 12

School: Plano Senior High School, Plano 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, 10 a.m. The Texas Board on Aging's Health 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 May 13, 1992 minutes; consider T4A recommendation on approach for statewide case management; report on and recommendation to Texas Department on Aging Board on House Resolution 90; review and possible action on results on survey on health resources in rural areas; further discussion and possible action on positions related to health care reform; and adjourn.

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

Filed: June 5, 1992, 4:24 p.m.

TRD-9207787

Wednesday, July 8, 1992, 2 p.m. The Texas Board on Aging's Planning Committee of the Texas Department on Aging will meet at the Texas Department on Aging, 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; review of draft state plan; review of Third Quarter Report to Legislative Budget Board; and adjourn.

Contact: Aliceanne Wallace, Route 2, Box 2585, Belton, Texas 76513, (817) 939-8178.

Filed: June 5, 1992, 4:26 p.m.

TRD-9207788

Texas Department of Agriculture

Wednesday, June 17, 1992, 2 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Ninth Floor Conference Room, Austin. According to the complete agenda, the department will hold a public hearing to consider petition filed with the Commissioner of Agriculture by Texas Sheep and Goat Raisers' Association of San Angelo, under the Texas Commodity Referendum Law, Chapter 41, Texas Agriculture Code, requesting certification to conduct a referendum for the purpose of establishing a commodity producers board for collection of an assessment on sheep and goats.

Contact: Bob D. Tarrant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7586.

Filed: June 8, 1992, 4:21 p.m.

TRD-9207880

Thursday, June 18, 1992, 10 a.m. The State Seed and Plant Board of the Texas Department of Agriculture will meet at the Texas A&M Research Center, 10 Miles West of Beaumont on U.S. 90, Beaumont. According to the agenda summary, the board will consider minutes; review applications for license as certified seed growers; consider requests for certification eligibility of new varieties under the Texas Certification Program; and discuss other business requiring board action.

Contact: Dolores Alvarado Hibbs, P.O. Box 629, Giddings, Texas 78945, (409) 542-3691.

Filed: June 4, 1992, 10:34 a.m.

TRD-9207649

Wednesday, July 8, 1992, 9 a.m. (Rescheduled from June 2, 1992). The Office of Hearings Examiner of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, Stephen F. Austin Building, 1700 North Congress Avenue, Room 928B, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated §76.116(a)(1) and §76.116(a)(6) (Vernon Supplement 1992) and 4 TAC §7.22(a)(1) by Kenneth Lauderdale doing business as Lauderdale Aerial Service.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: June 5, 1992, 2:14 p.m.

TRD-9207762

Texas Commission on Alcohol and Drug Abuse

Thursday, June 25, 1992, 2 p.m. The Grant and Contract Review Committee of the Texas Commission on Alcohol and Drug Abuse will meet at the Perry Brooks Building, 720 Brazos Street, Eighth Floor Conference Room, Austin. According to the complete agenda, the committee will deliberate and determine final funding decisions on eligible applications received through the Comprehensive Alcohol and Drug Abuse Services Request for Proposals.

Contact: Reta Alexander, 720 Brazos Street, Suite 403, Austin, Texas 78701, (512) 867-8700.

Filed: June 5, 1992, 1:15 p.m.

TRD-9207742

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Texas Commission for the Blind

Thursday, June 18, 1992, 10 a.m. The Houston District Office of the Texas Commission for the Blind will meet at 5601 South Braeswood, Jewish Community Center, Houston. According to the complete agenda, the District Office will hold a forum to receive public input, comments, and suggestions about agency programs and services. Also, this meeting is to provide consumers with the opportunity to comment on the State Plans for Vocational Rehabilitation Services and Independent Living Rehabilitation Services in Texas. Persons unable to attend may send comments to the Public Information Office, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756. Due to the possibility of last minute changes, please call to confirm meeting date at 1-800-252-5204. Persons with disabilities who have special communication or other needs who are planning to attend the forum should contact the commission's Houston District Office, (713) 880-0721. (Requests should be made as far in advance as possible).

Contact: Cecilia Berrios, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756, (512) 459-2611.

Filed: June 8, 1992, 1:59 p.m.

TRD-9207853

Saturday, June 20, 1992, 9 a.m. The San Antonio District Office of the Texas Commission for the Blind will meet at 911 North Main Street, Luby's Cafeteria, Conference Room, San Antonio. According to the complete agenda, the District Office will hold a forum to receive public input, comments, and suggestions about agency programs and services. Also, this meeting is to provide consumers with the opportunity to comment on the State Plans for Vocational Rehabilitation Services and Independent Living Rehabilitation Services in Texas. Persons unable to attend may send comments to the Public Information Office, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756. Due to the possibility of last minute changes, please call to confirm meeting date at 1-800-252-5204. Persons with disabilities who have special communication or other needs who are planning to attend the forum should contact the commission's San Antonio District Office, (512) 223-3831. (Requests should be made as far in advance as possible).

Contact: Cecilia Berrios, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756, (512) 459-2611.

Filed: June 8, 1992, 1:59 p.m.

TRD-9207854

Tuesday, June 23, 1992, 10 a.m. The Dallas District Office of the Texas Commission for the Blind will meet at 1950 Stemmons Freeway, InfoMart, Dallas. According to the complete agenda, the District Office will hold a forum to receive public input, comments, and suggestions about agency programs and services. Also, this meeting is to provide consumers with the opportunity to comment on the State Plans for Vocational Rehabilitation Services and Independent Living Rehabilitation Services in Texas. Persons unable to attend may send comments to the Public Information Office, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756. Due to the possibility of last minute changes, please call to confirm meeting date at 1-800-252-5204. Persons with disabilities who have special communication or other needs who are planning to attend the forum should contact the commission's Dallas District Office, (214) 350-0500. (Requests should be made as far in advance as possible).

Contact: Cecilia Berrios, 4800 North Lamar Boulevard, Suite 320, Austin, Texas 78756, (512) 459-2611.

Filed: June 8, 1992, 1:59 p.m.

TRD-9207855

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Texas Bond Review Board

Tuesday, June 9, 1992, 10 a.m. The Staff Planning Committee of the Texas Bond Review Board held an emergency meeting at the Clements Building, 300 West 15th Street, Room 102, Austin. According to the agenda summary, the staff discussed proposed issues: General Services Commission-lease purchase of office building for Texas Rehabilitation Commission. The emergency status was necessary to allow timely consideration of application for lease purchase of office building.

Contact: Tom K. Pollard, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: June 4, 1992, 2:50 p.m.

TRD-9207679

Tuesday, June 9, 1992, 10 a.m. The Staff of the Texas Bond Review Board met at the Clements Building, 300 West 15th Street, Room 102, Austin. According to the emergency revised agenda summary, the staff discussed the University of Texas-Health Sciences Center at San Antonio lease-purchase of upgrade to central computing facility. The emergency status was necessary to allow timely consideration of lease purchase application for acquisition during FY 92.

Contact: Tom K. Pollard, 300 West 15th Street, Suite 409, Austin, Texas 78701,

(512) 463-1741.

Filed: June 8, 1992, 2:35 p.m.

TRD-9207856

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Texas State Board of Examiners of Professional Counselors

Thursday, June 11, 1992, 1 p.m. The Complaints Committee of the Texas State Board of Examiners of Professional Counselors held an emergency meeting at the Exchange Building, 8407 Wall Street, Room S-400, Austin. According to the complete agenda, the committee discussed and possibly acted on agreed orders of P.U.U., A.E.T., and N.S.M.; order concerning license of R. D.M.; other orders; lawsuit involving Gerald Caldwell; and report on complaints, investigations and pending hearing(s). The emergency status was necessary due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:19 p.m.

TRD-9207703

Thursday, June 11, 1992, 4:30 p.m. The Executive Secretary Interview Committee of the Texas State Board of Examiners of Professional Counselors held an emergency meeting at the Exchange Building, 8407 Wall Street, Room S-400, Austin. According to the complete agenda, the committee interviewed applicants for executive secretary position; and considered action concerning applicants for executive secretary position. The emergency status was due to unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:18 p.m.

TRD-9207697

Friday, June 12, 1992, 8 a.m. The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will consider action regarding applications; and hear report on status of renewals.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:19 p.m.

TRD-9207702

Friday, June 12, 1992, 10 a.m. The Rules and Specialities Committee of the Texas

State Board of Examiners of Professional Counselors will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will discuss and possibly act on: concerns submitted by licensed professional counselors regarding current board rules; and revision of board rules.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:19 p.m.

TRD-9207770

Friday, June 12, 1992, 11 a.m. The Testing and Continuing Education Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will consider and possibly act on: report by ad hoc examination committee; report on breakdown of candidate performance on March 24, 1992 examination; and set 1993 exam dates.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:19 p.m.

TRD-9207700

Friday, June 12, 1992, 1 p.m. The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will discuss and possibly act on: financial report through April 30, 1992; discuss 1993 budget; 1994/1995 budget; current budget; and approval of funds for CLEAR conference.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:18 p.m.

TRD-9207698

Friday, June 12, 1992, 1:30 p.m. The Public and Professional Relations Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee will discuss and possibly act on information and articles for the next Examiner.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628.

Filed: June 4, 1992, 4:18 p.m.

TRD-9207699

Friday-Saturday, June 12-13, 1992, 2:30 p.m. The Texas State Board of Examiners of Professional Counselors will meet on Friday at 1100 West 49th Street, Room G-107, and on Saturday at 8407 Wall Street, Room S-400, Austin. According to the agenda summary, the board will hear announcements; discuss approval of minutes of previous meetings; discuss executive secretary interview committee report; committee reports (personnel and administration; fees and budget; rules and specialties; applications, licensing and renewals; testing and continuing education; complaints; and public and professional relations); update by legal counsel on Attorney General's opinion, lawsuit involving Texas Psychological Association, and ethics relating to board members; hear persons who wish to appear before the board; and hear announcements and comments.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628

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

TRD-9207704

Texas State Board of Dental Examiners

Thursday, June 11, 1992, 8:15 a.m. The Texas State Board of Dental Examiners held an emergency meeting at the Baylor College of Dentistry, Dallas. According to the complete agenda, the board called the meeting to order; took roll call; reviewed appearances before the board; discussed settlement orders; presentation of patients at makeup boards; and board travel policy (Dr. Whiteside). The emergency status was necessary as information had just been received in the board office and needed to be presented to the full board for their review and consideration at this meeting.

Contact: C. Thomas Camp, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

Filed: June 4, 1992, 1:14 p.m.

TRD-9207661

Saturday, June 13, 1992, 5 p.m. The Texas State Board of Dental Examiners will meet at the Baylor College of Dentistry, Dallas. According to the complete agenda, the board will call the meeting to order; take roll call; confirm examination results; hold board election; and adjourn.

Contact: C. Thomas Camp, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

Filed: June 4, 1992, 1:13 p.m.

TRD-9207660

Interagency Council on Early Childhood Intervention

Monday, June 15, 1992, 10 a.m. The Advisory Committee of the Interagency Council on Early Childhood Intervention will hold an emergency meeting at Advocacy, Inc., 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the committee will introduce members and ex officio members; discuss approval of March 1992 meeting minutes; discuss and act on: appointments and terms of office; parent nominee; budget update; fiscal year 1993 calendar; strategic plan; chairperson for fiscal year 1993; executive committee report; executive director's report; entitlements; service models-geographic areas, targeting special populations, inclusion; service models-frequency, intensity, location, and method; and early identification-public awareness and childfind. The emergency status is necessary due to unforeseeable circumstances.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. 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 8, 1992, 4:06 p.m.

TRD-9207871

Tuesday, June 16, 1992, 8 a.m. The Advisory Committee on Interagency Council on Early Childhood Intervention will meet at Advocacy, Inc., 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the committee will discuss and act on comprehensive system of personnel development; and subcommittee report on services, public awareness, and research and evaluation.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. 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 8, 1992, 4:07 p.m.

TRD-9207872

Wednesday, June 17, 1992, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the council will hear public comments; discuss approval of minutes of May 5, 1992 meeting; discuss and act on: preselection of advisory committee report on status of membership and appointments and recommendation of parent nominees; emergency funding requests for fiscal year 1992; continuation funding for fiscal year 1993; and

funding plan for strategic plan and budget request for fiscal year 1994-1995; and request of waiver for maintenance of effort for United Medical Centers.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. 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 5, 1992, 9:50 a.m.

TRD-9207723

Advisory Commission on State Emergency Communications

Tuesday, June 23, 1992, 10 a.m. The Addressing Committee of the Advisory Commission on State Emergency Communications will meet at ACSEC Offices, 1101 Capital of Texas Highway South, B-100, Austin. According to the complete agenda, the committee will call the meeting to order and recognize guests; hear public comment; discuss and consider approval of addressing policy and procedures; and adjourn.

Contact: Velia Williams, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: June 8, 1992, 1:58 p.m.

TRD-9207849

Tuesday, June 23, 1992, 4:00 p.m. The Commissioners Retreat of the Advisory Commission on State Emergency Communications will meet at Lakeway Inn, 101 Lakeway Drive, Austin. According to the complete agenda, the commission will call the meeting to order; work session Between commissioners and staff on Commission Philosophy, Policies, Goals and Objectives, Mission of the Agency and adjourn.

Contact: Velia Williams, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78746, (512) 327-1911.

Filed: June 8, 1992, 1:58 p.m.

TRD-9207848

Wednesday, June 24, 1992, 8:30 a.m. The Commissioners Work Session on ACSEC's Five-Year Forecast of the Advisory Commission on State Emergency Communications will meet at Lakeway Inn, 101 Lakeway Drive, Austin. According to the agenda, the committee will call the meeting to order and recognize guests; hear public comment; review and discuss the Advisory Commission on State Emergency Communications' proposed Five-Year Forecast; and adjourn.

Contact: Velia Williams, 1101 Capital of Texas Highway South, B-100, Austin,

Texas 78746, (512) 327-1911.

Filed: June 8, 1992, 1:58 p.m.

TRD-9207850

Texas Employment Commission

Tuesday, June 16, 1992, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss Administaff, Inc. versus James Kaster et al.; actions, if any, resulting from executive session; internal procedures of commission appeals; consideration and action on higher level appeals in unemployment compensation cases listed on Commission Docket 25; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: June 8, 1992, 4:08 p.m.

TRD-9207874

State Board of Registration for Professional Engineers

Thursday, June 18, 1992, 10 a.m. The Ad Hoc Committee on Education Guidelines of the State Board of Registration for Professional Engineers will meet at the Hilton Hotel, Delta Room, 2401 East Lamar Boulevard, Arlington. According to the complete agenda, the meeting will be convened by Chairman Nemir; committee will take roll call; recognize and welcome visitors; consider educational requirements for registration under Section 12(a)(2).

Contact: Charles E. Nemir, P.E., 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: June 5, 1992, 9:18 a.m.

TRD-9207707

Statewide Health Coordinating Council

Tuesday, June 16, 1992, 12 p.m. The Ad Hoc Committee on Health Concerns of the Elderly of the Statewide Health Coordinating Council will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will discuss and possibly act on work group reports on: model projects/continuum of care, rural elderly problems, education of patients-rights and information and referral, case

management, licensing and quality of care work, and health insurance costs.

Contact: Robert Smith, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261. 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 8, 1992, 4:07 p.m.

TRD-9207873

Texas Department of Human Services

Wednesday, June 17, 1992, 8:30 a.m. The State Advisory Committee on Child Care Programs of the Texas Department of Human Services will meet at the Joe C. Thompson Center, 26th and Red River Streets, Austin. According to the complete agenda, the committee will discuss approval of minutes of April 3, 1992 meeting; committee action items on welfare reform initiative and review of the parent fee rule; staff reports/information items on update on child care and development block grant projects; self-arranged child care update; advisory committee summary form; designated vendor update and child care strategic plan; committee member reports/information items; and schedule next meeting.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: June 4, 1992, 3:56 p.m.

TRD-9207692

Wednesday, June 17, 1992, 10 a.m. The Services to Persons with Disabilities Subcommittee of the Texas Department of Human Services will meet at the Joe C. Thompson Center, 26th and Red River Streets, Austin. According to the complete agenda, the subcommittee will welcome guests and make introductions; role of the subcommittee; TDHS Strategic Plan and FY 94-95 Legislative Appropriations Request; subcommittee recommendations; draft annual report on Strategic Plan for Office on Services to Persons with Disabilities; drawing for terms; and schedule next meeting.

Contact: Anita Anderson, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3195.

Filed: June 4, 1992, 3:15 p.m.

TRD-9207684

Department of Information Resources

Thursday, June 18, 1992, 9 a.m. The Board of the Department of Information

Resources will meet at the Reagan Building, 105 West 15th Street, Room 106, Austin. According to the complete agenda, the board will call the meeting to order; take roll call and witness registration; adoption of board meeting minutes; hear executive director's report; discuss and propose: competitive cost review guidelines for publication in the *Texas Register*; security rules for publication in the *Texas Register*; geographic information system standards for publication in the *Texas Register*; discuss and adopt procedures for adoption of information resources standards and policies; update on the payroll system; discuss other business; hear public testimony; and adjourn.

Contact: John Hawkins, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 475-4714.

Filed: June 5, 1992, 4:36 p.m.

TRD-9207789

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Texas Department of Insurance

Monday, June 15, 1992, 10 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will consider and possibly act on final adoption of amendments to 28 TAC §§1.702-1.705 relating to summary procedures for routine matters in accordance with the Insurance Code, Article 1.33.

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

Filed: June 4, 1992, 11:57 a.m.

TRD-9207657

Monday, June 15, 1992, 10 a.m. (Revised agenda). The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will consider the adoption of the Texas Homeowners Policy; forms and endorsements; the Texas Farm and Ranch Owners Policy; forms and endorsements; Texas Dwelling Policy, forms and endorsements; pursuant to the Insurance Code, Article 5.34, that will become the minimum coverage that must be provided under a homeowners, farm and ranch owners, dwelling and farm and ranch policies; Texas Personal Lines Manual, pursuant to Article 5.25, Texas Insurance Code; and consider approval of a loss payable provisions endorsement filing by Maryland Casualty Company, Northern Insurance Company of New York, Assurance Company of American Valiant Insurance Company, Maryland

Insurance Company, and National Standard Insurance Company, pursuant to Article 5.53, Texas Insurance Code.

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

Filed: June 5, 1992, 4:07 p.m.

TRD-9207786

Monday, June 15, 1992, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will consider a report on and summary of results of special call for Texas private passenger automobile experience made by Department of Insurance pursuant to Board Order 59507 dated March 24, 1992; consider and possible approval of publication of proposed amendments to 28 TAC §5.401 by making subparts (a) and (b) of §5.401 permanent; consider possible surcharge on drivers who purchase private passenger automobile insurance who lack prior insurance at time of application; consider and possible adoption of a proposed form of special call for data as a continuation of the special call for Texas private passenger automobile experience referenced above to gather further data from January 20, 1992 through June 1, 1992 on the difference in risk of loss, if any, between drivers lacking prior insurance and those possessing prior insurance at the time of application for private passenger auto insurance, and in addition to monitor the effectiveness and compliance with 28 TAC §5.401.

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

Filed: June 4, 1992, 11:56 a.m.

TRD-9207655

Monday, June 15, 1992, 1:30 p.m. (Revised agenda). The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will consider and possibly adopt amendments to summary procedures of routine matters 28 TAC §§1.702-1.705.

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

Filed: June 4, 1992, 11:13 a.m.

TRD-9207727

Tuesday, June 16, 1992, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will consider acceptance of the report on Workers' Compensation closed claim analysis prepared by The Texas A&M Public Policy Resources Laboratory and

Goodwin, Wallace, Inc.; consider report on and summary of results from the special semi-annual and annual calls for Texas Workers' Compensation financial data; consider and possibly act on additional special calls for Workers' Compensation experience; consider the impact on Senate Bill 1 relating to the workers' compensation rate filings under Article 5.55, Texas Insurance Code.

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

Filed: June 8, 1992, 11:44 a.m.

TRD-9207836

Wednesday, June 17, 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 George Henry Huxel, of Woodlands, who holds a Group I, Legal Reserve Life Insurance Agent's license and Variable Contract Agent's license. Docket Number 11490.

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

Filed: June 8, 1992, 4:20 p.m.

TRD-9207878

Thursday, June 18, 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 John W. Moses of Austin, for a Resident Insurance Adjuster's license. Docket Number 11499.

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

Filed: June 8, 1992, 4:20 p.m.

TRD-9207877

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Lamar University System

Thursday, June 11, 1992, 9 a.m. The Committee of the Board of Regents of Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the agenda summary, the following committees met: building and grounds; academic affairs; finance and audit; policy manual review; personnel; and met in executive session, held under provisions of Vernon's Civil Statutes, Article 6252-17, Section 2, Paragraph 3, e, legal f; real estate g, and personnel.

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

Filed: June 5, 1992, 1:04 p.m.

TRD-9207741

Thursday, June 11, 1992, 1:30 p.m. The Board of Regents of Lamar University System met at the John Gray Institute, Map Room, 855 Florida Street, Beaumont. According to the agenda summary, the board called the meeting to order; discussed approval of minutes of April 9, 1992; heard chairman's comments-Chancellor's comments; considered recommendations of: building and grounds committee; academic affairs committee; finance and audit committee; policy manual committee; personnel committee; heard regents comments and suggestions; and adjourned.

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

Filed: June 8, 1992, 10:55 a.m.

TRD-9207825

Legislative Education Board

Tuesday, June 16, 1992, 11 a.m. (or upon Adjournment of Legislative Health and Human Services Board). Legislative Education Board will meet at One Capitol Square, Senate Meeting Room One, 300 West 15th Street, Austin. According to the complete agenda, the board will consider innovative grant awards; discuss Texas assessment of academic skills (TAAS) results with an update by Commissioner Meno; update on TEA reorganization; discuss approval of the April 7, 1992, minutes; and discuss other business.

Contact: Kelly Young, One Capitol Square, Room 413, Austin, Texas 78711, (512) 463-1146.

Filed: June 5, 1992, 3:29 p.m.

TRD-9207777

Legislature Health and Human Services Board

Tuesday, June 16, 1992, 10 a.m. The Legislative Health and Human Services Board will meet at the Senate Meeting Room 1, One Capitol Square, Austin. According to the agenda summary, the board will call the meeting to order; introduction and comments by the new Health and Human Services Commissioner; status of House Bill 7 implementation; action on early transfer of Child Care Licensing and Adult Protective Services from the Department of Human Services to the Department of Protective

and Regulatory Services; act on report on status of Nursing Home Work Group and recommendation regarding the structure of long-term care; and adjourn.

Contact: David Kinsey, P.O. Box 12068, Austin, Texas 78711, (512) 463-0010.

Filed: June 4, 1992, 11:55 a.m.

TRD-9207652

Tuesday, June 16, 1992, 10 a.m. (Revised agenda). The Legislative Health and Human Services Board will meet at the Senate Meeting Room One, One Capitol Square, Austin. According to the agenda summary, the board will discuss approval of minutes.

Contact: David Kinsey, 300 West 15th Street, Suite 200, Austin, Texas 78701, (512) 463-0010.

Filed: June 8, 1992, 4:29 p.m.

TRD-9207882

Texas Department of Licensing and Regulation

Monday, June 15, 1992, 10 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Carlos Morales for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 5, 1992, 9:33 a.m.

TRD-9207718

Tuesday, June 16, 1992, 9 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Southwest Texas Leasing Company for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 5, 1992, 9:33 a.m.

TRD-9207719

Thursday, June 18, 1992, 9 a.m. The Inspections and Investigations, Tow Trucks of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Patrick Griffin for violation of Vernon's Texas Civil Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 5, 1992, 9:34 a.m.

TRD-9207720

Texas State Board of Medical Examiners

Monday, June 15, 1992, 4 p.m. The Public Information Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will hear reports on AARP Convention, TMA Convention, TOMA Convention, and review new brochure. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 5, 1992, 5:05 p.m.

TRD-9207791

Monday, June 15, 1992, 4 p.m. The Executive Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will consider respondent's ability to practice medicine with reasonable skill and safety to public-Billy F. Kay, M.D.; and committee will also consider mental and physical evaluation performed by psychiatrist regarding Martin E. Baurer, M.D. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 5, 1992, 5:05 p.m.

TRD-9207792

Monday, June 15, 1992, 8:30 a.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda

summary, the committee will discuss approval of minutes from the April meeting; review April and May 1992 enforcement reports; discuss disciplinary guidelines; relative value scales; retail pharmacy laws; attendance of complainants at ISC; and request from Arizona Medical Board regarding Board Orders; and review files during executive session. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 5, 1992, 5:05 p.m.

TRD-9207793

Monday, June 15, 1992, 8:30 a.m. The Examination Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will review examination applicants. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 5, 1992, 5:06 p.m.

TRD-9207795

Monday, June 15, 1992, 8:30 a.m. The Reciprocity Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will review December, 1991 SPEX Examination statistics and review applicants to be considered for permanent licensure. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 5, 1992, 5:06 p.m.

TRD-9207794

Tuesday, June 16, 1992, 8:30 a.m. The Standing Orders Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will discuss proposed changes to physician assistant rules. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 8, 1992, 10:55 a.m.

TRD-92077821

Tuesday, June 16, 1992, 8:30 a.m. The Medical School Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will consider a request for approval of a fellowship training program, Santa Rosa Hospital, San Antonio. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 8, 1992, 10:55 a.m.

TRD-9207822

Tuesday, June 16, 1992, 9 a.m. The Finance Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will discuss financial statements and budget. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 8, 1992, 10:55 a.m.

TRD-9207824

Tuesday, June 16, 1992, 5:30 p.m. The Executive Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will consider respondent's ability to practice medicine with reasonable skill and safety to public-Bradly Bundrant, M.D. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 8, 1992, 10:55 a.m.

TRD-9207823

Monday-Wednesday, June 15-17, 1992, 11 a.m., 9:30 a.m. and 8:30 a.m., respectively. The Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the board will approve exam applicants; review FLEX exam; review JP exam; check-in exam candidates; hearings on rule changes and cancellations; probationary appearances; requests for termination or probation and requests for mod-

ification of probation; report on Caribbean medical schools; request for termination of suspension; proposal for decision; licensure hearing; approvals of agreed orders; discuss approval of minutes; discuss probationary panels; termination request orders; modification orders; application for reinstatement of license; executive director's report to include budget, licensure, computer, enforcement, rehab permit, and acupuncturists. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728.

Filed: June 5, 1992, 5:06 p.m.

TRD-9207796

Texas Optometry Board

Friday-Saturday, June 12-14, 1992, 9:30 a.m. (respectively). The Texas Optometry Board will meet at the Houston Hilton Plaza Hotel, 6633 Travis Street, Houston. According to the agenda summary, the committees will meet according to following schedule: Investigation-Enforcement Committee; Rules Committee and Continuing Education Committee, and all committees; regular board meeting to convene upon conclusion of committee meetings to include reports of secretary-treasurer, legal counsel, executive director, committee chairpersons; unfinished business to discuss strategic plan and therapeutic optometry questions; new business to consider duplicate license requests, committee appointments, Attorney General Opinion Request 304, and Sunset; executive session to be held in accordance with Section 2(e), Article 6252-17, Vernon's Annotated Civil Statutes, Open Meetings Act, to discuss contemplated or pending litigation with board attorney; board examination to be conducted on June 13-14, 1992 at the University of Houston, concluding with grading session and remainder of board meeting.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: June 4, 1992, 3:49 p.m.

TRD-9207690

Public Utility Commission of Texas

Monday, June 15, 1992, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a

prehearing conference in Docket Number 10094-application of Southwestern Bell Telephone Company to add tariff for telecommunications service priority system and Docket Number 10109-application of GTE Southwest, Inc. to revise tariff to add telecommunications service priority system.

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

Filed: June 4, 1992, 3:37 p.m.

TRD-9207688

Tuesday, June 16, 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 prehearing conference in Docket Number 11094-application of Southwestern Bell Telephone Company for approval of a Plexar-Custom customer-specific contract for American Airlines.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 8, 1992, 2:55 p.m.

TRD-9207859

Wednesday, June 17, 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 commission will hold a prehearing conference in Docket Number 11189-application of Southwestern Electric Cooperative, Inc. to revise tariff (reciprocal rate filing).

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 5, 1992, 3:08 p.m.

TRD-9207771

Thursday, July 16, 1992, 10 a.m. (Rescheduled from Monday, June 15, 1992, 10 a.m.). The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold hearings on the merits in Docket Number 10635-application of GTE Southwest Incorporated for approval of new service, ISDN-basic rate interface service.

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

Filed: June 4, 1992, 3:37 p.m.

TRD-9207689

Monday, July 20, 1992, 1:30 p.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 prehearing conference in Docket Number 11051-application of Karnes Electric Cooperative, Inc. for authority to change rates.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 8, 1992, 2:56 p.m.

TRD-9207860

Tuesday, July 21, 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 11051-application of Karnes Electric Cooperative, Inc. for authority to change rates.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 8, 1992, 2:56 p.m.

TRD-9207861

Friday, July 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 11092-application of Southwestern Bell Telephone Company to revise Section 41 of the general exchange tariff to include two rate elements to provide optional extended calling scope capability for exchange connection service.

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

Filed: June 4, 1992, 3:37 p.m.

TRD-9207687

Monday, 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 11145-application of Southwestern Bell Telephone Company for authority to maintain and locate certain records outside the State of Texas.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: June 8, 1992, 2:57 p.m.

TRD-9207862

Railroad Commission of Texas

Monday, June 15, 1992, 9:30 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room 12-126, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division Director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711, (512) 463-7257.

Filed: June 5, 1992, 11:16 a.m.

TRD-9207736

The commission will consider and/or decide various applications and other matters within the jurisdiction of the agency. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: June 5, 1992, 11:16 a.m.

TRD-9207737

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711, (512) 463-6710.

Filed: June 5, 1992, 11:16 a.m.

TRD-9207735

The commission will consider category determination under Sections 102(c)(1) (B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Box 12967, Austin, Texas 78711, (512) 463-6755.

Filed: June 5, 1992, 11:16 a.m.

TRD-9207734

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-7187.

Filed: June 5, 1992, 11:16 a.m.

TRD-9207733

The commission will consider and act on the the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. The commission will discuss a proposed training agreement for the Gas Utility Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation; and consideration of a contract for public information services.

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

Filed: June 5, 1992, 11:16 a.m.

TRD-9207732

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: June 5, 1992, 11:15 a.m.

TRD-9207731

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: June 5, 1992, 11:15 a.m.

TRD-9207730

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Marcelo Montemayor, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: June 5, 1992, 11:15 a.m.

TRD-9207729

The commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: June 5, 1992, 11:15 a.m.

TRD-9207728

Texas Real Estate Research Center

Friday, June 19, 1992, 9:30 a.m. The Advisory Committee of the Texas Real Estate Research Center will meet at the Ponderosa Room, Hyatt Regency Hotel, Houston. According to the complete agenda, the committee will make opening remarks; discuss approval of minutes; progress reports (administrative, communications, research); current budget report; set date of next meeting; discuss other business; and adjourn.

Contact: Gary Maler, Texas A&M University, College Station, Texas 77843-2115, (409) 834-9691.

Filed: June 4, 1992, 2:06 p.m.

TRD-9207667

Texas County and District Retirement System

Friday, June 26, 1992, 9 a.m. The Board of Trustees of the Texas County and District Retirement System will meet at the Four Seasons Hotel, 98 San Jacinto Street, Austin. According to the agenda summary, the board chairman will open the meeting; discuss approval of minutes of March 27, and April 16, 1992 meetings; special board meeting will be read; consider and pass on applications for service retirement benefits and disability retirement benefits; consider independent auditors report; appoint auditor for 1993; consider annual actuarial valuation; consider approval of 1991 annual report; consider applications for TCDRS participation; review and act on reports from Chairman, Director, Legal Counsel, Investment Counsel and Actuary; and set date for September 1992 meeting.

Contact: J. Robert Brown, 400 West 14th Street, Austin, Texas 78701, (512) 476-6651.

Filed: June 8, 1992, 9:10 a.m.

TRD-9207797

School Land Board

Tuesday, June 16, 1992, 10 a.m. The School Land Board will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the agenda summary, the board will discuss approval of previous board meeting minutes; pooling applications, Giddings (Austin Chalk-3) Field, Burleson and Fayette Counties; Spraberry

(Trend Area) Field, Midland County; Big S. (Strawn) Field, King County; GG (Strawn 5400) Field, King County; West Seven Sisters Field, Duval County; Howe (Devonian) Field, Ward County; applications to lease highway rights of way for oil and gas, Brazos County; consideration of tracts, terms, conditions and procedures for an August 4, 1992 special oil and gas lease sale; consideration of amendments to tracts, terms and conditions for a sealed bid land sale on August 4, 1992; reconsideration of good faith claimant applications, Haskell and Stonewall Counties; coastal public lands-easement applications, Copano Bay, Aransas County; Hynes Bay, Refugio County; structure permit termination, Laguna Madre, Kenedy County; structure permit request, Laguna Madre, Kenedy County; structure permit renewals, Laguna Madre, Kenedy County; and Laguna Madre, Willacy County; and meet in executive session to discuss pending and proposed litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: June 8, 1992, 4:21 p.m.

TRD-9207881

Structural Pest Control Board

Tuesday, June 23, 1992, 9 a.m. The Integrated Pest Management, Exam, and Continuing Education Committees of the Structural Pest Control Board will meet at the Thompson Conference Center, 2405 East Campus Drive, Room 2. 108, Austin. According to the complete agenda, the committees will review and discuss organizational planning-integrated pest management committee; discuss implementation procedures and methods for certified applicator and technician exams-exam committee; and review of continuing education requirements for the next three recertification cycle, January 1, 1992 through December 31, 1995-continuing education committee.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: June 5, 1992, 2:08 p.m.

TRD-9207752

Sunset Advisory Commission

Wednesday-Thursday, June 24-25, 1992, 8:30 a.m. and 9 a.m. respectively. The Sunset Advisory Commission will meet at the State Capitol Building, House Chamber, Austin. According to the complete agenda, on Wednesday, the commission will call the

meeting to order; discuss approval of minutes; presentation of staff report for the Public Utility Commission of Texas and Office of Public Utility Counsel; and on Thursday, the commission will present staff report for the Texas Alcoholic Beverage Commission; next meeting date proposed for July 16 and 17.

Contact: Susan Kinney, 105 West 15th Street, Room 305, Reagan Building, Austin, Texas 78701, (512) 463-1300.

Filed: June 4, 1992, 2:54 p.m.

TRD-9207766

The Supreme Court of Texas

Friday, June 12, 1992, 9 a.m. and 12:30 p.m. The Task Force on Judicial Ethics of the The Supreme Court of Texas will meet at 9 a.m. at 14th and Lavaca Streets, Courtroom, Price Daniel, Sr. Building, and at 12:30 p.m., a working lunch in the State Bar Board Room. According to the complete agenda, the task force will review possible amendments to the Texas Code of Judicial Conduct including Comparative Analysis of 1990 Model ABA Code with the Texas Code of Judicial Conduct; report of Texas Ethics Commission and studies mandated by Texas Government Code §1.302, §1.303; joint luncheon meeting with the State Commission on Judicial Conduct concerning the current Code, its procedural rules and enforcement action as well as secrecy in its proceedings (12:30, State Bar Board Room); discuss Committee on Judicial Ethics, Judicial Section of the State Bar of Texas; and prepare for the next Task Force meeting and public hearing.

Contact: Virginia Smith, P.O. Box 12248, Austin, Texas 78711, (512) 463-1344.

Filed: June 4, 1992, 5:04 p.m.

TRD-9207706

Teacher Retirement System of Texas

Friday, June 12, 1992, 9 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1000 Red River, Fifth Floor Board Room, Austin. According to the agenda summary, the board will discuss approval of minutes; presentation of appreciation award; consideration of discussion and recommendation of RAC relating to managed care network; discuss future retiree insurance funding period; report of Texas Public School Retired Employees Group Insurance Program; consideration of appointment to RAC of the Texas Public School Retired Employees Group Insurance Program; discussion of public policy options/current developments; review of in-

vestments for quarter ending May 31, 1992; review consideration of discussion and recommendations of IAC; report of Real Estate Committee; report on renovation of First City Centre; report on activity within investment-related bank account; report on Texas Growth Fund; report on Nominations Committee and consideration of appointments to IAC; designation of officers of IAC; consideration of appointment to Medical Board; Audit Committee report; annual report of Internal Auditor; report of member benefits division; consideration of proposed rule changes; discussion of litigation; consideration of TRS Strategic Plan; discussion of child care for children of TRS Employees; report of executive secretary; inquiries and comments by board members and consideration of suggested future agenda items; and meet in executive session to discuss personnel.

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

Filed: June 4, 1992, 2:49 p.m.

TRD-9207677

Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Tuesday, June 16, 1992, 9 a.m. The Board of Directors of the Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association will meet at the William P. Hobby Building, Tower I, 12th Floor, 333 Guadalupe Street, Austin. According to the agenda summary, the board will discuss approval of minutes from last meeting; meet in executive session to discuss personnel matters including hiring executive director; consideration and possible action: regarding hiring of an delegation of powers and duties to the executive director; extension of bridge agreement and designation of check signing and line of credit authority; NOLHGA agreements and expense items; and Executive Life Insurance Company issues; discuss the State Auditor's May 1992 review of the liquidation division; and consideration and action to set next meeting date.

Contact: Sandra Autry, 333 Guadalupe Street, Mail Code 305-1A, Austin, Texas 78701, (512) 322-0223.

Filed: June 8, 1992, 4:16 p.m.

TRD-9207875

University of Texas System

Thursday, June 11, 1992, 10 a.m. The Board of Regents and Standing Committees

of the University of Texas System met at the Nancy and Benno Schmidt Board Room, Lila B. Etter Alumni Center, UT-Austin, 2110 San Jacinto Street, Austin. According to the agenda summary, the committees were to consider: amendments to RRR; Chancellor's Docket (submitted by System Administration); UT System-FY 1993 operating and capital budgets; UT system-self-insured vision plan; degree programs; UT Austin-amend undergraduate admissions policy; fees; appointments to development boards, advisory councils, and endowed academic positions; agreements; buildings and grounds matters including approval for projects; preliminary and final plans; and award of contracts; investment matters; acceptance of gifts, bequests and estates, establishment of endowed positions and funds; intellectual property matters; potential litigation; and personnel matters.

Contact: Arthur H. Dilly, P.O. Box N, UT Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: June 5, 1992, 1:19 p.m.

TRD-9207744

Texas Water Commission

Wednesday, June 24, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing to consider Jackson County's Application Number TA-6826 for a permit to divert and use a total of 10 acre-feet of water for a three-year period from West Carancahua Creek, tributary of Carancahua Creek, tributary of Carancahua Bay, Colorado-Lavaca Coastal Basin, for industrial purposes (maintenance and construction of county roads) in Jackson County.

Contact: Arlette R. Capehart, P.O. Box 13087, Austin, Texas 78711, (512) 371-6390.

Filed: June 8, 1992, 1:57 p.m.

TRD-9207843

Wednesday, June 24, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing to consider Jackson County's Application Number TA-6818 to obtain a permit to divert and use a total of 10 acre-feet of water for a three-year period from Lavaca River, Lavaca River Basin, for industrial purposes (maintenance and construction of county roads) in Jackson County.

Contact: Arlette R. Capehart, P.O. Box 13087, Austin, Texas 78711, (512) 371-6390.

Filed: June 8, 1992, 1:57 p.m.

TRD-9207844

Wednesday, June 24, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing on Phillips Petroleum Company's Application Number TA-6820 to seek a permit to divert and use a total of 61 acre-feet of water for a six month period from Jones Creek, tributary of the Intercoastal Waterway, Brazos-Colorado Coastal Basin, for industrial purposes (hydrotest a crude oil storage tank) in Brazoria County.

Contact: Mark Evans, P.O. Box 13087, Austin, Texas 78711, (512) 371-6389.

Filed: June 9, 1992, 9:22 a.m.

TRD-9207896

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Thursday, June 25, 1992, 10 a.m. (Revised agenda). The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028A, Austin. According to the agenda summary, the commission will hold a hearing on Bruni Rural Water Supply Corporation's application to acquire water utility facilities of William A. Layton doing business as Bruni Water Works. Bruni Rural Water Supply Corporation has also asked to amend Docket Number 9286-C to change the applicant's name to Bruni Rural Water Supply Corporation and to request that the certificate of convenience and necessity be issued in the name of Bruni Rural Water Supply Corporation. The water utility service area affected by these applications is located approximately forty (40) miles east of downtown, Laredo. This application, which has been designated as Docket Number 9480-S, will be consolidated with and amend Docket Number 9286-C.

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

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

TRD-9207675

Thursday, June 25, 1992, 10:30 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 512, Austin. According to the agenda summary, the commission will consider an appeal by William Boomer, receiver for South Seminary Water Utility, appealing the City of Fort Worth's City Council decision setting water rates to be

charged by and the services to be performed by South Seminary Water Utility. Docket Number 9481-A.

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

Filed: June 8, 1992, 1:57 p.m.

TRD-9207845

Thursday, July 2, 1992, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1028A, Austin. According to the agenda summary, the commission will hold a hearing on Bolivar Water Supply Corporation's application to amend Certificate of Convenience and Necessity Number 11257 to allow it to expand the area to which it provides utility service in Denton County. The applicant also proposes decertification of a portion of the City of Denton's CCN Number 10195. Dual certification will exist with Green Springs Water Supply Corporation (CCN Number 11480). The proposed water utility service area is approximately six miles Northeast of downtown Denton. Docket Number 9447-C.

Contact: William C. Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 4, 1992, 2:02 p.m.

TRD-9207664

Wednesday, July 22, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing on an application for dissolution of Fort Bend County Municipal Utility District Number 55, submitted by Highway 6/510 acres joint venture, the primary land owner in the district.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-8152.

Filed: June 8, 1992, 1:55 p.m.

TRD-9207841

Wednesday, July 22, 1992, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing on an application for dissolution of Fort Bend County Municipal Utility District Number 54, submitted by Highway 6/510 Acres Joint Venture, the primary land owner in the district.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-8152.

Filed: June 8, 1992, 1:56 p.m.

TRD-9207842

Tuesday, August 11, 1992, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 512, Austin. According to the agenda summary, the commission will hold a hearing on the Town of Hackberry's water rate increases effective as follows: new rates effective January 1, 1992; temporary rates effective for April, May and June, 1992; and for new rates effective July 1, 1992. Docket Numbers 9468-W and 9396-W.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

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

TRD-9207676

◆ ◆ ◆ Regional Meetings

Meetings Filed June 4, 1992

The Bi-County Water Supply Corporation met at the Bi-County Office, FM Road 2254, Pittsburg, June 9, 1992, at 7 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9207654.

The Brazos Valley Development Council Regional Overall Economic Development Program (OEDP) will meet at the Council Office, 3006 East 29th Street, Bryan, June 18, 1992, at 11 a.m. Information may be obtained from Jill Hyde, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277. TRD-9207670.

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, June 8, 1992, at 7 p.m. Information may be obtained from Doran Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9207651.

The Central Appraisal District of Taylor County Appraisal Review Board met at 1534 South Treadaway, Abilene, June 9, 1992, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9207653.

The Central Appraisal District of Taylor County Board of Directors met at 1534 South Treadaway, Abilene, June 10, 1992, at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9207696.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees met 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-9207656.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees met at 408 Mulberry Drive, Brownwood, June 9, 1992, at 5 p.m. (Revised agenda). Information may be obtained from Saul Pullman, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, ext. 102. TRD-9207678.

The Colorado River Municipal Water District Board of Directors met at 400 East 24th Street, Big Spring, June 9, 1992, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79729, (915) 267-6341. TRD-9207663.

The El Oso Water Supply Corporation Board of Directors met at their office, FM 99, Karnes City, June 9, 1992, at 8 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9207665.

The Golden Crescent Private Industry Council Quality Work Force Planning Committee met at the Student Center, Rooms A & B, 2200 East Red River, Victoria, June 9, 1992, at 10:30 a.m. Information may be obtained from Carol Matula, 2401 Houston Highway, Victoria, Texas 77902, (512) 576-5872. TRD-9207685.

The Hale-Hockley CED Number Eight Board of Directors met at the Citizens State Bank Committee Room, Anton, June 11, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9207695.

The Hays County Appraisal District Board of Directors met at 632 A East Hopkins, Municipal Building, San Marcos, June 11, 1992, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9207686.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street, Brady, June 11, 1992, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9207680.

The Hockley County Appraisal District Board of Directors will meet at 1103-C Houston Street, Levelland, June 8, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9207694.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at the Lavaca County Central Appraisal District, 113 North Main, Hallettsville, June 19, 1992, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box

386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9207668.

The Lower Colorado River Authority Special Pricing Committee will meet at 3700 Lake Austin Boulevard, General Manager's Conference Room, Austin, June 8-12, 15-19, 1992, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9207659.

The Region IV Education Service Center Board of Directors met at the Board Room, Region IV Education Service Center, 7145 West Tidwell, Houston, June 9, 1992, at 6 p.m. Information may be obtained from W. L. McKinney, 7145 West Tidwell, Houston, Texas 77001, (713) 462-7708. TRD-9207705.

The South Texas Development Council Board of Directors met at the Commissioners Courtroom, Courthouse Annex, Zapata, June 11, 1992, at 11 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995. TRD-9207669.

The STED Corporation Board of Trustees met at the Commissioner's Courtroom, Courtroom Annex, Zapata, June 11, 1992, at 10 a.m. Information may be obtained from Robert Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995. TRD-9207666.

The Tarrant Appraisal District Appraisal Review Board will hold emergency meetings at 2329 Gravel Road, Fort Worth, June 9-11, 15-18, 22-25, 29-30, 1992, at 8:15 a.m. The emergency status is necessary as a quorum will convene at 8:15 a.m. instead of 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9207650.

Meetings Filed June 5, 1992

The Archer County Appraisal District Appraisal Review Board-Mineral Hearing met at the Appraisal District Office, 211 South Center Street, Archer City, June 10, 1992, at 10 a.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9207726.

The Austin-Travis County Mental Health and Mental Retardation Center Public Relations Committee met at 1430 Collier Street, Board Room, Austin, June 9, 1992, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9207739.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, June 11,

1992, at 5 p.m. Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9207778.

The Blanco County Appraisal District Board of Directors met at the Blanco County Courthouse Annex, Avenue G and Seventh Street, Johnson City, June 9, 1992, at 5 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4013. TRD-9207756.

The Cass County Appraisal District Appraisal Review Board met at the Cass County Appraisal District Office, 502 North Main Street, Linden, June 11, 1992, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (903) 756-7545. TRD-9207759.

The Coleman County Water Supply Corporation Board of Directors met at the Corporation's Office, 214 Santa Anna Avenue, Coleman, June 10, 1992, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9207725.

The Dallas Area Rapid Transit Governmental Relations Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, June 9, 1992, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9207779.

The Dallas Area Rapid Transit Mobility Impaired Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, June 9, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9207781.

The Dallas Area Rapid Transit Bus Planning, Development and Operations Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, June 9, 1992, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9207780.

The Dallas Area Rapid Transit Board of Directors met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, June 9, 1992, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9207782.

The Eastland County Appraisal District Appraisal Review Board will meet at the Commissioners' Courtroom, Eastland County Courthouse, Eastland, June 18, 1992, at 10 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9207754.

The Education Service Center Region 10 Board of Directors met at the Region 10 Board Room, 400 East Spring Valley, Richardson, June 10, 1992, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas 75081, (214) 231-6301. TRD-9207761.

The Galveston County Education District Board of Trustees met at the Clear Creek ISD, the Education Center, Board Room, 17045 El Camino Real, Houston, June 10, 1992, at 7 p.m. Information may be obtained from Ted Thomas, P.O. Box 321, Friendswood, Texas 77546, (713) 482-2205. TRD-9207722.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, June 11, 1992, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9207790.

The Grand Parkway Association met at 5757 Woodway, 140 East Wing, Houston, June 10, 1992, at 8:15 a.m. Information may be obtained from Jerry L. Coffman, 5757 Woodway, 140 East Wing, Houston, Texas 77057, (713) 782-9330. TRD-9207765.

The High Plains Underground Water Conservation District Number One Board of Directors met at 2930 Avenue Q, Conference Room, Lubbock, June 9, 1992, at 10 a.m. (Revised agenda). Information may be obtained from A. Wayne Wyatt, Lubbock, Texas 79405, (806) 762-0181. TRD-9207755.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, June 8, 1992, at 7 p.m. (Revised agenda). Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9207740.

The Hood County Appraisal District Appraisal Review Board will meet at 1902 West Pearl Street, District Office, Granbury, June 15, 1992, at 9:30 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9207785.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, June 16, 1992, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9207784.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District Board Room, 4801 King Street, Greenville, June 11, 1992, at 6:30 p.m. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9207738.

The Jack County Appraisal District Board of Directors held an emergency meeting at 210 North Church Street, JCAD Conference Room, Jacksboro, June 9, 1992, at 7 p.m. The emergency status was necessary due to the resignation of chief appraiser. Information may be obtained from J. D. Garcia or Donna Hartzell, P.O. Box 958, Jacksboro, Texas 76056, (817) 567-6301. TRD-9207783.

The Lower Colorado River Authority Retirement Benefits Committee met at 3700 Lake Austin Boulevard, Travis County, Austin, June 9, 1992, at 1 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9207767.

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, June 9, 1992, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9207708.

The South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, June 9, 1992, at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9207709.

The Wise County Appraisal District Appraisal Review Board met at 206 South State Street, Decatur, June 9, 1992, at 8:30 a.m. Information may be obtained from LaReesea Pittman, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9207753.



Meetings Filed June 8, 1992

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, June 11, 1992, at 5 p.m. (Revised agenda). Information may be obtained from Bill Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9207876.

The Bexar Appraisal District Board of Directors will meet at 535 South Main Street, San Antonio, June 15, 1992, at 5 p.m. Information may be obtained from Bev Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9207820.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, June 12, 1992, at 11:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9207800.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911

Morse Street, Denton, June 17, 1992, at 9 a.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9207851.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, June 18, 1992, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9207852.

The Gray County Appraisal District Board of Directors met at 815 North Sumner, Pampa, June 11, 1992, at 5 p.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9207879.

The Johnson County Rural Water Supply Corporation Committee will meet at the JCRWSC Office, Highway 171 South, Cleburne, June 12, 1992, at 8 a.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9207858.

The Jones County Appraisal District Board of Directors will meet at the District's Office, 1137 East Court Plaza, Anson, June 18, 1992, at 8:30 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9207808.

The Kendall Appraisal District Appraisal District will meet at 121 South Main Street, Kendall Appraisal District, Boerne, June 12, 1992, at 9 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9207805.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth Street, Lampasas, June 11, 1992, at 7 p.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9207810.

The Lampasas County Appraisal District Appraisal Review Board will meet at 109 East Fifth Street, Lampasas, June 15-16, 1992, at 9 a.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9207811.

The Manville Water Supply Corporation Board of Directors met at the Manville Water Supply Corporation Office, Spur 277, Coupland, June 11, 1992, at 7 p.m. Information may be obtained from LaVerne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9207806.

The Panhandle Tech Prep Consortium Board of Directors will meet at 6900 I-40 West, Suite 360, Amarillo, June 16, 1992, at 2 p.m. Information may be obtained from Lynn McGee, 6900 I-40 West, Suite 360,

Amarillo, Texas 79106, (806) 356-0850. TRD-9207886.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, June 17, 1992, at 1:30 p. m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9207801.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, June 17, 1992, at 3 p.m. Information may be obtained from Jackie F. Samford, P.O. Box 250, Palo Pinto, Texas 76484-0250, (817) 659-1281. TRD-9207802.

The Region 14 Education Service Center Board of Directors will meet at 1850 Highway 351, Abilene, June 18, 1992, at 5:30 p.m. Information may be obtained from Taressa Huey, 1850 Highway 351, Abilene, Texas 79601-4750, (915) 675-8608. TRD-9207799.

The Sabine Valley Center Personnel Committee held an emergency meeting at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, June 8, 1992, at 6 p.m. The emergency status was necessary as a personnel issue was omitted from posting on May 27, 1992 and this issue needed to be reviewed before July board meeting. Information may be obtained from Mack O. Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9207857.

The Sabine River Authority of Texas Executive Committee will meet at the Fredonia Hotel, Nacogdoches, June 17, 1992, at 10 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200. TRD-9207840.

The Swisher Appraisal District Board of Directors will meet at 130 North Armstrong, Tulia, June 18, 1992, at 7 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9207809.

The Tarrant Appraisal District Appraisal Review Board will hold emergency meetings at 2329 Gravel Road, Fort Worth, June 9-11, 15-18, 22-25, 29-30, at 8:15 a.m. The emergency status is necessary as quorum will convene at 8:15 a.m. instead of 8:30 a.m. Information may be obtained from Suzanne Williams, 2329 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884. TRD-9207807.

Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, June 16, 1992, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9207838

Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, June 18, 1992, at 10 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9207837

Meetings Filed June 9, 1992

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees will meet at 1430 Collier Street, Board Room, Austin, June 12, 1992, at noon. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9207903.

The Brazos River Authority Board of Directors will meet at the Cheyenne Room, Wilson World Hotel, 4600 Airport Freeway, Irving, June 17, 1992, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9207894.

The Brazos River Authority Visions 2000 Task Force, Board of Directors will meet at the Cheyenne Room, Wilson World Hotel, 4600 Airport Freeway, Irving, June 17, 1992, at 11 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9207895.

The Callahan County Appraisal District Board of Directors will meet at the Callahan County Appraisal District Office, 130-A West Fourth Street, Baird, June 15, 1992, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. TRD-9207897.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, June 15-16, 1992, at 9 a.m. Information may be obtained from Jim Hudspeth, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9207891.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, June 23-24, 1992, at 9 a.m. Information may be obtained from Jim Hudspeth, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9207892.

The Erath County Appraisal District Appraisal Review Board will meet at 1390 Harbin Drive, Board Room, Stephenville, June 16-17, 1992, at 9 a. m. Information may be obtained from Nicolle Minder, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9207898.

The Gillespie Central Appraisal District Board of Directors will meet at the City Hall Assembly Room, Fredericksburg, June 15, 1992, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807. TRD-9207899.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Kendall Appraisal District, Boerne, June 15-19, 1992, at 9 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9207900.

The Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, June 17, 1992, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9207893.

The Middle Rio Grande Development Council Private Industry Council will meet at the County Courthouse, Leakey Town Square, Leakey, June 17, 1992, at 1 p.m. Information may be obtained from Michael M. Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9207888.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District Board of Directors will meet at 710 East Main Street, Robstown, June 15, 1992, at 2 p.m. Information may be obtained from Denise Lawhon, 710 East Main Street, Robstown, Texas 78380, (512) 668-8363. TRD-9207902.

The Region III Education Service Center Board of Directors will meet at the Ramada Inn, 3901 Houston Highway, Victoria, June 15, 1992, at 11:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9207890.

The Region III Education Service Center Board of Directors will meet at 1905 Leary Lane, Victoria, June 15, 1992, at 1:30 p.m. Information may be obtained from Dr. Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9207889.

The Region V Education Service Center Board of Directors will meet at the ESC Board Room, Delaware Street, Beaumont, June 17, 1992, at 1 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212. TRD-9207901.

The Trinity River Authority of Texas Utility Services Committee will meet at 5300 South Collins, Tarrant County, Arlington, June 15, 1992, at 10 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9207887.

In Addition

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

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

Texas Commission on Alcohol and Drug Abuse

Summary of Public Comments on the Intended Use of Federal Funds

The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), as amended, requires annual public hearings on the intended use of federal funds allocated under the Alcohol, Drug Abuse and Mental Health Services (ADMS) block grant. Additionally, the State, through Texas Civil Statutes, Article 5252-13e, mandates that agencies responsible for administering block grant funds must hold public hearings in four locations once every two years, as a mechanism for public input on development of the agency's budget request for the next biennium. Consistent with this mandate, the Texas Commission on Alcohol and Drug Abuse (TCADA) held public hearings in March at the following locations: McAllen, Houston, Longview, San Angelo, and Waco. Testimony was heard regarding the intended use of ADM block grant funds for the 1993 federal fiscal year and state budget request for the 1994-1995 biennium. TCADA administers all substance abuse funds allocated under this block grant, while the Texas Department of Mental Health and Mental Retardation (TXMHMR) administers the mental health portion. Comments following will address the substance abuse portion of the block grant.

At these hearings, a preliminary summary of the intended use of funds for federal fiscal year 1993 (beginning October 1, 1992) and relevant information for TCADA's legislative appropriations request for 1994-1995 biennium were provided. Public comments were solicited for use in preparation of the final plans. Written comments were accepted by the commission through February 28, 1992. All written and oral comments have been considered in the preparation of the final fiscal year 1993 report on the intended use of federal funds, and the 1994-1995 Legislative Appropriations Request (LAR). A summary of the public comments follows.

Thirty-three individuals submitted oral comments. A majority of comments centered around the need for more youth treatment and youth prevention services. According to four witnesses, contracts had worked well, but recent reductions in those grants had been detrimental to services due to client demand; seven other witnesses stated that more money for youth services, particularly residential services, was needed. Another testified that funds have been overfocused on medical model of chemical dependency treatment when unnecessary, stating that social stabilization does not require medical treatment.

There were repeated requests for youth prevention services, ranging from prevention and education to address substance abuse to the recommendation that for every treatment dollar spent, a dollar should be spent toward

prevention. Several witnesses mentioned the strong need for before- and after-school programs.

Seven comments were received on the increasing need for basic programs, including detoxification and treatment, which often have long waiting lists. More services for residents of public housing were sought by two witnesses. Others who testified requested greater assistance for parental support groups and family education and treatment. There were two witnesses calling for programs tailored for deaf persons, including a program in Austin to address prevention and promote self-esteem. In addition, the problems of sexual abuse were once again reported in a significant number of clients, most of whom were raised in dysfunctional homes.

Other witnesses raised concerns over the new criminal justice initiative, with objection being made to the new cap placed on block grant funds, stating that many community based programs have long waiting lists and that many people are frustrated with the fact that a person has a better chance of receiving treatment if he/she is a convicted felon. While the TCADA and TDCJ joint project should help the Texas prison system in rehabilitating individuals, witnesses stated that efforts need to be primarily focused on prevention/intervention. Mentioned specifically was the ineffectiveness of intervention/treatment of prisoners while not offering prevention to their children.

Issues surrounding the new compulsive gambling mandate were raised by several witnesses. Some expressed an interest in applying for certification for new compulsive gambling programs to be integrated into their current substance abuse programs; however, they stated that their priority program needs in chemical dependency treatment should be met first. Citing compulsive gambling as a treatable disease which follows substance abuse patterns, witnesses expressed a desire to see funding for compulsive gambling programs sustained and increased. We must address the overlapping problems between compulsive gambling behavior and chemical dependency: 50% of those with compulsive gambling problems or tendencies have a substance abuse problem; 25% of those with chemical dependency problems have a compulsive gambling addiction as well. One witness noted that compulsive gambling among Asian populations is markedly higher than in other populations.

Testimony was heard dealing with women's child care issues, by witnesses who stated that many mothers will not or cannot go into treatment due to lack of child care. To facilitate treatment which may last as long as 30 days, the formation of residential group homes for children of mothers in treatment was suggested, perhaps incorporating the Children of Substance Abusers (CSA) program such that mothers and children are placed together in residential treatment facilities. Similar programs will be necessary for the children of women in treatment for compulsive gambling addiction.

Other witnesses requested that TCADA enhance its efforts to provide Spanish-language services and to develop culturally sensitive programs for both Mexican-Americans as well as an underserved Asian population.

Comments were received regarding the Texas Prevention Partnership program. One witness complained that TPP monies should have more input from the field, that distribution of funds was faulty, and that there was no follow-up nor evaluation of the inhalant abuse campaign. Another witness, however, stated that TCADA was to be praised for this education effort targeted at children.

An inquiry was raised concerning the possibility of licensing programs other than for treatment, specifically for prevention and intervention, in order to effect a greater degree of professionalism. Four other witnesses discussed the need for more training and technical assistance, stating that persons are being allowed in the field who do not have specific substance abuse training and whose social work experience is limited. Areas of specialization for Licensed Chemical Dependency Counselors (LCDC), similar to the specializations of registered nurses, were suggested. Proposed specialties included prevention, intervention, treatment, sexual addictive disease, and compulsive gambling.

One witness testified for the need for more money for workplace initiatives.

Lastly, citing the requirement to complete as many as four separate forms to report necessary data, one witness requested better coordination and networking between state agencies to eliminate duplication of effort. Two other witnesses suggested a need for regional councils to coordinate services at the local level, perhaps preparing comprehensive statewide plans.

This summary of comments pertaining to the substance abuse portion of the ADM block grant for fiscal year 1993 and the agency's 1994-1995 state budget request is published in response to the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, as amended) and Texas Civil Statutes, Article 6252-13e.

Issued in Austin, Texas, on June 4, 1992.

TRD-9207743 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug
Abuse

Filed: June 5, 1992

For further information, please call: (512) 867-8700

Comptroller of Public Accounts Correction of Error

The Comptroller of Public Accounts submitted a notice of Local Sales Tax Changes, effective July 1, 1992, which was published in the May 12, 1992, *Texas Register* (17 TexReg 3494).

In the first paragraph "Chisholm" was misspelled.

In the fourth paragraph the percentage should be "3/8%" rather than "3.8%" as follows. "An additional 3/8% sales tax for improving and promoting..."

A correction of error notice about this mistake published in the June 2, 1992, *Texas Register* (17 TexReg 4009) was incorrect.

Consultant Proposal Request

Notice of Request for Proposals: Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts (CPA) announces a consultant services' request for proposals (RFP). The CPA seeks to develop and implement a high quality integrated tax system (ITS) which integrates all tax and revenue processes within CPA. The CPA seeks a consultant to assist CPA by reviewing the work of the tax rewrite project and assessing if a reengineering of this project is possible and feasible in the development of the integrated tax system. The consultant will assist the CPA in: developing strategic and operational plans to integrate the tax and revenue processes; preparing and activities review report which details compatibility of existing systems with the proposed ITS; and providing a preliminary cost benefit analysis of the ITS project's anticipated costs and benefits.

Consultant must have experience with process modeling and the re-engineering of business functions for a major organization.

Contact Persons: Parties interested in offering services to conduct the work should contact Don Burks, Data Services Administration, Comptroller of Public Accounts, 111 East 17th Street, Room 309, Austin, Texas 78774, (512) 463-4158, for a complete copy of the RFP. The RFP will be available on June 12, 1992, after 3 p.m. After this date and time, the RFP may be picked up in the above office between 8 a.m. and 5 p.m., Monday-Friday. Interested parties may call and request a copy of the RFP be mailed or fax a written request to (512) 475-0575. Fax requests should include a name, a mailing address, and a telephone number. Potential proposers may contact Jeff Van Pelt, Manager, Data Services Administration, at (512) 463-3820 with questions about the RFP. All written inquiries must be made prior to 5 p.m. on June 18, 1992. Refer to the RFP for details.

Closing Date: Proposals must be received by CPA no later than 3 p. m., July 3, 1992. Proposals received after this date and time will not be considered. The period of performance is estimated to begin on or about July 15, 1992, and extend through October 15, 1992.

Award Procedure: Selection of the consultant(s) will be based on the demonstrated competence, experience, knowledge, and qualification in the area of service desired and on the reasonableness of the proposed fee. The consultant firm(s) which best meets these criteria will be selected. All responses will be subject to evaluation by a committee of qualified CPA personnel charged with selecting the response which most clearly meets CPA's need. The staff will make a recommendation to the comptroller, who will make the final selection. The decision of the comptroller is final. Consultant(s) may be asked to provide clarification of its response, which may include making an oral presentation of its response, prior to final selection.

The CPA reserves the right to accept or reject any or all responses submitted. The CPA is under no legal or other requirements to execute a resulting contract on the basis of this notice nor the distribution of this RFP. Neither this

notice nor the RFP commit CPA to pay for any costs incurred prior to the execution of a contract.

The anticipated schedule of events is: RFP available-June 12, 1992; proposals due-July 3, 1992; consultant award-July 14, 1992; work begins-July 15, 1992.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207724 Charles C. Johnstone
Senior Legal Counsel
Comptroller of Public Accounts

Filed: June 5, 1992

For further information, please call: (512) 463-4158

Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Dallas	Syncor International Corporation	L04576	Dallas	0	05/19/92
Houston	Mary T. Green, M.D.	L04563	Houston	0	05/28/92
Tyler	Watson Wise Dialysis Center	L04550	Tyler	0	05/15/92

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Alvin	Amoco Chemical Corporation	L01422	Alvin	42	05/26/92
Austin	Syncor International Corporation	L02117	Austin	50	05/20/92
Borger	Cominco American, Incorporated	L02772	Borger	8	05/19/92
Corpus Christi	City of Corpus Christi	L02284	Corpus Christi	11	05/22/92
Dallas	Kaiser Foundation Health Plan of Texas	L03755	Dallas	11	05/22/92
Dallas	Methodist Hospitals of Dallas	L00659	Dallas	25	05/27/92
Deer Park	Solvay Polymers, Inc.	L00088	Deer Park	41	05/21/92
Denton	University of North Texas	L00101	Denton	37	05/15/92
Denton	City of Denton	L02873	Denton	3	05/22/92
El Paso	Vista Hills Medical Center	L02551	El Paso	19	05/19/92
El Paso	Guillermo A. Pinzon, M.D., P.A.	L04277	El Paso	1	05/19/92
Fort Worth	Syncor International Corporation	L03907	Fort Worth	6	05/07/92
Fredericksburg	Hill Country Memorial Hospital	L03516	Fredericksburg	6	05/26/92
George West	USX Corporation	L02449	George West	26	05/18/92
Houston	Ferromet Resources, Inc.	L03509	Houston	5	05/15/92
Houston	HCA Medical Center Hospital	L02073	Houston	26	05/21/92
Houston	Rawle Andrews, M.D., Clinic Assoc.	L03818	Houston	3	05/26/92
Longview	Good Shepherd Medical Center	L02411	Longview	36	05/22/92
Lubbock	Syncor International Corporation	L02737	Lubbock	33	05/15/92
Mesquite	Mesquite Community Hospital	L02733	Mesquite	18	05/14/92
Pasadena	Hoechst Celanese Corporation	L04008	Houston	6	05/19/92
Port Arthur	The Cancer Center of Port Arthur	L04426	Port Arthur	3	05/29/92
San Antonio	Lipitek, Inc.	L04547	San Antonio	1	05/15/92
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	26	05/13/92
Smithville	Smithville Hospital Authority	L04428	Smithville	2	05/26/92

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

The Woodlands	Triplex Pharmaceutical Corporation	L04344	The Woodlands	3	05/12/92
Throughout Texas	Jefferson County Engineering Dept.	L02872	Beaumont	4	05/13/92
Throughout Texas	Coastal Inspection Service Company	L00810	Orange	40	05/15/92
Throughout Texas	Chief Inspection, Inc.	L03381	Huffman	13	05/08/92
Throughout Texas	Real Inspection Services Inc.	L04416	Houston	5	05/14/92
Throughout Texas	John F. Domatti, Inc.	L00936	Simonton	22	05/19/92
Throughout Texas	Geotech Engineering and Testing	L03923	Houston	6	05/18/92
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	58	05/18/92
Throughout Texas	City of Midland	L01858	Midland	10	05/19/92
Throughout Texas	Applied Standards Inspection Inc.	L03072	Beaumont	34	05/19/92
Throughout Texas	ABCO Industries, Inc.	L03153	Abilene	9	05/19/92
Throughout Texas	American Airlines	L03974	Tulsa, Oklahoma	7	05/20/92
Throughout Texas	Computalog Wireline Services, Inc.	L04286	Houston	15	05/21/92
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	85	05/20/92
Throughout Texas	Sundance Wireline Services, Inc.	L04433	Liberty	2	05/21/92
Throughout Texas	H & G Inspection Company Inc.	L02181	Houston	65	05/21/92
Throughout Texas	Radiographic Specialists, Inc.	L02742	Houston	24	05/27/92
Throughout Texas	Murillo Engineering, Inc.	L01373	Houston	15	05/26/92
Throughout Texas	Chief Inspection, Inc.	L03381	Huffman	14	05/27/92
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Houston	20	05/22/92
Throughout Texas	H & G Inspection Company Inc.	L02181	Houston	66	05/27/92
Throughout Texas	Non-Destructive Testing & Engineering, Inc.	L01008	Grand Prairie	48	05/27/92
Waco	Hillcrest Baptist Medical Center	L00845	Waco	51	05/28/92

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Arlington	Arlington Cancer Treatment Center	L03211	Arlington	30	05/14/92
Dallas	Doctors Hospital	L01366	Dallas	28	05/15/92
Dallas	St. Paul Southwest Imaging Center	L04093	Dallas	3	05/15/92
Dallas	Southwestern Institute of Forensic Sciences	L02184	Dallas	9	05/21/92
Deer Park	Occidental Chemical Company	L00155	Deer Park	30	05/21/92
Freeport	Brazos Pipe & Steel Fabricators, Inc.	L02186	Freeport	17	05/22/92
Kerrville	Sid Peterson Memorial Hospital	L01722	Kerrville	15	05/19/92
Kingsville	Texas A & I University	L01821	Kingsville	17	05/26/92
Nacogdoches	Stephen F. Austin State University	L01839	Nacogdoches	16	05/26/92
Paris	St. Joseph's Hospital and Health Center	L03199	Paris	6	05/15/92
Pasadena	San Jacinto College	L02675	Pasadena	14	05/21/92
San Antonio	Snip and Ference, P.A.	L00106	San Antonio	13	05/08/92
San Antonio	Syncor International Corp.	L02033	San Antonio	58	05/19/92
San Antonio	San Antonio State Chest Hospital	L02218	San Antonio	19	05/26/92
San Antonio	Beta Diagnostic Services, Ltd.	L03574	San Antonio	17	05/28/92
Seguin	Structural Metals, Inc.	L02188	Seguin	9	05/19/92
The Woodlands	Houston Biotechnology, Inc.	L04029	The Woodlands	2	05/22/92
Throughout Texas	ICI Tracerco	L03096	Houston	37	05/20/92
Throughout Texas	The Dow Chemical Company	L00451	Freeport	49	05/26/92

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Deer Park	Rollins Environmental Services (TX) Inc.	L03165	Deer Park	4	05/13/92
Denver City	Yoakum County Hospital	L03719	Denver City	3	05/15/92
Houston	Texas Water Commission	L02631	Houston	7	05/13/92
San Antonio	Austin Bridge & Road	L04408	San Antonio	2	05/20/92
San Antonio	RECO International	L03483	San Antonio	7	05/22/92
Waco	The Housing Authority of the City of Waco	L04057	Waco	1	05/20/92

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

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

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

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, The Exchange Building, 8407 Wall Street, Austin, Texas, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on June 2, 1992.

TRD-9207760 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: June 5, 1992

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

Texas Higher Education Coordinating Board

Notice of Public Hearing

A public hearing will be conducted by the Texas Higher Education Coordinating Board, Committee of Practitioners, on Tuesday, June 16 from 1 p.m. to 3 p.m. The hearing will be located in Ballroom E, at the Red Lion Hotel, 6121 IH-35 North in Austin. The purpose of the hearing will be to gather comments regarding Core Standards for technical education programs funded by the Carl D. Perkins legislation. Copies of the standards and further information is available from the Coordinating Board, Community and Technical Colleges Division at (512) 483-6250.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207813 Sharon Jahsman
Administrative Secretary
Texas Higher Education Coordinating Board

Filed: June 8, 1992

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

Texas Department of Human Services

Public Notice

The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration, to amend the Title XIX Medical Assistance Plan by Transmittal Number 91-32, Amendment Number 335. The amendment modifies the payment methodology for hospitals with 100 or fewer licensed beds. The amendment is effective November 1, 1991. If additional information is needed, please contact Joe Branton, (512) 338-6505.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207746 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: June 5, 1992

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

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The Texas Department of Human Services (DHS) has received approval from the Health Care Financing Administration, to amend the Title XIX Medical Assistance Plan by Transmittal Number 92-02, Amendment Number 341. The amendment modifies the nursing facility reimbursement methodology by clarifying that both direct and indirect staff time are used to calculate the case mix indexes. The amendment is effective February 1, 1992. If additional information is needed, please contact Kathy Hall, (512) 450-3702.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207747 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: June 5, 1992

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

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Request for Proposal

The Texas Department of Human Services (DHS) announces the issuance of a request for proposal (RFP) for in-home casework and case management services in seven counties of Region 05.

Eligibility: Offerors eligible to submit proposals are public agencies; private, non-profit agency; private for-profit agencies; individual and partnerships.

Contract Period: The contract period will be September 1, 1992, through August 31, 1993.

Contact Person: For a copy of the RFP package, call or write to O. T. Griffin, Jr., Regional Procurement Specialist; 631 106th Street; Arlington, Texas 76011; telephone number (817) 640-5090, extension 2071; FAX (817) 695-5860. The RFP package will be available June 12, 1992. An offeror's conference will be held June 16, 1992, at the DHS office located at 631 106th Street, Arlington, in Conference Room 434, at 10 a.m.

Closing Date: Completed proposals must be actually received by 5 pm on July 10, 1992, by O. T. Griffin, Jr., Regional Procurement Specialist; Texas Department of Human Services; 631 106th Street, Arlington, Texas 76011.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207748 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: June 5, 1992

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

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**Texas Parks and Wildlife Department
Notice of Public Hearings**

Notice is hereby given that the Lubbock County Water Control and Improvement District Number 1 whose address is Route 10, P.O. Box 400, Lubbock, Texas 79404, Lubbock County, on February 25, 1992, filed an application with the Texas Parks and Wildlife Department for a

permit to stock 3,000 black bass in Buffalo Springs Lake. The permit was requested under the authority granted to the commission in the Texas Parks and Wildlife Code, Chapter 66. The applicant requested a hearing on the permit application on April 8, 1992.

The hearing will be conducted by an administrative law judge at: 1 p.m., June 26, 1992, 300 West 15th Street, Suite 408, Austin, Texas 78701, at which time all parties may appear and be heard. Evidence or testimony may be presented orally or in writing by affidavit or deposition. All evidence offered must be subject to cross-examination or qualify as admissible evidence under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Vernon Supplemental 1992) in order to be considered by the administrative law judge. Written evidence should be filed with the administrative law judge prior to the hearing date.

This hearing will be held under the authority of the Administrative Procedure and Texas Register Act, the rules of the Texas Parks and Wildlife Commission, 31 TAC §57.258, and the rules of the State Office of Administrative Hearings, 1 TAC §§155.1 et seq.

The records of this proceeding will include evidence and testimony taken at the public hearing. The hearing may be continued from time to time and place to place, if necessary, to develop all relevant evidence bearing on the subject of the hearing. The administrative law judge retains the authority to schedule or reschedule hearings as deemed necessary. Information concerning any procedures of the hearing or scheduling may be obtained by contacting Bertha Davis, Docket Clerk, State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas 78711, (512) 475-4993.

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

TRD-9207758 Jennifer Mellett
Staff Attorney
Texas Parks and Wildlife Department

Filed: June 5, 1992

For further information, please call: (512) 389-4867

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Notice is hereby given that Universal Ensco, Inc., P.O. Box 570248, Houston, Texas 77257-0248, has applied to the Texas Parks and Wildlife Department for an easement to lay a gas transmission pipeline across the Murphree Wildlife Management Area in Jefferson County.

A hearing authorized by the Texas Parks and Wildlife Code, Chapter 26, will be held as follows: June 26, 1992, 9 a.m., State Office of Administrative Hearings, 300 West 15th Street, Suite 408, Austin, Texas 78701.

The applicant may appear in person or by attorney to present evidence supporting its application. This hearing will be held under the authority of and in accordance with the Texas Parks and Wildlife Code, Chapter 26 and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Vernon Supplemental 1992).

The record of the proceeding will include evidence and testimony taken at the public hearing. Evidence or testimony may be presented orally or in writing, subject to the requirements of the Administrative Procedure and Texas Register Act. The hearing may be continued from time to time and place to place, if necessary, to develop all

relevant evidence bearing on the subject of the hearing. The examiner retains the right to schedule or reschedule hearings as necessary. Further information concerning the basis of this proceeding, if available, may be obtained by contacting John Foshee, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4806.

Information concerning any procedures of the hearing or scheduling may be obtained by contacting the State Office of Administrative Hearings, Attention: Bertha Davis, 300 West 15th Street, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-4993.

Issued in Austin, Texas, on May 29, 1992.

TRD-9207682 Jennifer Mellett
Staff Attorney
Texas Parks and Wildlife Department

Filed: June 4, 1992

For further information, please call: (512) 389-4867

Notice is hereby given that Florida Gas Transmission Company, 10701 Corporate Drive, Suite 215, Stafford, Texas 77477, has applied to the Texas Parks and Wildlife Department for an easement on a 50-foot by 50-foot site to install a facility to extract liquids from natural gas in the applicant's adjacent pipeline on Mustang Island State Park, in Nueces County.

A hearing authorized by the Texas Parks and Wildlife Code, Chapter 26, will be held as follows: June 26, 1992, 9 a.m., State Office of Administrative Hearings, 300 West 15th Street, Suite 408, Austin, Texas 78701.

The applicant may appear in person or by attorney to present evidence supporting its application. This hearing will be held under the authority of an in accordance with the Texas Parks and Wildlife Department Code, Chapter 26 and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Vernon Supplemental 1992).

The record of the proceeding will include evidence and testimony taken at the public hearing. Evidence or testimony may be presented orally or in writing, subject to the requirements of the Administrative Procedure and Texas Register Act. The hearing may be continued from time to time and place to place, if necessary, to develop all relevant evidence bearing on the subject of the hearing. The examiner retain the right to schedule or reschedule hearings as necessary. Further information concerning the basis of this proceeding, if available, may be obtained by contacting John Foshee, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4806.

Information concerning any procedures of the hearing or scheduling may be obtained by contacting the State Office of Administrative Hearings, Attention: Bertha Davis, 300 West 15th Street, P.O. Box 13025, Austin, Texas 78711-3025, (512) 475-4993.

Issued in Austin, Texas, on May 29, 1992.

TRD-9207683 Jennifer Mellett
Staff Attorney
Texas Parks and Wildlife Department

Filed: June 4, 1992

For further information, please call: (512) 389-4867

Texas Department of Public Safety Consultant Contract Award

The Texas Department of Public Safety (DPS), in accordance with provisions of Texas Civil Statutes, Article 6252-11C, solicits to contract with a consultant to assist DPS with an environmental impact study of 20 counties located in north central and northeast Texas.

The solicitation for proposals was published in the April 24, 1992 issue of the *Texas Register* (17 TexReg 3028).

The consultant shall provide essential information an analysis required for DEA release of funds to conduct a marihuana eradication program using the herbicide Roundup (Glyphosate) or suitable alternative to spray marihuana plants. The study will meet requirements of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA, and the Department of Justice's procedures for implementing NEPA. The assessment will describe alternatives to DEA's preferred alternative, which would permit the use of a full range of preferred alternative, manual, mechanical, herbicidal methods would be available to provide operational flexibility in eradicating illegally cultivated marihuana in Texas. The environmental assessment will describe the environmental consequences of implementing any of the alternatives.

The consultant contract was awarded to DLS Associates, 107 Highway 620 South #8-F, Austin, Texas 78734.

The consultant contract begins June 1, 1992, and will end December 31, 1992. The total value of the contract is \$31,366.

Should the state elect to require the optional task of conducting soil sampling, the contract value will be increased by \$8,600.

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

TRD-9207871 James R. Wilson
Director
Texas Department of Public Safety

Filed: June 4, 1992

For further information, please call: (512) 465-2550

Public Utility Commission of Texas Notice of Application to Amend Certification of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on May 27, 1992, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 50, 52, and 54. A summary of the application follows.

Docket and Title Number: Application of Contel of Texas, Inc. to amend certificate of convenience and necessity within Wilson County, Docket Number 11214, before the Public Utility Commission of Texas.

The Application: In Docket Number 11214, Contel of

Texas, Inc. seeks approval of its application to amend the exchange area boundary between its Floresville and Sutherland Springs exchanges in order to reflect actual serving areas.

Person who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite, 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before July 23, 1992.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207772 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 5, 1992

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

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Texas Racing Commission

Notice of Public Hearing

Pursuant to Texas Civil Statutes, Article 179e, §18.02, an administrative law judge will conduct an administrative hearing for the Texas Racing Commission, Horse Racing Section, in TxRc Cause Number 91-R1-26, the applications for a pari-mutuel Class horse racetrack license(s) for the Dallas/Tarrant County area. The hearing will begin at 9 a.m. on Monday, June 15, 1992, in the University of Texas Law School Courtroom, 727 East 26th Street, Austin. All interested persons are welcome to attend.

The applicants for the license(s) are: Lone Star Jockey Club Limited, Midpointe Racing, Pinnacle Park, Inc., Trinity Meadows Raceway, Inc.

The applicants assert that they are best qualified to receive a license for that geographic region under Texas Civil Statutes, Article 179e, §6.04 and 16 TAC §305.62.

The nonparty participants are: The City of Dallas, The City of Grand Prairie, Rene Weber, Just Say No! Grand Prairie, Grand Prairie Chamber of Commerce, Michael E. Hasty, and Greater Dallas, Chamber.

The hearing will be conducted in accordance with the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the Texas Racing Commission Rules, 16 TAC §307.1 et seq.

Questions regarding this matter should be directed to Jean Cook, Executive Assistant to the Executive Secretary, Texas Racing Commission, P.O. Box 12080, Austin, Texas 78711, (512) 794-8461.

Issued in Austin, Texas, on June 4, 1992.

TRD-9207632 Paula Cochran Carter
General Counsel
Texas Racing Commission

Filed: June 4, 1992

For further information, please call: (512) 794-8461

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Supreme Court of Texas

Notice of Contract Award

In compliance with the provisions of Texas Civil Statutes,

Article 6252-11c, the Supreme Court of Texas, the Court of Criminal Appeals, the State Law Library, the Office of Court Administration, and the Court Reporter Certification Board furnish this notice of contract award.

Publication Date: The request for proposals was published in the April 24, 1992, issue of the *Texas Register* (17 TexReg 3029).

Description of Services. The request was for professional move coordinator-consultant services for planning and executing the move of two appellate courts and three agencies from temporary into permanent quarters. All requirements of Article 6252-11c have been complied with.

Name and Address: A contract has been awarded to Emerson-Fehr Architects and Planners, 5750 Balconces Drive, Suite 202, Austin, Texas 78731.

Value and Dates of Contract: The total amount of the contract is \$24,750. The contract period extends from June 10, 1992, to the completion of the move, which is anticipated to be not later than January 1, 1993.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207712 William L. Willis
Executive Director
Supreme Court of Texas

Filed: June 5, 1992

For further information, please call: (512) 463-1353

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Texas Department of Transportation

Public Hearing Notice

Pursuant to Texas Civil Statutes, Article 46c-6, Subdivision 10, and 43 TAC §65.9, the Texas Transportation Commission will conduct a public hearing to receive comments from interested parties concerning the following aviation facilities development projects and financial assistance: proposed addition to second year of current capital improvement project, TSTC/Waco Airport; sponsor: Texas State Technical College.

The public hearing will be held on June 25, 1992, at 9:30 a.m., in the first floor hearing room of the Dewitt C. Greer State Highway Building, 125 East 11th Street, Austin. Any interested person may appear and offer comments or testimony, either orally or in writing, however, questioning of witnesses will be reserved exclusively to the commission or its staff as may be necessary to ensure a complete record. While any person with pertinent comments or testimony will be granted an opportunity to present them during the course of the hearing, the commission reserves the right to restrict testimony in terms of time or 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.

For additional information please contact Karon Wiedemann, Division of Aviation, 125 East 11th Street, Austin, Texas 78701, (512) 476-9262.

Issued in Austin, Texas, on June 5, 1992.

TRD-9207763 Robert E. Shaddock
General Counsel
Texas Department of Transportation

Filed: June 5, 1992

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

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Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the Texas Department of Transportation (TxDOT) will conduct a public hearing jointly with the Texas Parks and Wildlife Department (TPWD) to receive comments on proposed new §2.21 and §2.22 concerning a memorandum of understanding between the agencies. The memorandum provides for the review of transportation projects that have the potential to affect natural resources within the jurisdiction of TPWD, and provides for the development of a system by which information developed by the agencies may be exchanged. Notice of the proposed new sections and their text were published in the June 5, 1992, issue of the *Texas Register* (17 TexReg 4082). The public hearing will be held at 9 a.m. on Thursday, June 25, 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 8:30 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 also be submitted to Roland Gamble, P. E., Director, Division of Environmental Affairs, 125 East 11th Street, Austin, Texas 78701. Copies of the proposed new sections are available from Mr. Gamble at (512) 475-0703.

Issued in Austin, Texas, on June 8, 1992.

TRD-9207798 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: June 8, 1992

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

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Texas Water Commission Meeting Notice

A meeting of the management committee of the Galveston Bay National Estuary Program is scheduled for: Wednesday and Thursday, June 17-18, 1992, 9 a.m. (June 17), 8 a.m. (June 18), University of Houston-Clear Lake, Forest Room, Bayou Building, 2700 Bay Area Boulevard, Houston.

Following opening remarks and approval of minutes of the last meeting, a summary of GBNEP activities will be presented by the program staff. The Management Committee will then consider a request for Gulf of Mexico Symposium Support and review a publication disclaimer to be

printed in the all GBNEP publications. Presentations will be made by potential contractors for the Fiscal Year 1993 Projects. Contractors will be selected to be recommended to the Policy Committee for each project. After consideration of other business and announcement of the next meeting the meeting will be adjourned.

Issued in Houston, Texas, on June 4, 1992.

TRD-9207812 Frank S. Shipley
Program Director
Texas Water Commission

Filed: June 8, 1992

For further information, please call: (713) 332-9937

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Request for Proposals

The Texas Water Commission (TWC) requests various Texas cities, counties, city and/or county health departments, local law enforcement agencies, and other local organizations having legal authority to manage the collection and/or disposal of municipal solid waste to submit application proposals for grants to fund the collection, handling, and/or recycling of certain household hazardous wastes.

The purpose of this assistance grant program is to support local efforts to: establish and operate safe, effective, and efficient household hazardous waste collection programs that will significantly reduce the amount of undesirable materials disposed of in municipal landfills or municipal waste incinerators; increase the public's awareness of the dangers inherent in the indiscriminate use, storage, and/or disposal of various materials and products; and promote, to the maximum extent feasible, the recycling, and/or reclamation of such material and products.

Both new and existing programs are eligible for funding support under this program. Where the application is for an existing program, the proposal must indicate how, with state funding support, such program is to be expanded or improved.

Any collection, handling, storage, shipping, recycling, reclamation, and/or disposal of wastes carried out under any grant awarded under the RFP must be in accordance with all applicable TWC rules and regulations regarding permits, site approvals, registrations, identification numbers, manifests, and waste codes. Due to specific legislative requirements contained in the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361, §361.429 (Vernon Pamphlet 1992), (the Act), no grant monies, the source of which are the municipal solid waste disposal and transportation fees collected in accordance with the Act, §361.013, may be utilized to pay actual waste disposal costs. This prohibition does not extend to legitimate waste disposal recycling or reclamation activities, nor does it apply to collecting, packaging, or transportation costs even though such costs may be incurred for the purpose of disposal.

Evaluation criteria will be more fully discussed in the RFP.

To apply for a local government assistance grant under the RFP, applicants must first obtain Grant Application Packet Number 92B from TWC. The packet contains a copy of the RFP, additional printed guidelines with respect to application format, instructions concerning the submittal process, budget forms, required applications forms, and a

sample of the Interlocal Contract that successful applicants will be required to execute with TWC.

Individuals wishing to receive the grant application packet may call TWC's Environmental and Recycling Information Center, toll-free, at 1-800-458-9796 and request Grant Application Packet Number 92B. Written requests for application forms should be mailed to Grants Coordinator, Texas Water Commission, Municipal Solid Waste Division, P.O. Box 13087, Austin, Texas 78711. To obtain additional information concerning the RFP, contact the Community Hazardous Waste Management Unit at (512) 371-6470.

A pre-application informational meeting will be held on Monday, June 29, 1992, at 10 a.m. in Room 101 of the Reagan State Office Building, 105 West 15th Street, Austin. Attendance at this meeting is not mandatory. The purpose of the pre-application meeting is to provide general information to prospective applicants and to respond to questions applicants may have.

Proposals will be accepted only if received at TWC's Austin Headquarters no later than 5 p.m., Friday, July 24, 1992. Late proposals will not be accepted. Upon submittal, the proposals shall become the property of the State of Texas. The contents of all proposals shall be considered public record unless deemed otherwise by law. The submittal of information claimed to be confidential or proprietary should be under separate cover on or before noon on the closing date. TWC reserves the right to reject the designation of any information as confidential.

By signing its proposal, the proposer affirms that he has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted proposal.

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or natural origin.

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

TRD-9207623 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Filed: June 3, 1992

For further information, please call: (512) 371-6470



The Texas Water Commission (TWC) requests various Texas cities, counties, city and/or county health departments, local law enforcement agencies, and other local organizations having authority to conduct solid waste related enforcement activities to submit application proposals describing either existing or planned local solid waste enforcement programs which, with supplemental funding support from TWC, will provide enhanced or new local enforcement capability against illegal dumping, public littering, improper transportation or shipment of solid wastes, improved ability to respond quickly and effectively to solid waste related complaints, and increased citizen awareness of environmental, public health, and public nuisance problems commonly associated with the handling or disposal of municipal solid wastes.

The purpose of this supplemental funding program is to support local government efforts to: minimize initial response and case resolution times with respect to solid waste related citizen complaints, including complaints alleging releases of contaminants from permitted or registered solid waste site or facilities; develop or strengthen investigative and enforcement capabilities; reduce occurrences of illegal dumping including, but not limited to, the illegal disposal of used automotive oil and/or oil filters, batteries, scrap tires, sludge, septage, and regulated medical waste; and discourage littering. Routine surveillance or inspection of TWC permitted or registered sites, except in cases of alleged discharges charged by citizens, is not intended to be a part of enforcement support programs funded under the RFP.

Both new and existing programs are eligible for funding support under the RFP. Where the application is for an existing program, the proposal must indicate how, with state funding support, such program is to be expanded or improved. It is TWC's intention that proposers be legally able and willing to carry out both investigatory and prosecutory functions related to the overall program objectives.

Evaluation criteria will be more fully discussed in the RFP.

To apply for a local government assistance grant under the RFP, applicants must first obtain Grant Application Packet Number 92A from TWC. The packet contains a copy of the RFP, additional printed guidelines with respect to application format, instructions concerning the submittal process, budget forms, required applications forms, and a sample of the interlocal contract that successful applicants will be required to execute with TWC.

Individual wishing to receive the grant application packet may call TWC's Environmental and Recycling Information Center, toll-free, at 1-800-458-9796 and request Grant Application Packet Number 92A. Written requests for application forms should be mailed to Grants Coordinator, Texas Water Commission, Municipal Solid Waste Division, P.O. Box 13087, Austin, Texas 78711. To obtain additional information concerning the RFP, contact TWC's Municipal Solid Waste Division at (512) 834-6683. A pre-application informational meeting will be held on Monday, June 29, 1992, at 1 p.m. in Room 101 of the Reagan State Office Building, 105 West 15th Street, Austin. Attendance at this meeting is not mandatory. The purpose of the pre-application meeting is to provide general information to prospective applicants and to respond to questions.

Proposals will be accepted only if received at TWC's Austin Headquarters no later than 5 p.m., Friday, July 24, 1992. Late proposals will not be accepted. Upon submittal, the proposals shall become the property of the State of Texas. The contents of all proposals shall be considered public record unless deemed otherwise by law. The submittal of information claimed to be confidential or proprietary should be under separate cover on or before noon on the closing date. TWC reserves the right to reject the designation of any information as confidential.

By signing its proposal, the proposer affirms that he has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted proposal.

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or natural origin.

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

TRD-9207624 Mary Ruth Holder
 Director, Legal Division
 Texas Water Commission

Filed: June 3, 1992

For further information, please call: (512) 834-6683



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.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14
6 Tuesday, January 21	Wednesday, January 15	Thursday, January 16
Friday, January 24	1991 ANNUAL INDEX	
7 Tuesday, January 28	Wednesday, January 22	Thursday, January 23
8 Friday, January 31	Monday, January 27	Tuesday, January 28
9 Tuesday, February 4	Wednesday, January 29	Thursday, January 30
10 Friday, February 7	Monday, February 3	Tuesday, February 4
11 Tuesday, February 11	Wednesday, February 5	Thursday, February 6
12 Friday, February 14	Monday, February 10	Tuesday, February 11
13 Tuesday, February 18	Wednesday, February 12	Thursday, February 13
14 *Friday, February 21	Friday, February 14	Tuesday, February 18
15 Tuesday, February 25	Wednesday, February 19	Thursday, February 20
Friday, February 28	NO ISSUE PUBLISHED	
16 Tuesday, March 3	Wednesday, February 26	Thursday, February 27
17 Friday, March 6	Monday, March 2	Tuesday, March 3
18 Tuesday, March 10	Wednesday, March 4	Thursday, March 5
19 Friday, March 13	Monday, March 9	Tuesday, March 10
20 Tuesday, March 17	Wednesday, March 11	Thursday, March 12
21 Friday, March 20	Monday, March 16	Tuesday, March 17
22 Tuesday, March 24	Wednesday, March 18	Thursday, March 19
23 Friday, March 27	Monday, March 23	Tuesday, March 24
24 Tuesday, March 31	Wednesday, March 25	Thursday, March 26
25 Friday, April 3	Monday, March 30	Tuesday, March 31
26 Tuesday, April 7	Wednesday, April 1	Thursday, April 2
27 Friday, April 10	Monday, April 6	Tuesday, April 7
Tuesday, April 14	FIRST QUARTERLY INDEX	
28 Friday, April 17	Monday, April 13	Tuesday, April 14
29 Tuesday, April 21	Wednesday, April 15	Thursday, April 16

30 Friday, April 24	Monday, April 20	Tuesday, April 21
31 Tuesday, April 28	Wednesday, April 22	Thursday, April 23
32 Friday, May 1	Monday, April 27	Tuesday, April 28
33 Tuesday, May 5	Wednesday, April 29	Thursday, April 30
34 Friday, May 8	Monday, May 4	Tuesday, May 5
35 Tuesday, May 12	Wednesday, May 6	Thursday, May 7
36 Friday, May 15	Monday, May 11	Tuesday, May 12
37 Tuesday, May 19	Wednesday, May 13	Thursday, May 14
38 Friday, May 22	Monday, May 18	Tuesday, May 19
39 Tuesday, May 26	Wednesday, May 20	Thursday, May 21
40 *Friday, May 29	Friday, May 22	Tuesday, May 26
41 Tuesday, June 2	Wednesday, May 27	Thursday, May 28
42 Friday, June 5	Monday, June 1	Tuesday, June 2
43 Tuesday, June 9	Wednesday, June 3	Thursday, June 4
44 Friday, June 12	Monday, June 8	Tuesday, June 9
45 Tuesday, June 16	Wednesday, June 10	Thursday, June 11
46 Friday, June 19	Monday, June 15	Tuesday, June 16
47 Tuesday, June 23	Wednesday, June 17	Thursday, June 18
48 Friday, June 26	Monday, June 22	Tuesday, June 23
49 Tuesday, June 30	Wednesday, June 24	Thursday, June 25
50 Friday, July 3	Monday, June 29	Tuesday, June 30
51 Tuesday, July 7	Wednesday, July 1	Thursday, July 2
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	SECOND QUARTERLY INDEX	
53 Friday, July 17	Monday, July 13	Tuesday, July 14
54 Tuesday, July 21	Wednesday, July 15	Thursday, July 16
55 Friday, July 24	Monday, July 20	Tuesday, July 21
56 Tuesday, July 28	Wednesday, July 22	Thursday, July 23
57 Friday, July 31	Monday, July 27	Tuesday, July 28
58 Tuesday, August 4	Wednesday, July 29	Thursday, July 30
59 Friday, August 7	Monday, August 3	Tuesday, August 4
60 Tuesday, August 11	Wednesday, August 5	Thursday, August 6
61 Friday, August 14	Monday, August 10	Tuesday, August 11
62 Tuesday, August 18	Wednesday, August 12	Thursday, August 13
63 Friday, August 21	Monday, August 17	Tuesday, August 18
64 Tuesday, August 25	Wednesday, August 19	Thursday, August 20
65 Friday, August 28	Monday, August 24	Tuesday, August 25
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8

70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15
95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 (1993) Friday, January 1	Monday, December 28	Tuesday, December 29

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