

Texas Register

Volume 17, Number 54, July 21, 1992

Page 5043-5158

In This Issue...

Office of the Governor

Appointments Made July 9, 1992

Midwestern State University Board of Regents.....5053

Texas State Board of Plumbing Examiners.....5053

Texas Commission for the Deaf and Hearing Impaired
.....5053

Real Estate Research Advisory Committee.....5053

Board of Tax Professional Examiners.....5053

District Four Review Committee, State Board of Medical
Examiners.....5053

Early Childhood Intervention Advisory Committee....5053

Texas Council on Alzheimer's Disease and Related Disor-
ders.....5053

Governor's Advisory Committee on Immigration and Ref-
ugees.....5053

Home Health Services Advisory Council.....5053

Emergency Sections

Texas Water Commission

Water Hygiene

31 TAC §§290.38-290.49.....5055

31 TAC §290.50.....5055

Municipal Solid Waste

31 TAC §§330.1010.....5055

Radiation Rules

31 TAC §336.1.....5055

Proposed Sections

Texas Department of Agriculture

Quarantines

4 TAC §§5.63, 5.65-5.68.....5057

Texas State Board of Public Accountancy

Professional Conduct

22 TAC §501.48.....5058

Texas Department of Insurance

Property and Casualty Insurance

28 TAC §5.205.....5058

28 TAC §§5.6702-5.6707.....5059

Texas Parks and Wildlife Department

Resource Protection

31 TAC §69.71.....5062

Texas Youth Commission

Contracted Youth Services

37 TAC §§83.1, 83.5, 83.7, 83.11, 83.13, 83.15, 83.17,
83.19, 83.21, 83.23.....5062

CONTENTS CONTINUED INSIDE

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

- Governor** - Appointments, executive orders, and proclamations
- Attorney General** - summaries of requests for opinions, opinions, and open records decisions
- Secretary of State** - opinions based on the election laws
- Texas Ethics Commission** - summaries of requests for opinions and opinions
- Emergency Sections** - sections adopted by state agencies on an emergency basis
- Proposed Sections** - sections proposed for adoption
- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Sections** - sections adopted following a 30-day public comment period
- Open Meetings** - notices of open meetings
- In Addition** - miscellaneous information required to be published by statute or provided as a public service

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

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How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 17 (1992) is cited as follows: 17 TexReg 2402

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

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

Texas Administrative Code

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

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

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

Texas Register Art Project

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

Texas Register Publications



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37 TAC §83.9	5069
37 TAC §83.9, §83.12	5069
37 TAC §§83.41, 83.43, 83.45, 83.47, 83.49	5071
Treatment	
37 TAC §87.23	5074
<i>Texas Peace Officers' Advisory Committee</i>	
Administrative Division	
37 TAC §§141.1, 141.5, 141.10, 141.15, 141.20.....	5076
<i>Texas Commission on Law Enforcement</i>	
<i>Officer Standards and Education</i>	
Administrative Division	
37 TAC §§211.20, 211.25, 211.85	5076
37 TAC §211.30	5077
<i>Texas Department of Insurance</i>	
Notification Pursuant to the Texas Insurance Code, Chapter 5, Subchapter L.....	
	5077
Withdrawn Sections	
<i>Texas Department of Agriculture</i>	
Herbicide Regulations	
4 TAC §11.2	5081
Adopted Sections	
<i>Texas Department of Agriculture</i>	
Herbicide Regulations	
4 TAC §11.1, §11.2	5083
<i>Texas Racing Commission</i>	
Operation of Racetracks	
16 TAC §309.198	5083
Officials and Rules of Horse Racing	
16 TAC §313.103	5083
Veterinary Practices and Drug Testing	
16 TAC §319.3	5084
16 TAC §319.5	5084
16 TAC §319.110	5084
16 TAC §319.111	5084
16 TAC §319.365	5084

<i>Texas Education Agency</i>	
Instructional Resources	
19 TAC §67.21	5085
19 TAC §67.66	5085
<i>Texas State Board of Public Accountancy</i>	
Professional Conduct	
22 TAC §501.2	5085
Licenses	
22 TAC §515.5	5085
<i>Texas Department of Health</i>	
Laboratories	
25 TAC §73.41	5086
<i>Texas Department of Insurance</i>	
General Administration	
28 TAC §1.36	5086
Life, Accident, and Health Insurance and Annuities	
28 TAC §3.3314	5087
Corporate and Financial Regulation	
28 TAC §7.7	5087
<i>Texas Water Commission</i>	
Consolidated Permits	
31 TAC §305.69	5090
<i>Comptroller of Public Accounts</i>	
Tax Administration	
34 TAC §3.312	5119
34 TAC §3.565	5119
34 TAC §3.567	5119
<i>Teacher Retirement System of Texas</i>	
Membership Credit	
34 TAC §25.61, §25.66	5119
34 TAC §25.75	5119

34 TAC §25.87.....	5120	Texas High-Speed Rail Authority	5127
34 TAC §25.151.....	5120	Texas Historical Commission.....	5127
34 TAC §§25.181-25.189	5120	Texas Department of Human Services	5128
Benefits		Texas Department of Insurance	5128
34 TAC §§29.1, 29.2, 29.7, 29.8, 29.12, 29.23, 29.24, 29.26.....	5120	Texas Commission on Jail Standards	5129
34 TAC §29.21.....	5121	Texas Board of Professional Land Surveying	5129
34 TAC §29.31.....	5121	Board of Law Examiners.....	5129
34 TAC §29.51.....	5121	Texas State Library and Archives Commission.....	5129
<i>Texas Department of Human Services</i>		Texas Department of Licensing and Regulation. . .	5130
Community Care for Aged and Disabled		Texas State Board of Medical Examiners	5130
40 TAC §48.2911, §48.2918.....	5121	Texas Department of Mental Health and Mental Retardation.....	5130
<i>Texas Department of Insurance</i>		Texas Parks and Wildlife Department.....	5130
Notification Pursuant to the Texas Insurance Code, Chapter 5, Subchapter L.....	5122	Polygraph Examiners Board	5131
Open Meetings		Public Utility Commission of Texas	5131
Texas Department on Aging	5123	Railroad Commission of Texas	5132
Texas Department of Agriculture	5123	School Land Board	5133
Texas Air Control Board.....	5123	State Securities Board.....	5133
Advisory Board of Athletic Trainers	5124	Texas Space Commission.....	5133
State Bar of Texas.....	5124	Board for Lease of State-owned Lands	5133
Texas Bond Review Board	5125	Stephen F. Austin State University.....	5133
Texas Child Care Development Board.....	5125	Texas Appraiser Licensing and Certification Board	5134
Texas Board of Criminal Justice.....	5125	The Texas A&M University System, Board of Regents	5134
Texas Commission for the Deaf and Hearing Impaired	5125	Texas Department of Protective and Regulatory Services	5134
Interagency Council on Early Childhood Intervention	5125	Texas Property and Casualty Insurance Guaranty Association	5134
Texas Education Agency	5125	Texas State Technical College System.....	5135
Educational Economic Policy Center	5125	Texas Southern University	5135
Texas Employment Commission	5126	Texas Turnpike Authority.....	5135
Texas State Board of Registration for Professional Engineers	5126	University of Houston... ..	5135
Texas Ethics Commission.....	5126	Texas Water Commission.....	5135
Fire Fighters' Pension Commission.....	5126	Texas Water Development Board.....	5137
General Land Office.....	5126	Texas Workers' Compensation Commission	5137
Texas Department of Health.....	5126		

Texas Workers' Compensation Insurance Fund..... 5138

Texas Youth Commission 5138

Regional Meetings..... 5138

In Addition Sections

Texas Air Control Board

Notice of Opportunity to Comment on Administrative Actions..... 5143

State Banking Board

Notice of Hearings..... 5145

Texas Commission for the Blind

Request for Proposals 5145

Texas Bond Review Board

Bi-Weekly Report on the 1992 Allocation of the State Ceiling on Certain Private Activity Bonds..... 5146

Center for Rural Health Initiatives

Request for Proposal..... 5146

Office of Consumer Credit Commissioner

Notice of Rate Ceilings..... 5148

Texas Education Agency

Consultant Proposal Request-Services for the Deaf 5148

Notice of Contract Amendment..... 5148

Request for Applications-Federal Adult Education.. 5149

Employees Retirement System of Texas

Communications Consultation Services Contract Amendment 5149

Fire Fighters' Pension Commission

Certified Public Accountant Proposal Request 5149

Office of the Governor

Correction of Error 5150

Texas Department of Health

Notice of Rescission of Order 5150

Heart of Texas Council of Governments

Request for Proposal..... 5150

Texas Department of Human Services

Notice of Cancellation of Request For Proposals ...5150

Public Notice5151

Public Notice of Closed Solicitation5151

Public Notice of Open Solicitation.....5151

Request for Proposal5151

Texas State Library and Archives

Commission

Local Government Records Committee.....5152

Lower Rio Grande Valley Development

Council

Consultant Proposal Request.....5152

Panhandle Regional Planning

Commission

Consultant Contract Award.....5152

State Pension Review Board

Consultant Contract Award.....5153

Public Utility Commission of Texas

Notices of Application to Amend Certificate of Convenience and Necessity5153

Notice of Intent to File Pursuant to PUC Substantive Rule 23.275154

Notice of Petition of Gate City Electric Cooperative, Inc. for Waiver of Substantive Rule 23.35154

Texas Low-Level Radioactive Waste

Disposal Authority

Consultant Proposal Request.....5154

Texas Water Commission

Notice of Application For Municipal Solid Waste Permits 5155

Notice of Application For Waste Disposal Permit..5156

Texas Water Development Board

Applications Received.....5157

Texas Youth Commission

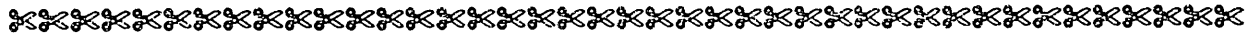
Notice of a Public Hearing5157

*The Texas Register Readers Choice Award
continues with this issue!*

You will be able to continue to VOTE throughout the summer on what you think is the best of the 1991-1992 school art project submissions. In this issue, we continue publishing artwork from students in grades four through six. The pictures are labeled first by the category, and then by a number reflecting the individual piece. For example "4-1" will indicate that the picture is the first submission in the fourth through sixth grade group. You will be able to vote as often as you would like. Simply fill out the attached form, and mail it to the Texas Register, Roberta Knight, P.O. Box 13824, Austin, Texas 78711-3824.

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.



1991 - 1992 Texas Register Readers Choice Award.

Please enter my vote for the "best of the best" :

Picture #4-_____.

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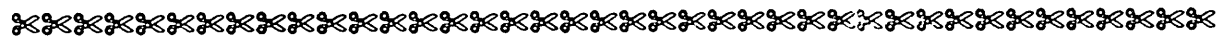
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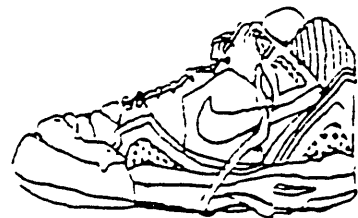
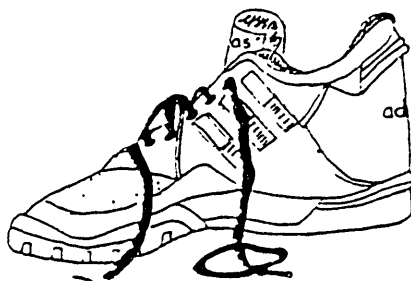
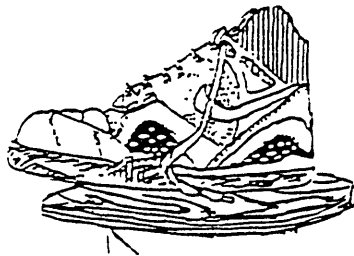
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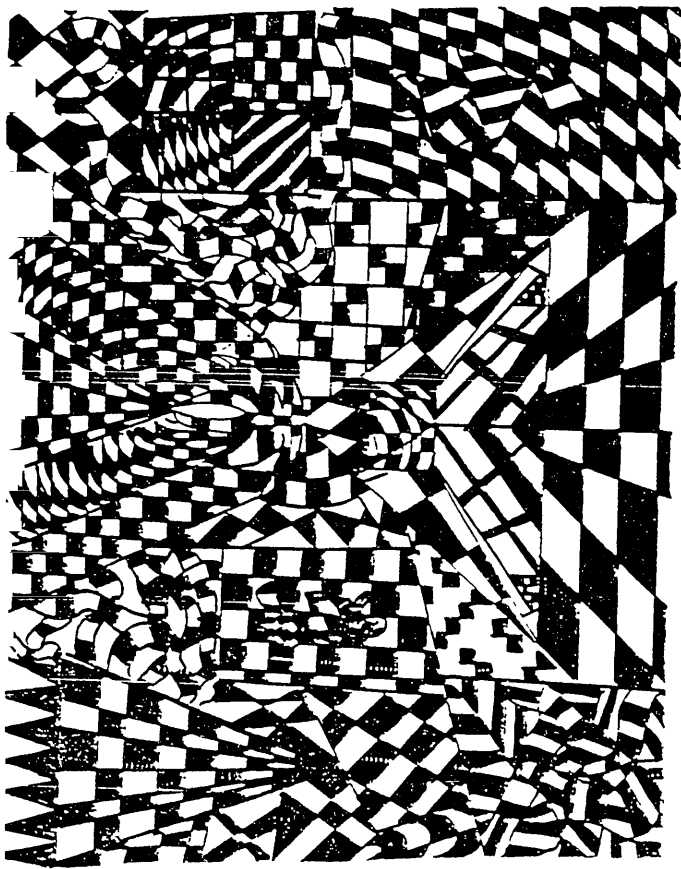
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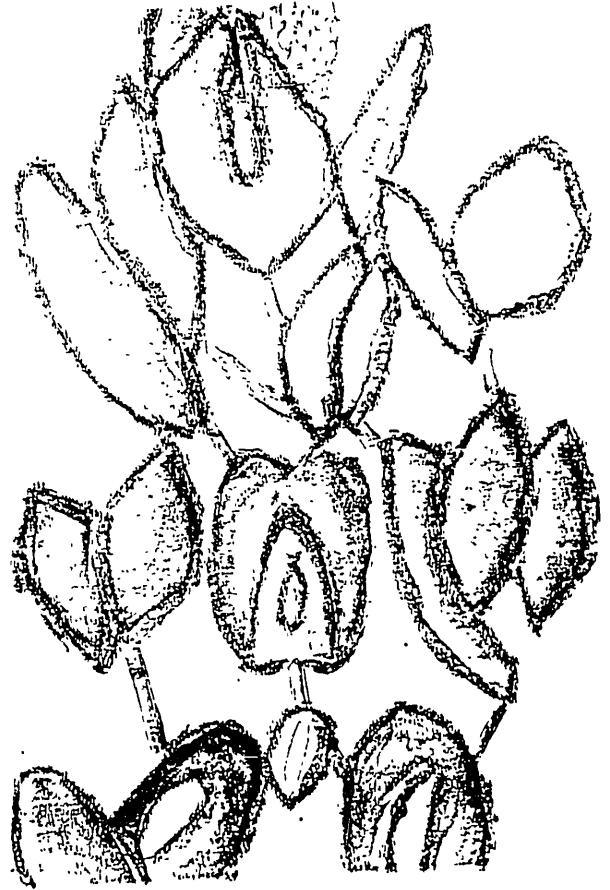


Lets get started on the right foot!





4-35



4-36

4-37

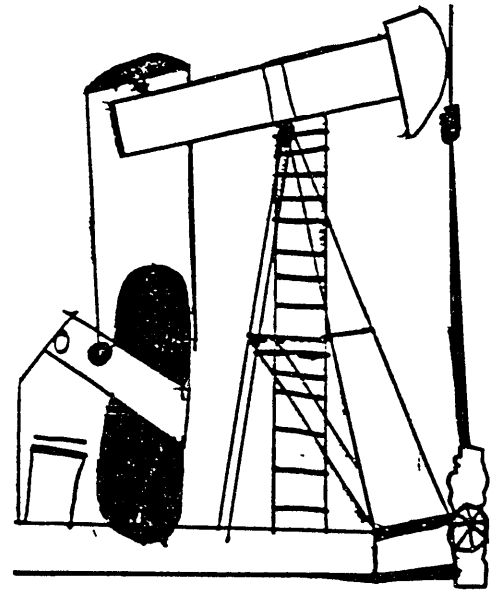


4-38

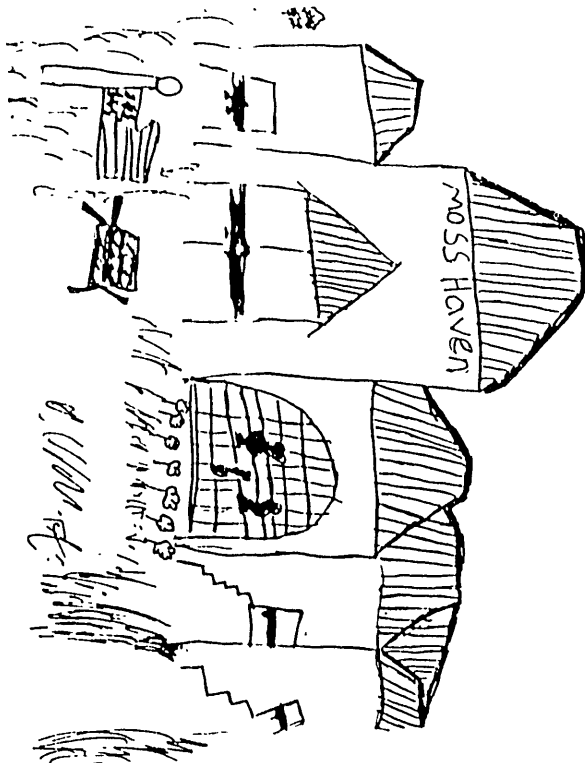




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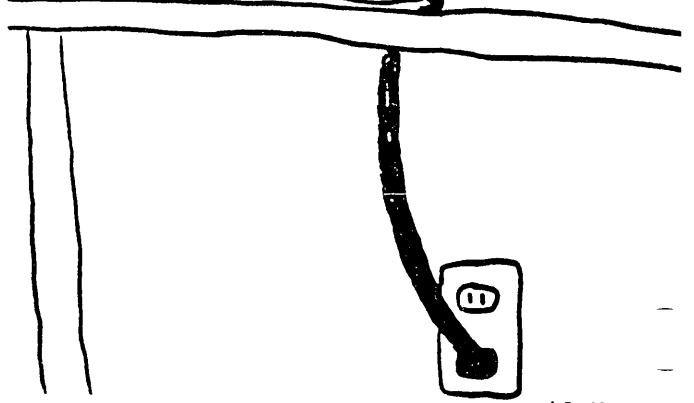
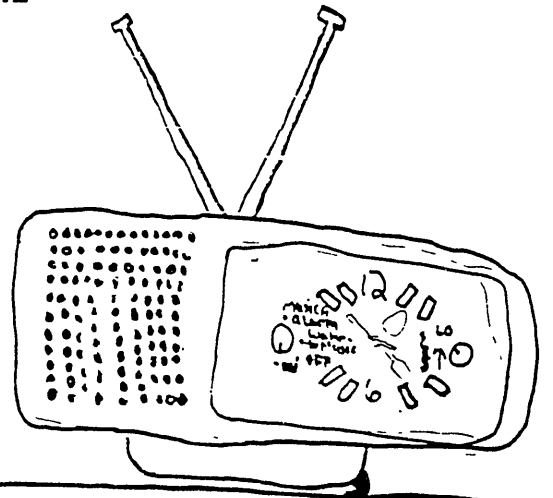


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4-41

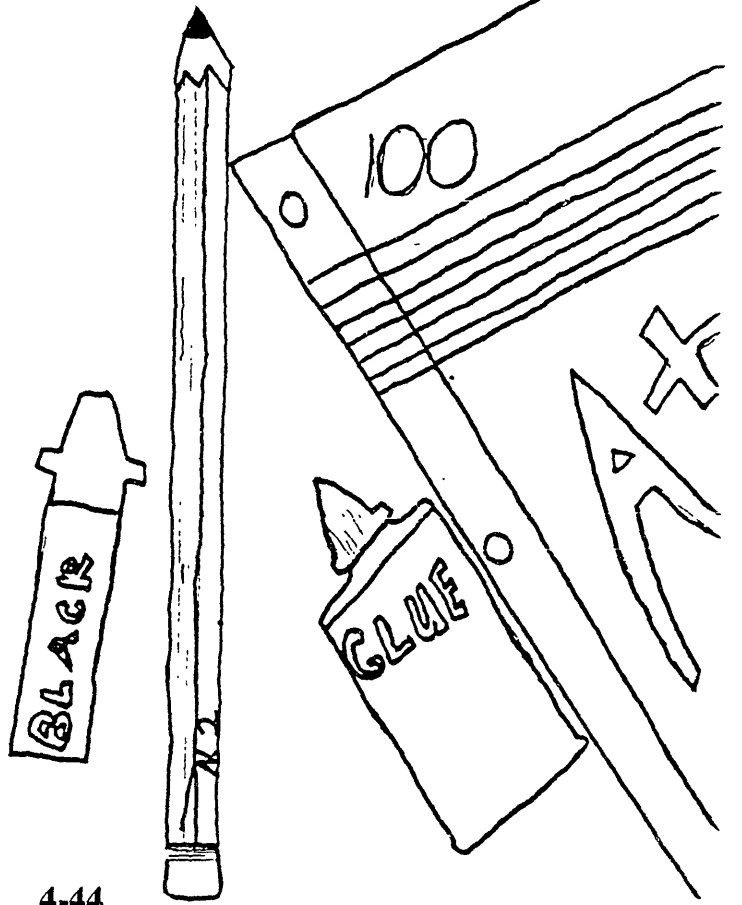
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Don't Mess With Texas

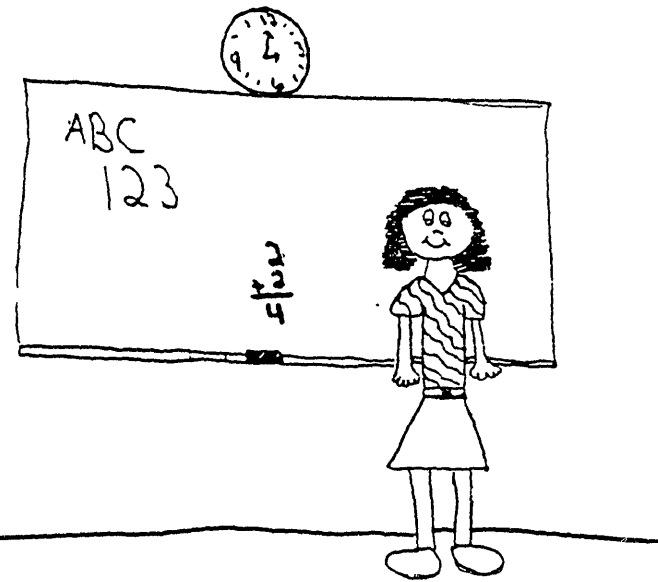


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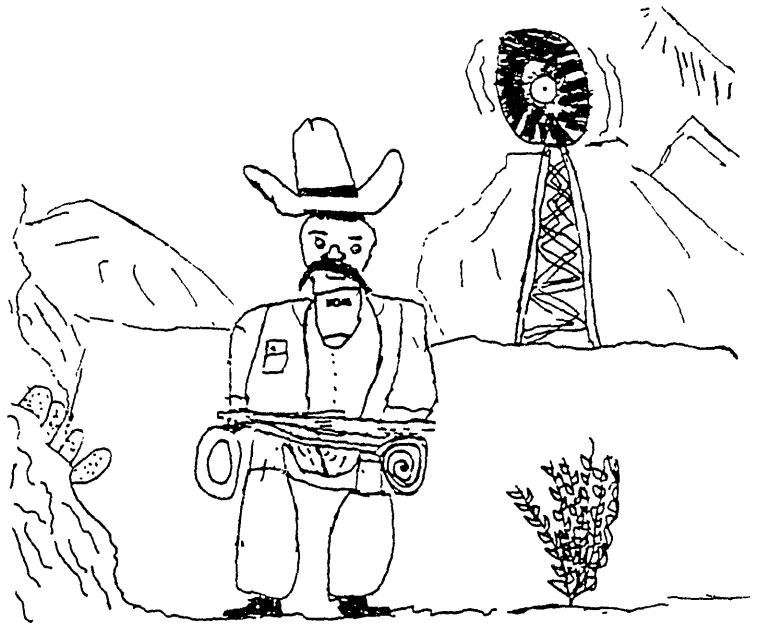


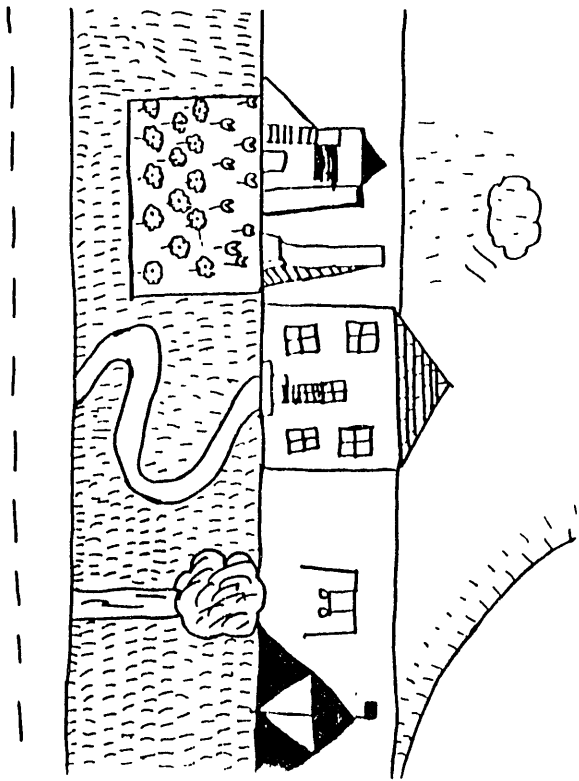
4-44

4-45

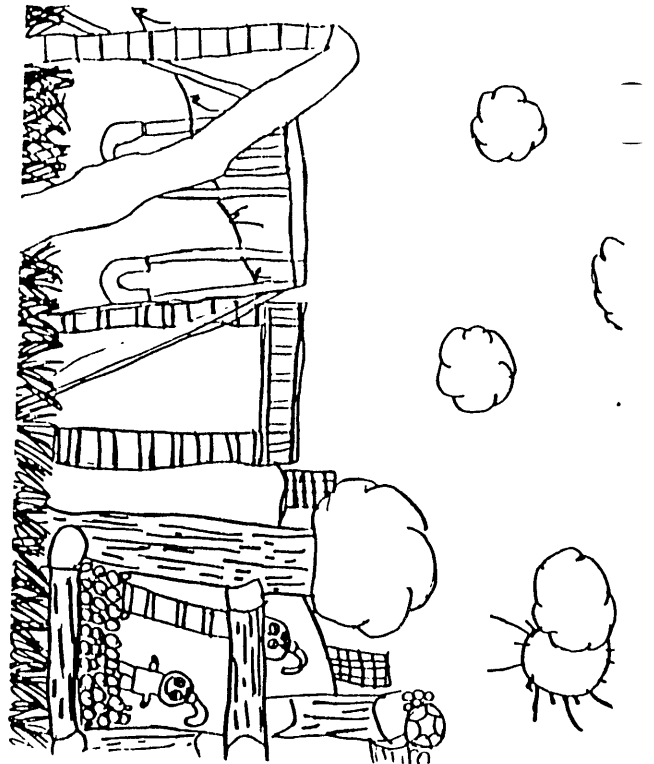


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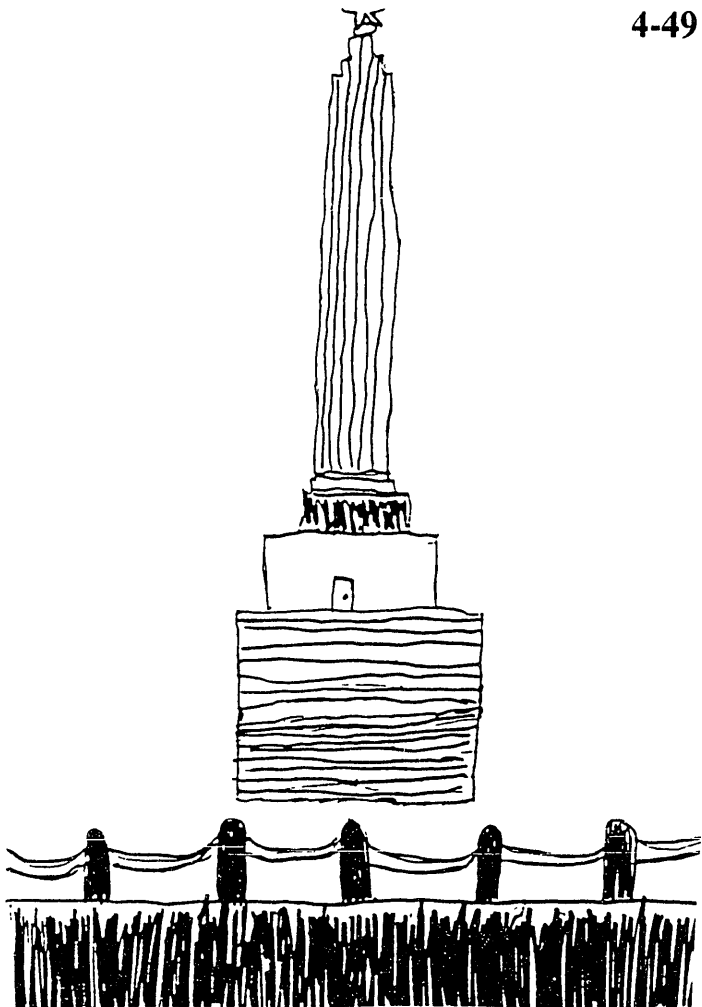




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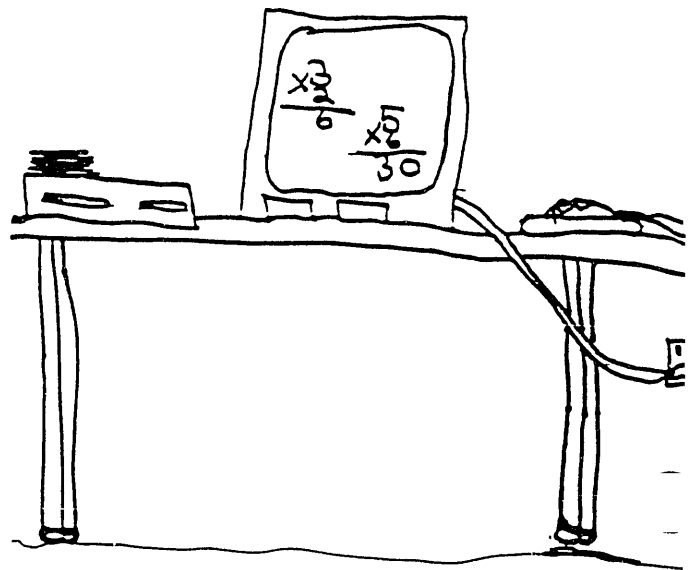
4-48



4-49

4-50

Computer Lab



The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made July 9, 1992

To be a member of the **Midwestern State University Board of Regents** for a term to expire February 25, 1998: Margaret Furr Darden, 4011 Cochran Chapel Road, Dallas, Texas 75209. Ms. Darden will be replacing E. L. Watson of Dallas whose term expired.

To be a member of the **Texas State Board of Plumbing Examiners** for a term to expire September 5, 1997: Stanley J. Briers, 219 Whispering Oaks, Taylor Lake Village, Texas 77586. Mr. Briers is being reappointed.

To be a member of the **Texas State Board of Plumbing Examiners** for a term to expire September 5, 1997: Phillip Allen Lord, 2206 Helen, Pasadena, Texas 77502. Mr. Lord is being reappointed.

To be a member of the **Texas Commission for the Deaf and Hearing Impaired** for a term to expire January 31, 1995: Michelle Bailey, 215 Teetshorn, Houston, Texas 77009. Ms. Bailey will be filling the unexpired term of Gwendel Butler of Austin who resigned.

To be a member of the **Real Estate Research Advisory Committee** for a term to expire January 31, 1997: Michael M. Beal, 306 Hensel Drive, Bryan, Texas 77801. Mr. Beal will be replacing Bill Jennings of Fort Worth whose term expired.

To be a member of the **Real Estate Research Advisory Committee** for a term to expire January 31, 1997: Dr. Donald S. Longworth, 6610 Joliet Drive, Lubbock, Texas 79413. Dr. Longworth will be replacing Frederick D. McClure of San Augustine whose term expired.

To be a member of the **Board of Tax Professional Examiners** for a term to expire March 1, 1995: Esther Z. Perez, HC 01, Box 88, Carrizo Springs, Texas 78834. Miss Perez will be filling the unexpired term of Harris Oswalt of Tyler who is deceased.

To be a member of the **District Four Review Committee, State Board of Medical Examiners** for a term to expire January 15, 1998: Gladys Cronfel Keene, M.D., 304 Regal Drive, Laredo, Texas 78041. Dr. Keene will be replacing Dr. Harold Skaggs of Austin whose term expired.

To be members of the **Early Childhood Intervention Advisory Committee** for

terms to expire February 1, 1993: Kathryn E. Moody, 3106 Fairmont, Sugar Land, Texas 77478; Alvin Ray Stewart, 8539 Capitol Texas Highway North, Austin, Texas 78759; Zenitha Ann Rosales, 2402 Magnolia, Amarillo, Texas 79107. These appointments are pursuant to House Bill Number 7, 72nd Legislature.

To be a member of the **Texas Council on Alzheimer's Disease and Related Disorders** for a term to expire September 1, 1997: Marian Rowe, Ph. D., R.N., 1925 Courtney, Tyler, Texas 75701. Dr. Rowe will be replacing Dr. Donald E. Moss of El Paso whose term expired.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Paul Parsons, Attorney at Law, 704 Rio Grande, Austin, Texas 78701. Mr. Parsons is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Suzanne Senesac-Sherif, Resettlement Director, Catholic Family Service, Inc., P.O. Box 15127, Amarillo, Texas 79105-5127. Ms. Senesac-Sherif is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Jose G. Moreno, Executive Director, Diocesan Migrant and Refugee Services, 1200 North Mesa, Suite 200, El Paso, Texas 79902. Mr. Moreno is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Amalia del Rosario Mezo, Accredited Representative, Catholic Charities, 3845 Oak Lawn Avenue, Dallas, Texas 75219. Ms. Mezo is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Duoc P. Le, President, Chemwaste Services, Inc., 3220 25th Street, Port Arthur, Texas 77642. Mr. Le is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Ref-**

ugees for a term to expire February 1, 1993: Andrew R. Duron, Director, Nueces County Department of Human Services, P.O. Box 71027, Corpus Christi, Texas 78467-1027. Mr. Duron is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Noe B. Calvillo, Program Director, Region One Education Service Center, 1900 West Schunior Street, Edinburg, Texas 78539. Mr. Calvillo is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Governor's Advisory Committee on Immigration and Refugees** for a term to expire February 1, 1993: Kassahun Bisrat, Executive Director, Refugee Services Alliance, 1919 North Loop West, Suite 300, Houston, Texas 77008. Mr. Bisrat is being appointed pursuant to Senate Bill Number 379, 72nd Legislature.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1994: Joyce B. Fox, 6121 Coralridge, Corpus Christi, Texas 78413. Ms. Fox is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1994: Ruben M. Garcia, M.D., 1901 Helen Street, Alice, Texas 78332-4532. Dr. Garcia is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1993: Charles Lynn Gouge, 1001 Castle Ridge, Austin, Texas 78746. Mr. Gouge is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1994: Cherrylene Hershberger, 5126 Tangle Lane, Houston, Texas 77056. Ms. Hershberger is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1994: Sandra Smith Jackson, P.O. Box 146, Moscow, Texas 75960. Ms. Jackson is being appointed pursuant to the

Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1993: Donald L. Kelley, M.D., 9407 Arch Hill Circle, Austin, Texas 78750. Dr. Kelley is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1994: Peg O. McCuiston, 1010 Huntridge Drive, Austin, Texas 78758. Dr. McCuiston is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

To be a member of the **Home Health Services Advisory Council** for a term to expire

January 31, 1993: Raymond Weaver McClure II, 3100 Carmel, Denton, Texas 76205. Mr. McClure is being appointed pursuant to the Health and Safety Code, Vernon's Texas Codes Annotated, Chapter 142.

Issued in Austin, Texas on July 14, 1992.

TRD-9209664

Ann W. Richards
Governor of Texas



Emergency Sections

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

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 290. Water Hygiene

Rules and Regulations for Public Water Systems

• 31 TAC §§290.38-290.49

The Texas Water Commission is renewing the effectiveness of the emergency adoption of repealed §§290.38-290.49, for a 60-day period effective July 31, 1992. The text of repealed §§290.38-290.49 was originally published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2541).

Issued in Austin, Texas, on July 15, 1992.

TRD-9209716 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: July 31, 1992

Expiration date: September 29, 1992

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



Rules and Regulations for Public Water Systems

• 31 TAC §§290.38-290.49

The Texas Water Commission is renewing the effectiveness of the emergency adoption of new §§290.38-290.49, for a 60-day period

effective July 31, 1992. The text of new §§290.38-290.49 was originally published in the April 10, 1992, issue of the *Texas Register* (17 TexReg 2564).

Issued in Austin, Texas, on July 15, 1992.

TRD-9209715 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: July 31, 1992

Expiration date: September 29, 1992

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



Laboratory Analysis

• 31 TAC §290.50

The Texas Water Commission is renewing the effectiveness of the emergency adoption of new §290.50, for a 60-day period effective July 21, 1992. The text of new §290.50 was originally published in the March 27, 1992, issue of the *Texas Register* (17 TexReg 2241).

Issued in Austin, Texas, on July 15, 1992.

TRD-9209713 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: July 21, 1992

Expiration date: September 19, 1992

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



Chapter 330. Municipal Solid Waste

Subchapter Y. Medical Waste Management

• 31 TAC §330.1010

The Texas Water Commission is renewing the effectiveness of the emergency adoption

of new §330.1010, for a 60-day period effective July 21, 1992. The text of new §330.1010 was originally published in the March 27, 1992, issue of the *Texas Register* (17 TexReg 2241).

Issued in Austin, Texas, on July 15, 1992.

TRD-9209714 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: July 21, 1992

Expiration date: September 19, 1992

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



Chapter 336. Radiation Rules

Disposal of Radioactive Substances

• 31 TAC §336.1

The Texas Water Commission is renewing the effectiveness of the emergency adoption of new §336.1, for a 60-day period effective July 21, 1992. The text of new §336.1 was originally published in the March 27, 1992, issue of the *Texas Register* (17 TexReg 2241).

Issued in Austin, Texas, on July 15, 1992.

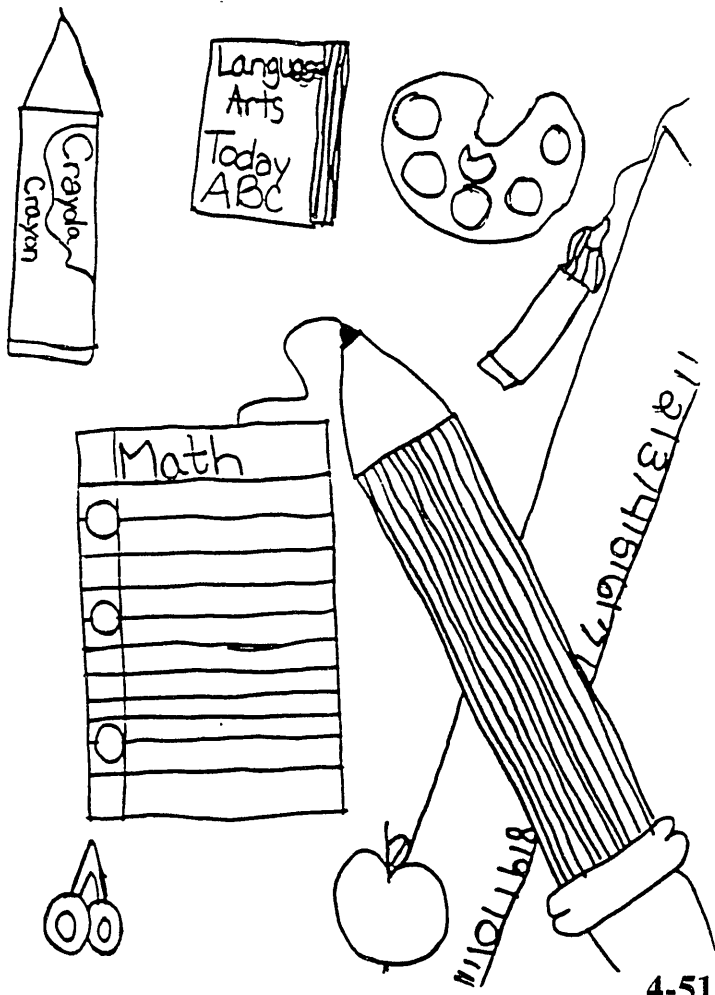
TRD-9209712 Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: July 21, 1992

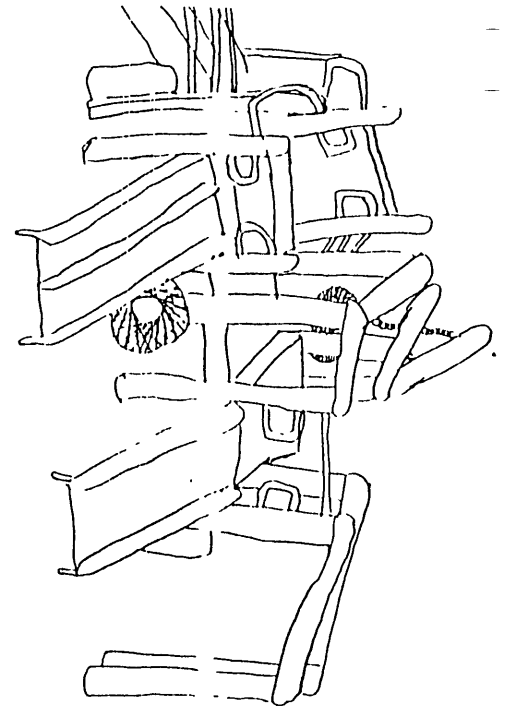
Expiration date: September 19, 1992

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





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Proposed Sections

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

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

TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 5. Quarantines

Sweet Potato Weevil Quarantine

• 4 TAC §§5.63, 5.65-5.68

The Texas Department of Agriculture proposes amendments to §§5.63, 5.65-5.68, concerning sweet potato weevil quarantine. The Texas Department of Agriculture proposes the following amendments and additions to §§5.63-5.68. The amendment provides procedures for shipments of sweet potatoes in Texas. The unrestricted shipment procedures pose a serious threat to the sweet potato industry from one of the most devastating, contagious, and persistent pests known, the sweet potato weevil.

David Davis, coordinator for plant quality, 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. Davis 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 prevention of the introduction of the sweet potato weevil into weevil free areas of Texas. It will also decrease the use of chemicals, and the public will benefit from a safer environment. 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 Dolores Alvarado Hibbs, Chief Administrative Law Judge, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, Chapter 71.007 which provides the Texas Department of Agriculture with the authority to establish or adopt rules as necessary for the protection of agricultural and horticultural interests and §71.001 which provides the department with the authority to establish quarantines against infested areas outside the state.

§5.63. *Regulated Areas.* The regulated areas are as follows:

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

(7) Arkansas. Ouachita County.

§5.65. *Restricted Materials.* The following material is restricted:

- (1)-(3) (No change.)

(4) any containers or bins used in the transportation of sweet potatoes originating from a regulated area, as specified in §5.63 of this title (relating to Regulated Areas);

(5) containers constructed from previously used material may not be used to transport sweet potatoes into the weevil free area, unless inspected and certified as weevil free as outlined in §5.67 of this title (relating to Conditions Governing the Issuance of Certificate Tags for the Movement of Restricted Material from the Regulated Areas).

§5.66. *Conditions Governing Movement of Restricted Material.* Restricted material shall not be moved from any regulated area into, within or from the State of Texas except under the following conditions: Shipments from regulated areas of other states may be made only by those who have obtained a permit from the commissioner of agriculture, and have made bond in the amount of \$1,000 to guarantee reimbursements to any purchasers of sweet potatoes shipped into the State of Texas for the purchase price and freight charges thereon, if destroyed or returned to the principal by and duly authorized inspector of the Texas Department of Agriculture. Such shipments may not enter the Texas weevil-free area [, or the eradication area] under any condition. A copy of the permit must be printed on tags, one of which is to be firmly affixed to each container of a shipment, and such tags may be used only by the holder of a permit. Sweet potatoes must be shipped from holders of permits, hauled by holders of permits, and such potatoes must have been purchased from a permit holder. Each tag must show the name, street address, and city of the consignee. All shipments of sweet potatoes must be inspected by a duly authorized inspector of the Department of Agriculture of the state of origin, and a certificate of inspection issued by the inspector must accompany the shipment. A copy of this certificate of inspection must be sent to the Texas Department of Agriculture, [421 East Ferguson Street.] 517 North Glenwood, Tyler, Texas 75710 by the inspector the day the certificate is issued.

company the shipment. A copy of this certificate of inspection must be sent to the Texas Department of Agriculture, [421 East Ferguson Street.] 517 North Glenwood, Tyler, Texas 75710 by the inspector the day the certificate is issued.

§5.67. *Conditions Governing the Issuance of Certificate Tags for the Movement of Restricted Material from the Regulated [and Eradication] Areas.* A certificate for the movement of restricted material from any regulated area in the State of Texas outside thereof will be issued by a duly authorized inspector upon determination that:

- (1) (No change.)

(2) that the material has been produced, packed, and handled for shipment under such conditions as to eliminate any danger of the spread of weevils, provided that no certificate will be issued for the shipment of sweet potatoes from Texas to any state which may prohibit such entry of potatoes from the area defined; and further, no permit will be issued under condition for movement of restricted material into weevil free [or eradication] areas of Texas.

§5.68. *Bedding, Production, and Distribution of Sweet Potatoes and Sweet Potato Slips in [the Official Sweet Potato Weevil Eradication Area of Texas] Weevil Free Areas.*

(a) Source of planting stock. Owners of properties within the [eradication] weevil free areas shall secure bedding potatoes, plants, vines, and cuttings only from sources and under conditions approved by the state quarantine official.

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

(d) Harvest. Except as provided in subsection (g) of this section, all sweet potatoes [grown on an infested property in the eradication area] shall be harvested before November 15 of the year of production, and the owner shall thoroughly clean the fields at the time of harvest, removing all sweet potatoes and parts thereof, and disposing of same to the satisfaction of the inspector in charge.

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

(g) **Destruction date.** The commissioner may on written request by a farm owner or operator, grant an extension of the harvesting or sweet potato destruction date. An extension may be granted due to adverse weather conditions or other good cause.

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 July 15, 1992.

TRD-9209699 Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Earliest possible date of adoption: August 21, 1992

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

◆ ◆ ◆
**TITLE 22. EXAMINING
BOARDS**
**Part XXII. Texas State
Board of Public
Accountancy**

**Chapter 501. Professional
Conduct**

Advertising and Soliciting

• **22 TAC §501.48**

The Texas State Board of Public Accountancy proposes an amendment to §501.48, concerning written response to board communication. The amendment states the board's position that CPA's must provide workpapers and other document when requested to do so by the board.

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

Mr. Treacy, 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 that CPA's will be required to cooperate with investigations concerning their competence. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to written response to board communications.

§501.48. Responses.

(a) A certificate or registration holder shall respond in writing to any communication from the board requesting a response, within 30 days of the mailing of such communication by registered or certified mail to the last address furnished to the board by the certificate or registration holder.

(b) Failure to respond to written board communications, or failure to furnish requested documentation and/or workpapers, constitutes conduct indicating lack of fitness to serve the public as a professional accountant.

(c) Each certificate holder and each person required to be registered with the board under the Public Accountancy Act of 1991 [1979], §10, shall notify the board, in writing, of any and all changes in such person's mailing address and the effective date thereof within 30 days before or after such effective date.

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 July 14, 1992.

TRD-9209669 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: August 21, 1992

For further information, please call: (512) 450-7066

◆ ◆ ◆
TITLE 28. INSURANCE
**Part I. Texas Department
of Insurance**

**Chapter 5. Property and Casu-
alty Insurance**

**Subchapter A. Automobile In-
surance**

Miscellaneous Interpretations

• **28 TAC §5.205**

The State Board of Insurance of the Texas Department of Insurance proposes new §5.205 concerning the Automobile Theft Prevention Authority pass-through fee. Section 5.205(a) authorizes insurers to recoup from policyholders the \$1.00 fee per motor vehicle year required to be paid by insurers to the Automobile Theft Prevention Authority under Texas Civil Statutes, Article 4413(37), §10. Section 5.205(b) provides the manner in which the notice of the fee is to be included on motor vehicle insurance policies. Section 5.205(c) specifies the type of policies to be assessed the \$1 fee and the basis on which the fee will be assessed. Section 5.205(d) exempts certain types of motor vehicle policies from the fee requirement.

David Durden, deputy commissioner for the casualty program, has determined that for each year of the first five-year period the proposed section is in effect the fiscal impact to the state, units of local governments and small business will be \$1 for each motor vehicle owned by a state or local governmental entity or small business and insured by a commercial carrier for primary liability losses. There will be no effect on local employment or the local economy.

David Durden, deputy commissioner for the casualty program, 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 a reduction in motor vehicle theft in the state and a concomitant reduction in motor vehicle insurance premiums. Mr. Durden has determined that there will be no cost to insurers as a result of compliance with this section.

Comments on the proposal must be submitted within 30 days after publication of the proposed section in the Texas Register to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC# 113-2A, Austin, Texas 78715-9104. An additional copy of the comment should be submitted to David Durden, Deputy Commissioner, Casualty Division, Texas Department of Insurance, P.O. Box 149104, MC# 103-11, Austin, Texas 78714-9104. Request for a public hearing on this proposal should be submitted separately to the Chief Clerk Office.

The new section is proposed pursuant to Texas Civil Statutes, Article 4413(37), §10; the Insurance Code, Article 1.10, §1; Article 5.06, §(1); Article 5.98, Article 5.101, §3, Article 1.04, §(b); and Texas Civil Statutes, Article 6252-13a, §4 and §5. Texas Civil Statutes, Article 4413(37), §10, requires insurers to pay to the Automobile Theft Prevention Authority a fee equal to \$1.00 multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer during the preceding calendar year. The Insurance Code, Article 1.10, §1, requires the board to see that all laws respecting insurance and insurance companies are faithfully executed. Article 5.06, §(1), authorizes the board to adopt a policy form and endorsements for each type of motor vehicle insurance. Article 5.101, §3 authorizes the board to promulgate a benchmark rate and a flexibility band for motor vehicle insurance and authorizes the board, in promulgating the benchmark rate and the flexibility band, to give due consideration to expenses of operation other than statutorily specified disallowed expenses and to any other factor considered appropriate by the board. Article 5.98 authorizes the board to adopt reasonable rules appropriate to accomplish the purposes of Chapter 5 authorizes the board to determine rules in accordance with the laws of this state. Texas Civil Statutes, Article 6252-13a, §4 and §5 authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

§5.205. Automobile Theft Prevention Authority Pass-through Fee.

(a) Texas Civil Statutes, Article 4413(37), §10, requires each insurer to pay a fee of \$1.00 per motor vehicle year to the Automobile Theft Prevention Authority. Each insurer is authorized to recoup this fee from the policyholder.

(b) Any insurer recouping the fee from the policyholder as authorized by subsection (a) of this section must include on or with each motor vehicle insurance policy providing primary liability coverage delivered, issued for delivery, or renewed in this state on or after October 1, 1992, including

those policies issued and renewed through the Texas Automobile Insurance Plan, the notice required by this subsection in no less than 10-point type. The notice shall be attached to or stamped or printed on the declarations page and shall become part of the policy. The notice shall read as follows:

NOTICE: A fee of \$_____ is payable in addition to the premium due under this policy. This fee reimburses the insurer, as permitted by 28 TAC §5.205, for the \$1.00 fee per motor vehicle year required to be paid to the Automobile Theft Prevention Fund under Texas Civil Statutes, Article 4413(37), §10, which became effective on June 6, 1991.

(c) All automobile policies providing primary liability coverages shall be assessed the \$1.00 fee per motor vehicle year except for those policies specifically excepted in subsection (d) of this section. For purposes of this section, the term "motor vehicle year" shall mean one motor vehicle insured for one year.

(d) The fee shall not be assessed on garage liability policies, non-resident policies and policies providing only non-ownership or hired auto coverages.

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 July 10, 1992.

TRD-9209550

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

Earliest possible date of adoption: August 21, 1992

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

◆ ◆ ◆
Subchapter G. Workers' Compensation Insurance
Workers' Compensation Insurance Bid Procedure

• 28 TAC §§5.6702-5.6707

The State Board of Insurance of the Texas Department of Insurance proposes new §§5.6702-5.6706, concerning notice filing requirements for workers' compensation insurance coverage that an employer, insurance company or governmental entity shall file with the department pursuant to Article 3, Chapter B of the Texas Workers' Compensation Act, Texas Civil Statutes, Article 8308. Proposed new §§5.6702-5.6706 requires any notice affecting the status of workers' compensation coverage of an employer to be filed with the department, commencing September 1,

1991. These sections also requires these notices to be filed in the time and manner prescribed by the department. The proposed sections are necessary because the Workers' Compensation Act requires that certain notices required by law to be made by an employer or an insurance company be filed with the department. The proposed sections prescribe the time, place, and manner in which the notices must be filed. Proposed §5.6702 sets out detailed requirements for insurance company notice of employer coverage. This proposed section requires the insurance company to file notice with the department on a TDI Form 20, Insurance Company Notice of coverage/Cancellation/Non-Renewal, within 10 days after the effective date of the policy. This section also lists the information that shall be included in the notice. The proposed section also sets out annual notice reporting requirements. Additionally, the proposed section requires the insurance company of an employer with all-states insurance coverage, who is located outside of Texas but is temporarily operating in the state, to notify the department of that employer's coverage status, within 10 days after a written request for information from the Texas Workers' Compensation Commission. Proposed §5.6703 requires an insurance company that cancels or non-renews a workers' compensation policy on the anniversary date of the policy to notify the department, by certified mail or in person, on TDI Form 20, Insurance Company Notice of Coverage/Cancellation/Non-Renewal. The proposed section sets out the effective date of a subsequent policy in instances where a notice of cancellation of a previous policy has not been filed with the department, and the previous policy is replaced by a subsequent policy. Proposed §5.6704 requires each employer, who employs one or more employees, and who does not have workers' compensation insurance coverage, to notify the department. The notice is to be in writing, on TDI Form 5, Employer Notice of Non-Coverage or Termination, and filed annually, as provided in the proposed section. Proposed §5.6705 requires each employer who terminates workers' compensation insurance coverage to notify the department that the employer has terminated such coverage. The notice shall

be in writing, on TDI Form 5, Employer Notice of Non-Coverage or Termination. The effective date of termination of workers' compensation shall be 30 days after filing TDI Form 20, Employer Notice of Non-Coverage or Termination with the department or the cancellation date of the policy, whichever is the latest. The employer is responsible for premiums until the effective date of policy termination. The notice shall be filed with the department, by certified mail, not later than the tenth 10th day after notifying the insurance company to terminate workers' compensation insurance coverage. Proposed §5.6706 requires a self-insured governmental entity to file notice with the department. The notice shall be in writing, on TDI Form 20-3, Self-Insured Governmental Entity-Notice of Insurance, and filed with the department by certified mail or in person, within 10 days after the effective date of the policy or coverage. If the self-insured governmental entity is making a change of servicing contractor, or is being formed, then the self-insured governmental entity shall file the required notice and thereafter annually on the anniversary date of the policy while in force. Proposed §5.6707 provides that copies of the above proposed forms for adoption by reference have been filed with the Office of the Secretary of State. Additional copies of the proposed rules and forms may be obtained from Robert A. Hefford, Director, Research and Special Projects, Workers' Compensation Division, Mail Code 202-1A, Texas Department of Insurance, P.O. Box 149092, Austin, Texas 78714-9092.

Nancy Moore, deputy insurance commissioner for workers' compensation insurance, has determined that for each year of the first five years the new sections are in effect, the fiscal implications for state government will be as follows: Fiscal Year 1992-\$280,112; Fiscal Year 1993-\$297,080; Fiscal Year 1994-\$305,992; Fiscal Year 1995-\$305,992; and Fiscal Year 1996-\$315,172. Ms. Moore also has determined that the anticipated effect on small businesses and local governments, as a cost of compliance with proposed rules §§5.6702-5.6706, is anticipated to be the costs associated with completing and filing each form.

Ms. Moore, also has determined that for the

the public benefit anticipated as a result of enforcing these sections will be to furnish, to the Texas Workers' Compensation Commission, data required to ascertain workers' compensation insurance coverage and benefits for employees injured in the course and scope of employment, in accordance with the Texas Workers' Compensation Act. In addition, an accounting of all employers in Texas that carry workers' compensation insurance can be made. As a result, the number of employees covered and not covered by workers' compensation insurance can be calculated. The conclusions drawn by analyzing these statistics will provide a basis for targeting various industrial groups and occupations for the marketing of workers' compensation insurance. It is also anticipated that the collection and maintenance of the collected data will enhance the ability of the TDI and the Texas Workers' Compensation Commission to identify potential problems in the workers' compensation insurance coverage of certain industrial groups and occupations. There is no anticipated cost to the public as a result of insurance company and employer compliance with the proposed sections

Comments on the proposal must be submitted in writing within 30 days after publication of the proposed rule in the *Texas Register*, to Linda K. von Quintus-Dorn, Chief Clerk, P.O. Box 149104, MC# 113-2A, Austin, Texas 78714-9104. An additional copy of the comment should be submitted to Robert A. Hefford, Director, Research and Special Projects, Workers' Compensation Division, Mail Code # 202-1A, TDI, P.O. Box 149092, Austin, Texas 78714-9092. Request for a public hearing on this proposal should be submitted separately to the Chief Clerk's Office

The new sections are proposed under Texas Civil Statutes, Article 8308, (Texas Workers' Compensation Act), §§3.22, 3.25, 3.26, 3.27, and 3.28, the Insurance Code, Article 1.04; and Texas Civil Statutes, Article 6252-13A, §4 and §5 Texas Civil Statutes, Article 8308, §§3.22, 3.25, 3.26, and 3.28 require that prescribed subscriber notices be filed with the Texas Department of Insurance. Section 3.27 authorizes the State Board of Insurance to adopt rules necessary to enforce Article 8308, §§3.21-3.30. The Insurance Code, 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 and §5 authorize and require each state agency to adopt rules of practice, setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state agency.

§5.6702. Insurance Company Notice of Employer Coverage.

(a) Each insurance company providing workers' compensation insurance to an employer shall file notice of such coverage with the Texas Department of Insurance

(b) The notice shall be in writing, on TDI Form 20, Insurance Company Notice of Coverage/Cancellation/Non-Renewal, and shall contain the following information

(1) insurance company name, servicing business address, NCCI number and federal employer identification number (FEIN);

(2) insurance agency name, business address, and FEIN;

(3) employer/insured name, "doing business as" (DBA name), if one exists, with effective date, business address, FEIN, number of employees, start date of inception of business, workers' compensation governing classification code assigned by the Texas Department of Insurance, and nature of business;

(4) current policy number, and effective dates;

(5) identification of divided risk or facility risk, if applicable; and

(6) name and signature of insurance company representative completing form and date of notice.

(c) Supplemental notice forms, as applicable, shall be attached to TDI Form 20, as provided in this subsection.

(1) "Also Known As" names (AKAs), and effective date of each, shall be recorded on TDI Form 20-1.

(2) Identification of additional locations of employer's business, including employer/insured name, business address, FEIN, DBAs, workers' compensation insurance effective dates, and number of employees at each location shall be recorded on TDI Form 20-2.

(d) The information required by this rule shall be filed with the Texas Department of Insurance, by mail or in person, within 10 days after the effective date of the policy, and thereafter annually within 10 days after the anniversary date of the policy while in force.

(e) When an employer who is principally located outside of Texas carries all-states coverage and temporarily operates in Texas, the insurance company shall provide written notice, pursuant to this section, within 10 days after a written request from the Texas Workers' Compensation Commission.

(f) An insurance company that fails to comply with this rule commits a Class C administrative violation, in accordance with the Texas Workers' Compensation Act, Article 8308, §3.25, and may be assessed an administrative penalty by the Texas Workers' Compensation Commission, not to exceed \$1,000 for each day of noncompliance.

§5.6703 Insurance Company Notice of Cancellation/Non-Renewal of Employer Coverage

(a) Each insurance company that cancels, or does not renew, an employer's

workers' compensation policy on the anniversary date shall file notice with the Texas Department of Insurance.

(b) The notice shall be in writing, on TDI Form 20, Insurance Company Notice of Coverage/Cancellation/Non-Renewal, and shall contain the following information:

(1) insurance company name, servicing business address, NCCI number, and federal employer identification number (FEIN);

(2) insurance agency name, business address, FEIN;

(3) employer/insured name, "doing business as" (DBA name), if one exists, with effective dates, business address, FEIN, number of employees, start date of inception of business, workers' compensation governing classification code assigned by the Texas Department of Insurance, and nature of business;

(4) indication of whether cancellation was initiated by company or employer;

(5) type of cancellation (30 day or 10 day);

(6) current policy number and effective date;

(7) date the insurance company notified the employer/insured of cancellation/non-renewal, and the effective date of cancellation/non-renewal; and

(8) name and signature of insurance company representative who completed the TDI Form 20, and the date of the notice.

(c) The information required by this section shall be filed with the Texas Department of Insurance, by certified mail or in person, not later than 30 days before the date on which the cancellation or renewal becomes effective, except as provided in subsection (d) of this section.

(d) The insurance company may send notice to the employer and the Texas Department of Insurance not later than 10 days before the effective date of cancellation or non-renewal if the insurance company cancels, or does not renew, because of one or more of the following:

(1) fraud in obtaining coverage;

(2) misrepresentation of payroll amounts used for premium calculation;

(3) failure to pay the premium when payment is due;

(4) an increase in hazard for which the insured seeks coverage that results from an action or omission of the employer, and that would produce an increase in the rate, including an increase

because of a failure to comply with reasonable recommendations for loss control, or to comply within a reasonable period with recommendations designed to reduce a hazard that is under the employer's control; and

(5) determination by the Commissioner of Insurance that the continuation of the policy would be in violation of the law, or would be hazardous to the interest of subscribers, creditors, or the general public.

(c) Insurance coverage remains in effect until the notice required by this section is given to the Texas Department of Insurance and the employer.

§5.6704. Employer Filing Required for Non-Coverage.

(a) Each employer who employs one or more employees, and who does not have workers' compensation insurance coverage shall notify the Texas Department of Insurance. An employer whose employees are exempted from the Texas Workers' Compensation Act, Article 8308, §3.10, are exempt from this section.

(b) The notice shall be in writing, on TDI Form 5, Employer Notice of Non-Coverage or Termination of Coverage, and shall contain the following information:

(1) employer's name, business address, and federal tax identification number;

(2) business location(s) of employer's business operations, inception date of operation of business, and the number of employees at each business location;

(3) description of employer's business operations for each business;

(4) name, title, and signature of the person providing the information; and

(5) date the TDI Form 5 was completed.

(c) Supplemental TDI Form 5-1, Location of Employer's Business(es), shall be attached, as necessary, to the notice required by this section.

(d) The notice shall be filed annually with the Texas Department of Insurance within 30 days of the anniversary date of the inception of business, or the anniversary date of cancellation of the last workers' compensation insurance policy, whichever is later.

(e) An employer who fails to comply with this section commits a Class D administrative violation, in accordance with the Texas Workers' Compensation Act, Article 8308, §3.22, and may be assessed an administrative penalty by the Texas Workers' Compensation Commission, not to exceed \$500 for each day of non-compliance.

§5.6705. Employer Termination of Workers' Compensation Insurance.

(a) Each employer who terminates workers' compensation insurance coverage shall notify the Texas Department of Insurance that the employer has terminated such coverage.

(b) The notice shall be in writing, on TDI Form 5, Employer Notice of Non-Coverage/Termination, and shall contain the following information:

(1) employer's name, business address, and federal tax identification number;

(2) inception date of operation of business, and the number of employees at each business location;

(3) description of the employer's business operation;

(4) effective date of termination of workers' compensation insurance policy coverage;

(5) name of insurance company, policy number, and effective dates of policy;

(6) date the employer notified the carrier to terminate policy;

(7) date the employer requested cancellation to be effective;

(8) date the notice of termination was provided, or will be provided, to affected employees;

(9) name, title, and signature of the person providing the information; and,

(10) date TDI Form 5 was completed.

(c) The effective date of termination of workers' compensation insurance coverage shall be the later of:

(1) 30 days after filing of TDI Form 5, Employer Notice of Non-Coverage/Termination with the Texas Department of Insurance; or

(2) the cancellation date of the policy.

(d) The employer is obligated to pay premiums which accrue during the period contained in subsection (c) of this section.

(e) The notice shall be filed with the Texas Department of Insurance, by certified mail, within 10 days of the employer's notice to the insurance carrier to terminate workers' compensation insurance coverage.

§5.6706. Self-Insured Governmental Entity-Notice of Insurance, Change of Insurance Company or Renewal of Coverage.

(a) A governmental entity means a county, home-rule city, a city, town, or

village organized under the general laws of this state, a special district, a school district, a junior college district, a housing authority, a community center for mental health and mental retardation services established under Article 3, Texas Mental Health and Mental Retardation Act, or any other legally constituted political subdivision of the state, as authorized to self-insure for workers' compensation insurance pursuant to Texas Civil Statutes, Article 8309h.

(b) A governmental entity which self-insures for workers' compensation shall file notice of such coverage with the Texas Department of Insurance.

(c) The notice shall be in writing, on TDI Form 20-3, Self-Insured Governmental Entity-Notice of Coverage, and shall contain the following information:

(1) employer/insured name, business address, federal employer identification number (FEIN), and nature of business;

(2) number of employees;

(3) employer's workers' compensation governing classification code, assigned by Texas Department of Insurance and occupation, if insured;

(4) name of servicing contractor, FEIN, and policy number/contract certificate number;

(5) effective date of policy/contract; and

(6) name and signature of insurance company/servicing contractor representative (person completing form), and date of notice.

(d) The information required by subsection (b) of this section shall be filed, by the governmental entity, with the Texas Department of Insurance by certified mail, or in person, within 10 days after any of the following:

(1) the effective date of the coverage;

(2) a change in insurance company acting as the servicing contractor; and

(3) the formation of the governmental entity, and thereafter, annually.

(e) A servicing contractor or self-insuring governmental entity that fails to comply with this rule commits a Class C administrative violation under the Texas Workers' Compensation Act, §3.25, and may be assessed an administrative penalty, not to exceed \$1,000 for each day of non-compliance by the Texas Workers' Compensation Commission.

§5.6707. Incorporation by Reference. TDI Form 5 (Employer Notice of Non-Coverage of Termination of Coverage), Form 5-1

(Location of Employer's Business(es)), Form 20 (Insurance Company Notice of Coverage/Cancellation/Non-Renewal), Form 20-1 (Also Known As), Form 20-2 (Location of Employer's Business(es)), and Form 20-3 (Self-Insured Governmental Entity), the use of which is required in these sections, are adopted by reference, and have been filed with the Office of the Secretary of State. Additional copies of the proposed rules and forms may be obtained from Robert A. Hefford, Director, Research and Special Projects, Workers' Compensation Division, Mail Code 202-1A, Texas Department of Insurance, P.O. Box 149092, Austin, Texas 78714-9092.

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 July 15, 1992.

TRD-9209708 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Earliest possible date of adoption: August 21, 1992

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

TITLE 31. NATURAL RESOURCE AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 69. Resource Protection

Memorandum of Understanding

• 31 TAC §69.71

The Texas Parks and Wildlife Department (TPWD) proposes new §69.71, concerning a memorandum of understanding with the Texas Department of Transportation (TxDOT). This memorandum of understanding was published as Exhibit A in the June 5, 1992, issue of the *Texas Register* (17 TexReg 4082). It provides for TPWD review of projects proposed by TxDOT which have the potential to affect natural resources within the jurisdiction of TPWD and concerns the development of a system by which information developed by TxDOT and TPWD may be exchanged to their mutual benefit.

Robin Riechers, staff economist, has determined that for the first five-year period the section is in effect there will be fiscal implications for state government as a result of enforcing or administering the section. TPWD is unable to assign an exact cost to the state that will be associated with the increased coordination effort between TPWD and TxDOT. It is not possible to estimate the cost of additional environmental mitigation and/or

enhancement resulting from the proposed amendment since the extent of mitigation and/or enhancement is related to the scope and extent of mitigation and/or enhancement is related to the scope and extent of specific TxDOT activities or projects and the anticipated associated environmental impacts. There will be no effect on local government.

Mr. Riechers has determined that there will be no significant impact on local economies or overall employment as a result of administering the proposed new amendment. The department has not filed a local employment impact statement with the Texas Employment Commission as this agency has determined that the rules as proposed will have no local employment impact.

Mr. Riechers also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the increased coordination and communication between TxDOT and TPWD resulting from implementation of the memorandum of understanding which will benefit the public by ensuring that the natural environment is preserved to the fullest extent possible and enhanced when practicable. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Written comments on the proposal may be submitted to Roy Frye, Resource Protection Division, Texas Parks and Wildlife Department, 4200 Smith School, Austin, Texas 78744, (512) 389-4579 or 1-(800)-792-1112, extension 4579.

Texas Civil Statutes, Article 6673g, enacted by Senate Bill 352, 72nd Legislature, 1991, require TxDOT to adopt a memorandum of understanding with each state agency that has responsibilities for the protection of the natural environment or for the preservation of historical or archeological resources. Article 6673g also requires TxDOT and each of the resource agencies to adopt the memoranda and all revisions by rule. This amendment is proposed pursuant to that statute in order to meet this legislative intent and to ensure that natural resources are given full consideration in highway planning, design, construction, and subsequent operation and maintenance.

§69.71. Review of Fish and Wildlife Impacts of Texas Department of Transportation Activities. The Texas Parks and Wildlife Department adopts by reference the memorandum of understanding between the Texas Department of Transportation (TxDOT) and the Texas Parks and Wildlife Department as published in the June 5, 1992, issue of the *Texas Register* (17 TexReg 4082), which provides for department review of TxDOT projects and provides for development of a mechanism for the sharing of information.

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 July 14, 1992.

TRD-9209687

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

Earliest possible date of adoption: August 21, 1992

For further information, please call: 1 (800) 792-1112, extension 4433 or (512) 389-4867

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 83. Contracted Youth Services

- 37 TAC §§83.1, 83.5, 83.7, 83.11, 83.13, 83.15, 83.17, 83.19, 83.21, 83.23

The Texas Youth Commission (TYC) proposes amendments to §§83.1, 83.5, 83.7, 83.11, 83.13, 83.15, 83.17, 83.19, 83.21, and 83.23, concerning contracts for parole supervision service; assessment of the needs of youth; contracts for residential and nonresidential services; requests for proposals; contract services standards and requirements; monitoring and evaluation of contract care programs; variances and waivers in contractual agreements; concerning problem solving mechanism in contract services; an appeals process in contract services; and private sector involvement in the development of contract administration. The amendments provide the agencies whose accreditation or licensing of programs TYC Will accept as a condition of contracting with TYC for youth care. The needs assessment and recommendation responsibility has been shifted from the central office to the regional level in some cases. The definition of levels of care has been refined. Procedures used by TYC to ensure quality of care includes quarterly on-site visits.

John Franks, director of fiscal affairs, 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. Franks 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 efficient contracting process. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendments are proposed under Human Resources Code, §61.037, which pro-

vides TYC with the authority to enter into agreements with appropriate public or private agencies.

§83.1. Contracts for Parole Supervision Service.

(a) (No change.)

(b) Rules.

(1) Factors considered in contracting for parole services [are listed]:

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

(2) (No change.)

(3) The regional director [director of community services] authorizes contracts.

(4)-(5) (No change.)

§83.5. Needs Assessment.

(a) (No change.)

(b) Rules.

(1) The research and planning department, with input from the chief of community placement, [Contract administration, the research and planning department,] the centralized placement unit, professional services, and each region, completes a needs assessment indicating the types and capacities and areas of contract programs needed and of current programs' abilities to meet those needs.

(2) Using the needs assessment, each region prioritizes [Contract administration develops a contract services plan prioritizing] the types and capacity of needed contract programs within regions, identifying current contract programs which are able to meet the needs of youth, and establishing priority objectives for new program development. [The plan is approved by the director of community services and deputy executive director.]

(3) The information [contract services plan] is sent to the chief of community placement to be used for program development and budget planning [shared with the contract services advisory council for their assistance in implementation].

(4) Contracts are renewed and developed in accordance with regional recommendations and approved by the chief of community placement [the contract services plan].

§83.7. Contracting for Residential and Non-residential Services.

(a) Policy. The Texas Youth Commission (TYC) contracts with private service agencies for nonresidential and residential services [treatment, group homes and foster family homes, basic child care,

and emergency shelter care as] appropriate for TYC youth.

(b) Rules.

(1) General.

(A) TYC enters into contracts with private agencies best able to provide services to meet specific needs of TYC youth identified through a process of needs assessment and requests for proposal [assessment and proposals].

(B) TYC contracts with providers which meet:

(i) TYC's basic core standards, [or] licensing standards of the Department of Human Services, [or] accreditation requirements of the Joint Committee on Accreditation of Health Care Organization [Hospitals] and/or the Council on Accreditation [;], Texas Department of Mental Health and Mental Retardation Community Standards, Texas Commission on Drug and Alcohol Licensing Standards or Texas Health Department Standards; and

(ii) Texas Health and Human Services Coordinating Council levels of care; and/or [service requirements appropriate to a specific level of care; and]

(iii) special [service] requirements set forth by a request for proposal or a proposal for services [if any].

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

(E) Approval of the chief of community placement [director of community services] is required to execute all referenced contracts.

(F) Neither shall youth be placed into any residential program, except on an emergency basis and approved by the regional director, nor any funds encumbered prior to the full execution of the contract.

(2) New contract procedure for existing programs.

(A) contract specialist investigates and evaluates a program for a contract based on service needs.

(B) If a program meets the needs, qualifies as a service provider, and the region recommends a contract, then the contract specialist forwards appropriate paperwork to chief of community placement.

(C) The chief of community placement reviews and submits to legal department to initiate a contract.

(D) Chief of community placement forwards the contract to the contract specialist.

(E) The contract specialist reviews the contract and obtains signature of the service provider.

(F) The contract specialist forwards the signed contract to the chief of community placement for signatures.

(G) The chief of community placement routes copies to the following:

(i) finance-original;

(ii) contract program;

(iii) contract specialist;

(iv) chief of community placement.

(H) The contract specialist ensures all appropriate personnel in the region have copy(ies) of the contract.

(3) Contract renewal procedure.

(A) Contract specialist begins the contracting process four months prior to renewal.

(B) Contract specialist completes evaluation and submits the evaluation to the chief of community placement with a recommendation to renew/not renew two months prior to expiration of contract.

(C) Chief of community placement reviews the recommendation and submits to legal department to initiate a new contract if there is no recommended rate increase.

(D) If a rate increase is recommended, the chief of community placement submits to the contract care review committee to review and to make a recommendation to grant or deny recommendation. The chief of community placement submits to the deputy executive director for final approval of all rate increases.

(i) If rate increase is denied, the chief of community placement informs the contract specialist and the service provider is informed of the results by the contract specialist and is advised of the appeal process.

(ii) If rate increase is approved, the chief of community placement submits paperwork to legal department to initiate a new contract.

(E) Chief of community placement forwards the contract to the contract specialist.

(F) The contract specialist reviews the contract for corrections and obtains signatures.

(G) The contract specialist forwards the signed contract to the chief of community placement for signature.

(H) The chief of community placement routes copies to the following:

- (i) finance-original;
- (ii) contract program;
- (iii) contract specialist;
- (iv) chief of community placement.

The contract specialist ensures all appropriate personnel in the region have a copy(ies) of the contract.

(4) New contract procedure for RFP awarded programs.

(A) Chief of community placement submits paperwork to legal department to initiate a new contract(s).

(B) Chief of community placement obtains all signatures and routes copies to the following:

- (i) finance-original;
- (ii) contract program;
- (iii) contract specialist;
- (iv) chief of community placement.

(C) The contract specialist ensures all appropriate personnel in the region have copy(ies) of the contract.

(2) Rates.

[(A) Rates for each level of care paid shall not exceed the maximum daily rate per youth recommended by the Health and Human Services Coordinating Council for each level of care.

[(B) For individual programs, except foster family homes, a fixed monthly basis for payment may be established when it is cost-effective to TYC and if the number, type, and conditions of youth

to be served are determined by the contract administrator to be reasonably constant.

[(C) Except where payment on a fixed monthly basis is established, rates and payments are made on a per day per youth basis for all contract services for each contract cycle.

[(D) Factors considered in rate setting are:

- [(i) uniform costs reports;
- [(ii) analysis of contract program budgets in terms of efficiency and cost of services;
- [(iii) annual rate of inflation;
- [(iv) costs of service;
- [(v) difficulty of care;
- [(vi) occupancy rates; and
- [(vii) state appropriations.

(3) Contract procedure.

[(A) Contract administration staff evaluates contract needs based on the contract services plan resulting from the needs assessment process.

[(B) Individual programs are notified of the contract renewal process.

[(C) Contract administrator forwards the appropriate materials to the contract specialists to complete the new and renewed contracts.

[(D) Contract specialists complete contracts with the individual programs to include individually agreed upon special requirements and performance standards and return the contract material to central office.

[(E) The contract administrator completes and mails contracts to providers for signatures.

[(F) The contract renewal process shall be completed prior to the end of the current contract cycle.

§83.11. Request for Proposal.

(a) Policy. The Texas Youth Commission (TYC) may request proposals through the approved request for proposal (RFP) procedure for new or unique program development of a halfway house or other residential [,] programs, and day treatment or specialized nonresidential services

needed to meet the needs of TYC youth in communities throughout the State of Texas. The purpose of this process is to ensure cost-effective, quality programming through competitive bidding to enhance community participation and encourage new program development.

(b) Rules.

(1) Notification of requests for proposal.

(A) A request for proposal and the criteria for screening proposals are developed by the chief of community placement. It is [contract administrator and] approved/reviewed by the director of community services.

(B) The RFP notification may be sent to current and potential vendors, [potential vendors,] and may be published in the *Texas Register*.

(C) (No change.)

(2) Screening and approving proposals.

(A) (No change.)

(B) [On being received, each RFP is logged and screened for completeness. Bidders are asked to supply any missing information.] All information must be submitted by the due date.

(C) An RFP screening committee for each RFP is selected by the chief of community placement [contract administrator and director of community services.]

(D)-(E) (No change.)

§83.13. Contract Services Standards and Requirements.

(a) Policy. The Texas Youth Commission (TYC) contracts with programs which are licensed or accredited by other agencies and those which meet TYC requirements. TYC administers the contract program through the implementation and monitoring of standards, [service requirements] and, where appropriate, special requirements.

(b) Rules.

(1) Explanation of terms used.

(A) (No change.)

(B) Levels of care established specify the type and method of delivery of services and address:

- (i) service needs of the youth;
- (ii) medical care;
- (iii) recreational activities and leisure time;
- (iv) education;
- (v) therapeutic interests and case management; and
- (vi) Staff ratio.

[(B) Service requirements under each level of care established by the Health and Human Services Coordinating Council specify the type and the methodology of delivery of services and address:

- [(i) casework services;
- [(ii) supervision;
- [(iii) recreation;
- [(iv) professional services; and
- [(v) special needs.

[(C) Special requirements are requirements unique to youth's needs and address:

- [(i) on-site education;
- [(ii) vocational training;
- [(iii) substance abuse programs;
- [(iv) supported independent living;
- [(v) maternity care;
- [(vi) day treatment;
- [(vii) emergency care; and
- [(viii) other identified special requirements.]

(2) Licensed and/or accredited programs.

(A) TYC contracts with programs that are licensed by the Texas Department of Human Services (DHS) to provide residential care to children and youth.

(i) DHS licensed programs are required to comply with DHS licensing standards and levels of care standards adopted by state agencies [with the TYC service requirements for the level of care to be provided to TYC youth].

(ii) Additional special service requirements may be [are] developed to become a part of the contract where:

- (I) (No change.)

(II) there are unique aspects of an individual program such as [wilderness camps.] intensive supervision and tracking, electronic monitoring, or marine.

[(iii) The special requirements listed in paragraph (1)(C) of this subsection apply to a DHS licensed program if it offers one or more special service.]

(B) TYC contracts with programs, generally psychiatric hospitals, which are accredited by the Joint Committee on Accreditation of Health Care Organization (JCAHO) [Hospitals (JCAH)] and/or the Council on Accreditation (COA) to provide services to children and youth.

(i) JCAHO/COA [JCAH/COA] accredited programs are required to comply with JCAHO/COA [JCAH/COA] accreditation standards and with any additional TYC service requirements deemed appropriate to the youth's treatment plan.

[(ii) The special requirements listed in paragraph (1)(C) of this subsection apply to a JCAHO/COA [JCAH/COA] accredited program if it offers one or more special service.]

(C) TYC may contract with programs that are licensed by the Texas Commission on Drug and Alcohol, Texas Department of Mental Health and Mental Retardation, or Texas Department of Health, in order to serve a more specialized population.

(3) TYC approved programs. TYC contracts with programs which are neither licensed by DHS nor accredited by JCAHO/COA [JCAH/COA] but which meet TYC's core standards instead.

- (A) (No charge.)

(B) Approved programs also comply with health and human services levels of care standards [service requirements listed in paragraph (1)(B) of this subsection as appropriate for youth needs].

[(C) The special requirements listed in paragraph (1)(C) of this subsection apply to an approved program contracting with TYC if it offers one or more special service.]

(C) Additional special service requirements may be developed to become a part of the contract where:

(i) TYC deems it necessary to meet the needs of an individual youth; or

(ii) there are unique aspects of an individual program such as intensive supervision and tracking, electronic monitoring, or marine.

§83.15. Quality Assurance.

(a) Policy. The Texas Youth Commission (TYC) monitors and evaluates contract care programs to encourage program development, ensure contract compliance, identify program strengths and weaknesses, and provide technical assistance. TYC implements a quality assurance process that identifies exceptions to standards together with corrective action to bring the service agent into compliance with applicable standards. [encourages positive program development through the identification of deviations between expected and actual performance of the service agent together with corrective action that will bring the service agent into compliance with TYC expectations.] TYC imposes sanctions, if necessary, to enforce any corrective action(s) recommended through the monitoring and evaluation process.

(b) Rules.

- (1) Explanation of terms used.

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

(C) Monitoring-A formal review of the service agent's contract, if applicable, compliance with TYC core standards, if applicable levels of care, and any other applicable requirements as stated in the contract [implementation of TYC performance standards and service requirements].

(D) Sanctions-Actions that may be taken by TYC to facilitate service agent compliance with TYC stated requirements [performance standards].

(E) Evaluation-A process used to measure and assess the quality and effectiveness of a service agency and/or a program.

(2) On-site visits. A minimum of quarterly on-site visits are required. Additional site visits may be necessary determined by work loads, regional needs, and service agency performance. [The frequency of on-site visits is determined by work loads, regional needs, and service agency performance.]

- (3) Monitoring.

(A) The contract specialist develops a schedule to monitor all service agencies based on service agents performance and needs [a minimum of four times per year on a quarterly cycle].

(B) The contract specialist prepares for the monitoring visit by talking with the casemanager, reviewing case information on youth placed in the program for relevant data, interviewing community and professional personnel as appropriate, reviewing [DHS reports with the] appropriate licensing reports [representative], and reviewing past monitoring data.

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

(E) If no deficiencies are found, the contract specialist sends a letter of documentation [commendation] to the service agent.

(F) If a deficiency(ies) is found, the contract specialist completes a follow-up report with a corrective action plan [the Monitoring Follow-Up form] within five days of the visit [and sends one copy each to the casemanager supervisor, administrator of contract services, the service agent, and files a copy of the report in the service agent's file].

[(G) The contract specialist sends a copy of any report containing a category two deficiency and case management deficiencies to the casemanager supervisor, and administrator of contract services.

[(H) The contract specialist sends a telex to the administrator of contract services, and casemanager supervisor detailing any category three deficiency within 24 hours of an on-site visit.]

(4) Monitoring follow-up.

(A) The contract specialist follows up with the service agent in the time frame designated in the previous monitoring [on the contract program visit record].

(B) The contract specialist documents completion of the corrective action [on the contract program visit record].

(C) The contract specialist sends within five days of the follow-up visit, [a copy of the contract program visit record noting] corrective action taken by the service agent to those parties who received the monitoring report.

(5) Imposing sanctions.

(A) If the service agent fails to complete the corrective action specified [in the contract program visit record] , and

no extenuating circumstances exist, the contract specialist initiates the sanction appropriate for the performance deficiency.

(B) The contract specialist documents each contact with the service agent by sending a follow-up letter.

(C) The regional director will submit in writing to the chief of community placement a request for sanction with justification, proposed start date, and the projected completion date.

(D) The chief of community placement reviews all proposed sanctions and makes a final decision.

(E) The chief of community placement will notify appropriate TYC staff.

(F) The regional director will communicate in writing to the facility the imposed sanction.

[(C) The contract specialist involves the administrator of contract services in the sanctioning of all category three deficiencies by reviewing the deficiencies and proposed sanctions with the administrator prior to notifying the service agent.]

[(D) The contract specialist imposes the progression of sanctions until corrective action is completed or the contract is terminated.

[(E) The administrator of contract services reviews all proposed contract terminations with TYC general counsel.

[(F) The administrator of contract services notifies service agents in writing of all contract terminations.

[(G) Sanctions are imposed based on the deficiency.

[(H) The centralized placement unit is notified when sanctions in paragraph (6) (D)-(G) of this subsection are imposed.]

(6) Sanctions:

(A) minor sanctions:

(i)[(A)] conference;

(ii) [(B)] letter documenting deficiencies, correction action needed, and timetable to program director/executive director;

(iii)[(C)] letter to program director/executive director with copies to the program's board president;

(B) major sanctions:

(i)[(D)] moratorium on placements;

(ii)[(E)] probation;

(iii)[(F)] removal of youth;

(iv)[(G)] contract termination.

(7) Evaluation. An overall evaluation is conducted annually and prior to the end of each contract [year]. The evaluation is based on all quality assurance components collected during the contract period which includes all [could include any or all components listed below.][(A) All] monitoring reports during a contact period, [are] compiled to assess a service agent's compliance with contract [performance standards] and service requirements.

[(B) Program evaluation questionnaires are administered to youth as they complete a program, and to contract specialists and casemanagers at the end of a contract period. Questionnaires may also be administered to other relevant persons who work regularly with a program in delivering services to TYC youth.

[(C) Program outcomes and effectiveness are measured according to the performance standards (objectives) appropriate to the service agent's level of care.

[(D) Pre and post tests are used for measuring the effect of special programs such as job training or education programs.

[(E) Program data collected by the TYC management information system is used for assessing program performance. Data analyzed includes serious incidents, number of youths paroled, etc.

[(F) Annual program budgets are analyzed to assess program efficiency and productivity.

[(8) Foster homes.

[(A) The contract specialist can waive monitoring of those primary foster homes that have had no new placements since the last evaluation.

[(B) The contract specialist follows monitoring procedures outlined in paragraphs (2), (3), and (5) of this subsection.

tion substituting the terms "foster home" for "service agent" and "contract program specialist" for "administrator of contract services."

[(C) If the foster home fails to complete the corrective action specified in the Monitoring Follow-Up form, and no extenuating circumstances exist to justify an extension of the time frame, the contract specialist consults with the contract program specialist to discuss follow-up action. Follow-up may include, but is not limited to, actions to:

[(i) extend the time limit for corrections;

[(ii) discuss the possibility of a waiver or variance;

[(iii) offer technical assistance;

[(iv) impose a moratorium on placements;

[(v) initiate a new compliance with core standards verification study process to reassess the family system's ability to provide foster care;

[(vi) amend the conditions of compliance verification; and/or

[(vii) revoke the foster home's compliance verification.

[(D) The contract specialist documents all follow-up action and sends a copy to the contract program specialist.

[(E) The contract program specialist notifies all foster homes of changes in the foster family approval status.]

§83.17. Variance/Waiver Procedures.

(a) (No change.)

(b) Rules.

(1) Explanation of terms.

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

(2) Residential contract program [initial request].

(A) The contract care program administrator completes, signs, and dates the residential contract program variance/waiver request form, page 1, and sends necessary documentation [or sends a letter with the necessary information] to the contract specialist.

(B) The contract specialist reviews the request, completes the contract specialist's recommendation, page 2 of the

variance/waiver request form, with regional director approval and forwards it to the chief of community placement [contract services administration] in central office. The contract specialist recommends the length of time that the variance/waiver is to be in effect, if less than the existing contract.

(C) The chief of community placement [The administrator of contract services] reviews the request, with the [obtains] additional information provided [needed], decides whether or not to grant the variance/waiver, and forwards the contract administrator's decision, page 3, of the variance/waiver request to the contract [program administrator with a copy to the contract] specialist. The contract specialist forwards the decision to the program.

(D) Variance/waivers are time limited and renewals must follow the procedures in subparagraphs (A)-(C) of this paragraph.

[(3) Residential contract program renewal request.

[(A) The contract program administrator makes the request to the contract specialist verbally or in writing. No form is necessary.

[(B) The contract specialist makes a decision on the renewal request and informs the contract program administrator in writing of the decision.

[(C) The contract specialist notifies the contract services administrator of the renewal request and the decision made in the matter in writing.

[(4) Residential contract program emergency request.

[(A) The contract program administrator makes the request to the contract specialist. If the contract specialist is not available, the request is made to the regional administrator.

[(B) If both the contract specialist and the regional administrator are unavailable, the program administrator contacts the administrator of contract services directly.

[(C) If the administrator of contract services makes the decision directly, based on communicated information from the program administrator, said decision is subject to change pending an investigation and recommendation by the contract specialist.

[(D) The administrator of contract services forwards a written response to the program administrator to confirm the verbal decision. A copy of the decision goes to the contract specialist.

[(E) Following receipt of the decision of the administrator of contract services, the contract specialist investigates the program to ascertain the emergency nature of the request.

[(F) If the contract specialist believes that an emergency does not exist, a recommendation is made to the administrator of contract services to amend the decision in the matter.

[(G) The administrator of contract services reviews the recommendation of the contract specialist and either amends or affirms the prior decision. The contract specialist and the program administrator are notified of the final decision.

[(5) Foster care programs initial request.

[(A) A foster parent initiates a variance/waiver request by informing the contract specialist of his intent.

[(B) The contract specialist completes, signs and dates the residential contract program variance/waiver request form, pages 1 and 2, and forwards the request to the contract program specialist in central office. The contract specialist recommends the length of time that the variance/waiver is to be in effect.

[(C) The contract program specialist reviews the request, obtains additional information needed, decides whether or not to grant the variance/waiver, and forwards the decision to the contract specialist.

[(D) The contract specialist informs the foster family of the decision.

[(6) Foster care program renewal request.

[(A) The contract specialist must initiate a new request prior to the expiration of the present variance/waiver.

[(B) Variance/waiver requests must be renewed with each renewal of the foster parent agreement.]

§83.19. *Problem Solving Mechanism.*

(a) (No change.)

(b) Rules.

(1) (No change.)

(2) Formal resolution.

(A) Contract program or TYC staff who wish to submit problems for resolution may do so by submitting the concern in writing, [the contract services statement of problem form. The form] including all relevant information and a recommended resolution. [is critical to understanding the problem and should be filled out completely.]

(B) The statement of problem [form] is submitted to the appropriate contract specialist unless the problem specifically involves the contract specialist, in which case, [the form] is submitted to the regional director [administrator of contract services]. Contract specialists have authority and responsibility to resolve problems related to contract services.

(C) Problems are resolved within 10 working days; responses are made to the:

(i) (No change.)

(ii) the contract specialist;

and

(iii) the regional director.

;

and
[(iv) the administrator of contract services.]

(D) Individuals or programs desiring to appeal the decision may do so by writing all pertinent information relevant to the appeal to the:

(i) regional director [administrator of contract services] if the problem was resolved by the contract specialist; or

(ii) chief of community placement [director of community services] if the problem was resolved by the regional director [administrator of contract services].

(E) When appealed, the problem is resolved within 14 workdays; responses are made to:

(i)-(iii) (No change.)

(iv) the chief of community placement [administrator of contract services].

§83.21. *Appeals Process.*

(a) (No change.)

(b) Rules.

(1) Appealable issues.

(A) The following issues regarding providers meeting TYC core standards and contracts are appealable:

(i) a decision by the regional director [administrator of contract services] to place a program on suspension or probation;

(ii) a decision by the regional director to [administrator of contract services to rescind the core standard compliance verification,] cancel a contract, or a decision to not renew a contract;

(iii)-(vi) (No change.)

(B) The following issues regarding core standard compliance and contracts are not appealable:

(i) a decision by the chief of community placement [administrator of contract services] to deny a request for variance/waiver;

(ii) a decision by the chief of community placement [administrator of contract services] to disapprove a request for a contract amendment;

(iii)-(iv) (No change.)

(2) Time limits and method of appeal.

(A) In order to be timely, an appeal must be filed within 15 [30] days of the appealable issue.

(B) Appeals are filed by submitting a letter addressing the critical elements to the appropriate TYC administrator [in accordance with paragraph (3) of this subsection with a copy to the administrator of contract services].

(C) (No change.)

(3) Decision makers on appeals

(A) (No change.)

(B) For issues relating specifically to interpretation of the contract, the appeal is made to the chief of community placement [director of community services].

(C) For issues relating specifically to action taken under the contract, the appeal is made to the deputy executive director.

(D) The appeal decision is sent to the appealing party with copies to the:

(i) (No change.)

(ii) chief of community placement [administrator of residential contract services];

(iii)-(v) (No change.)

§83.23. *Private Sector Involvement.*

(a) Policy. The Texas Youth Commission provides for private sector involvement in the development of contract administration policies and procedures by encouraging comments and opinions from [the contract advisory council and other] interested segments of the private sector.

(b) Rules.

(1) Prior to implementing new policies and procedures or amending existing policies and procedures in the area of contract services, input is reviewed [obtained] from the private sector [through the contract advisory council].

(2) Private sector interests are encouraged to communicate suggested policies and procedures for improved efficiency and effectiveness of the contract program to the regional director [administrator of contract services]. This type of input will be obtained during regularly scheduled providers meeting, [should be given in writing or by following conversations where input is given with a letter.]

(3) The regional director will schedule regular meetings of the contract providers for the purpose of updating the providers on program operations and obtaining input for future direction.

[(3) Contract administration staff will schedule regular meetings of the contract advisory council for the purpose of updating the council on program operations and obtaining input for future direction of the program.]

(4) Suggestions received from the private sector regarding operation of the contract program will be given consideration and the party making the suggestion will receive a prompt and direct response regarding the suggestion from the regional director within 30 days of receipt.

(5) The regional director will maintain an ongoing log of concerns, suggestions and/or comments, as well as responses.

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 July 7, 1992.

TRD-9209398

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: August 21, 1992

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

◆ ◆ ◆
• 37 TAC §83.9

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

The Texas Youth Commission (TYC) proposes the repeal of §83.9, concerning setting rates for residential programs. The rule is being repealed in order to adopt a new rule which is consistent with a new rate setting procedure.

John Franks, director of fiscal affairs, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Franks also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be a more efficient rate setting procedure. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The repeal is proposed under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies.

§83.9. *Foster Care-Difficulty of Care Rate Setting.*

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 July 7, 1992.

TRD-9209400 Ron Jackson
Executive Director
Texas Youth Commission

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

◆ ◆ ◆
• 37 TAC §83.9, §83.12

The Texas Youth Commission (TYC) proposes new sections §83.9 and §83.12, concerning setting rates for residential programs and start up funds. The new rules define TYC rate setting process and use of start up funds when appropriate for contracted care programs.

John Franks, director of fiscal affairs, 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. TYC uses funds appropriated for this purpose.

Mr. Franks 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 efficient rate setting process and more programming options for placing TYC youth. 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 proposals may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The new sections are proposed under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies, and to enter into agreements with private agencies for separate care and treatment of committed youth.

§83.9. *Rate Setting.*

(a) Policy. The Texas Youth Commission (TYC) sets rates for residential programs based on maximum rates indicated in the Appropriations Bill. The TYC board approves maximum rates to be paid for each level of care.

(b) Rules.

(1) Applicable issue.

(A) Rates set for each level of care paid shall not exceed the maximum daily rate per youth recommended by the Health and Human Services Coordinating Council for each level of care.

(B) TYC shall make reasonable efforts to ensure payment on a fixed monthly basis when it is cost-effective to the agency as determined by the chief of community placement.

(C) Except where payment is guaranteed, rates and payments are made on a per day per youth basis for all contract services for each contract cycle.

(D) Factors considered in rate setting:

- (i) uniform cost reports;
- (ii) cost of services;
- (iii) annual rate of inflation;

(iv) analysis of contract budgets in terms of efficiency and cost of services;

(v) occupancy rates; and

(vi) state appropriations.

(2) Rate increases.

(A) Rate increases may occur by two methods:

(i) across the board rate increase as approved by the TYC board;

(ii) performance based.

(B) Performance based increases may be awarded based on agency contract care evaluation which occurs prior to contract renewal. Areas of required compliance are indicated in individual contracts.

(i) An individual contract must be, at a minimum, in substantial compliance in areas which may include levels of care, licensing or TYC core standards, request for proposal, proposal for services, or any special requirements identified in an individual contract.

(ii) An individual contract must also meet 75% of agency identified performance standards as above average, unless extenuating circumstances exist.

(iii) Extenuating circumstances must be included and justified for consideration.

(iv) All of the requirements in clauses (i)-(iii) of this subparagraph must be met to be eligible for a rate increase.

(C) The contract care evaluation process begins four months prior to the end of a contracting period.

(D) The contract care evaluation is completed by the contract specialist, approved by the regional director, and submitted to the chief of community placement for recommended rate increases. The chief of community placement submits to the contract care review committee which consists of the following:

(i) contract services;

(ii) research and planning; and

(iii) finance.

(E) The review committee reviews the evaluation and recommendations of a rate increase and may approve or deny the request. The chief of community placement submits the contract care review committee's recommendation to deputy ex-

placement submits the contract care review committee's recommendation to deputy executive director for final approval. The contract specialist is notified of the outcome by the chief of community placement. The contract specialist notifies the service provider.

(3) Appeal.

(A) Appeals may be made to the director of community services in the form of a written request outlining specific issues in dispute and suggested remedies within 15 days of the contract evaluation notification to the program.

(B) The director of community services will respond to appeals within 30 days of receipt of an appeal.

(C) The decision of the director of community services is final regarding disputes involving the contract program evaluation and rate increases.

§83.12. Start-Up Funds.

(a) Policy. The Texas Youth Commission (TYC) awards start-up funds as an established method of developing additional private contract care programs to meet the demand for services for the youth in TYC care. All start-up funds paid to contract care agents over and above payments for services must be awarded through a competitive request for proposal process.

(b) Rules.

(1) Explanation of terms used.

(A) Start-up funds are funds which are authorized to be paid by TYC to assist in establishing programs owned and operated by private organizations which agree to provide services to delinquent youth committed to the agency.

(B) Request for proposal is a document used in a competitive bid process.

(C) Funding agreement is a contractual agreement which establishes the need for and conditions under which start-up funds will be awarded and expended.

(D) Advance payments are payments to contract agents prior to the completion of the monthly services rendered.

(E) Guaranteed payments are fixed monthly payments to contract agents based on a daily rate per bed and a predetermined number of youth, even though fewer youth may be in the programs.

(F) Contract for service is an agreement between service agent and TYC that establishes an enforceable legal relationship between the two parties.

(G) Letter of credit is a guarantee by a service agent's bank that payment will be made when the proper documents are tendered.

(H) Default is the failure to perform a legal obligation.

(2) Restrictions.

(A) Start-up funds may be awarded only when there is a critical need for services which cannot be met by existing programs.

(B) Start-up funds may be awarded only if TYC cannot identify service agents willing to start programs without financial assistance.

(C) Start-up funds may not exceed a reasonable value for a contractually guaranteed number of beds for the initial contract period. The start-up funds are awarded in consideration of the contract for services.

(D) Start-up funds are paid monthly based on the expenditures reflected in the agent's monthly expenditure report and in accordance with the approved start-up budget.

(E) Payments for equipment and renovation items are initiated by submission of invoice or other documentation along with an expenditure report.

(F) No repayment of start-up funds is required except in the case of default.

(G) Each request for proposal (RFP) states a maximum amount of start-up funds and guaranteed payments which may be awarded based on type of program, specific location, and size of the program.

(H) The RFP requires that start-up funds are requested through a proposed budget with narrative justifications. The RFP restricts the request to those funds necessary to make the program operational. Funds will not be used for the purchase of real property, i.e. land, buildings, but may be awarded for building renovations which are critical to the program operation.

(I) Guaranteed fixed monthly payments may be awarded for a given number of beds to ensure the availability of services determined to be critical to the needs of the agency.

(3) Monitoring.

(A) The director of community services shall appoint TYC staff to act as monitors for any programs awarded start-up funds.

(B) TYC monitors the start-up progress in accordance with the terms of the start-up funding agreement, the contract for services, and the bidder's final proposal as approved by the agency.

(C) TYC start-up monitoring commences from the date of the funding agreement to the date the program begins operation.

(D) The TYC staff responsible for start-up monitoring signs all purchase vouchers for start-up funds and ensures that appropriate goods and services are received.

(4) Security.

(A) Start-up funds are secured through a letter of credit and a lien on property and equipment, when applicable.

(B) The letter of credit should have a decreasing monthly balance based on the contracted months of service beginning with the first operational month.

(5) Default.

(A) In the event of default, the amount of start-up funds which should be repaid is based on the total start-up funds paid less the amount of start-up funds earned up to the date of default.

(B) Start-up funds are earned based on the number of months of service for the contracted number of beds actually rendered up to the point of default.

(6) Payment for contracted services.

(A) The contract for services does not provide for advance payments. Contract agents are expected to have a minimum of one month's operating capital available from other sources in order to secure the financial stability of the program. Additional funds necessary to operationalize a program should be requested in the start-up funding budget.

(B) Contracts for services shall not guarantee payment for more than 90% of the contracted average daily population (ADP).

(C) Contracts for services must not exceed the approved rate structure for the services required by the level of care system. Additional services beyond Health and Human Services Coordinating Council's recommended levels of care requirements may be negotiated at a supplemental rate.

(D) The start-up funding agreement shall establish a maximum time frame allowable within which a program must become operational.

(E) The start-up funding agreement and the contract for services dates shall establish a service period after the program becomes operational.

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

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◆ ◆ ◆
• 37 TAC §§83.41, 83.43, 83.45,
83.47, 83.49

The Texas Youth Commission (TYC) proposes new §§83.41, 83.43, 83.45, 83.47, and 83.49, concerning admission and referral to contract programs; clothing and personal property of youth in contract programs; incident reporting by contract programs; furloughs from contract care programs; and psychopharmacotherapy in contract programs. The new rules will define procedure for placing youth in contract programs, including admission, personal property, incident reporting, furloughs, and use of psychotropic drugs.

John Franks, director of fiscal affairs, 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. Franks 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 efficient contract program. 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 Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The new sections are proposed under the Human Resources Code, §61.037, which provides the Texas Youth Commission with the authority to enter into agreements with appropriate public or private agencies for the separate care and treatment of youth in the custody of TYC.

§83.41. Admission and Referral to Contract Programs.

(a) Policy. The Texas Youth Commission (TYC) establishes a level of care for all residential contract programs based on standards of service that were previously adopted by the Texas Health and Human Services Coordinating Council. TYC makes referrals consistent with the level of care needed by each youth and provided by each program.

(b) Rules.

(1) The TYC centralized placement unit makes referrals consistent with the service agent's level of care. Additional services may enhance the service agent's potential for serving youth with a higher level of care.

(2) The residential contract program responds to the centralized placement unit within five days of receipt of the referral with one of the following responses:

(A) the youth is appropriate for placement and the projected date of placement;

(B) the youth is appropriate for placement but requests a preplacement interview or visit;

(C) further information is needed to make a decision;

(D) placement is rejected and the rationale; or

(E) further negotiation is needed to establish level of care and/or additional services that will be required to meet the individual youth's needs.

(3) The decision to grant a preplacement interview or visit prior to placement is made by the designated TYC administrator. This decision is based on a TYC staff and contract program agreement that such a visit is necessary to determine appropriateness of the placement.

(4) On admission, the youth is oriented by the TYC primary service

worker and program staff to the program's expectations and any special requirements of the program.

§83.43. Clothing and Personal Property of Youth in Contract Programs.

(a) Policy. The Texas Youth Commission (TYC) provides adequate and appropriate clothing for youth. TYC maintains a perpetual inventory of each youth's clothing and personal property from admission to release. Property moves with the youth to each assigned placement.

(b) Rules.

(1) Clothing requirements.

(A) Each youth shall have at least the minimum clothing established herein. Minimum clothing requirements are:

(i) boys:

(I) pants (jeans or casual), three each;

(II) shirts (knit, sport shirt, T-shirts, etc.), seven each;

(III) shoes, two pair;

(IV) briefs, six pair;

(V) socks, six pair;

(VI) jacket/sweater (seasonal), one each;

(VII) dress outfit (dress shirt and pant), one each;

(VIII) robe (optional), one each;

(IX) sleepwear (optional), one each;

(X) belt, one each;

(XI) bathing suit, one each;

(ii) girls:

(I) pants (jeans or casual), three each;

(II) tops (blouses, shirts, etc), seven each;

(III) shoes, two pair;

(IV) panties, six pair;

- (V) bras, three each;
- (VI) hosiery, two pair;
- (VII) socks, five pair;
- (VIII) slip, one each;
- (IX) jacket/sweater (seasonal), one each;
- (X) dress outfit (dress or skirt/blouse), one each;
- (XI) sleepwear (optional), one each;
- (XII) robe (optional), one each;
- (XIII) belt, one each;
- (XIV) bathing suit, one each.

(B) Each youth is encouraged to wear his personal clothing supplied by parents/guardian.

(C) Clothes shall be appropriate to the season.

(D) Clothing issued to a youth becomes his or her personal property unless it is issued for temporary, special use.

(2) Acquisition.

(A) In accordance with TYC policy and terms of the contract, the residential contract program is responsible for ensuring that the youth has appropriate clothing while in that program and on leaving the program.

(B) The parents of the youth are contacted initially and throughout the contract, to supply necessary clothing or funds to purchase appropriate clothing. If parents do not provide sufficient funds to purchase appropriate clothing, TYC funds can be utilized to provide clothing for the youth.

(C) Residential contract programs will expend an average of \$1.00 per day per youth in placement for the purchase of clothing.

(D) Clothing is purchased to meet clothing needs as outlined in minimum

clothing requirements within the cost limitation of \$50 for emergency shelters and \$200 for all other programs. If there are unusual circumstances, the regional director has the authority to purchase above the cost limit.

(E) The following purchase procedures are adhered to. A separate purchase invoice is submitted for each youth.

(i) Program staff contacts the case manager to request and receive an encumbrance number prior to purchasing clothing.

(ii) A copy of the Texas Youth Commission's minimum clothing requirements/clothing inventory is attached to the purchase invoice and a copy placed in the youth's file.

(iii) The original itemized purchase invoice for each youth is forwarded with the inventory and an explanatory letter to the appropriate case manager within 10 days of the date of purchase. TYC is not responsible for reimbursing any bill for clothing which is not submitted within 10 days after the purchase or which exceeds the requirements.

(iv) The case manager processes the purchase invoice for reimbursement according to TYC purchasing guidelines.

(F) The residential contract program is responsible for replacing and/or providing clothing at program expense for youth who:

(i) escape and subsequently return to the program and whose clothes were either lost during the escape or lost/stolen as a result of being left in the facility; or

(ii) return from furlough or family visits and have lost their clothing during their absence.

(G) Residential contract program administrators may request that TYC replace a youth's clothing under unusual circumstances. Such requests are made to the regional director. If the regional director approves the replacement of clothing at TYC expense, programs will be reimbursed for clothing in accordance with the previously listed procedures.

(H) TYC is responsible for providing any special clothing needed by youth due to physical handicaps and/or any medically related condition.

(i) Program forwards requests for special clothing to the case manager.

(ii) Following approval, the program staff purchases the special clothing and is reimbursed in accordance with the previously listed procedures.

(iii) The program will be responsible for payment for clothing purchased without prior approval by the case manager.

(3) Inventory.

(A) All youth's property is searched upon admission to the residential contract program.

(B) An inventory of a youth's clothing and property is established and maintained by program staff. The inventory lists clothing/property and records items of a youth's personal property/clothing which is received/purchased while in the program and clothing/property discarded, and a clothing inventory is completed prior to release/transfer.

(C) The youth is given a copy of the first and last inventory record. The original is filed in the youth's masterfile. Youth verifies the inventory list is accurate at each addition/deletion by a signature prior to filing.

(4) Authorized program change.

(A) Transportation arrangement for clothing and personal property of a youth who is authorized to change program locations is the responsibility of the sending location. Clothing and personal property will travel with the youth, or will be forwarded the same day as movement.

(B) The residential contract program will provide the youth with the TYC minimum clothing requirements prior to release from the program.

(5) Unauthorized absence. Any clothing or other personal property of a youth that remains with any contract placement when the youth is no longer present due to unauthorized absence is held or disposed of by the administrator of the facility, program, or placement that possesses the property in compliance with the following rules.

(A) The program administrator notifies the youth and his parents, head of household, or managing conservator of the inventory of property and advises that the property will be disposed of in 90 days unless collect return is authorized. If authorization is given, all property is securely wrapped and shipped collect by the least expensive means available.

(B) If after 30 days no demand has been made for the property, it is cleaned thoroughly, disinfected if necessary, inventoried, and stored. One copy of

the inventory is placed in the youth's masterfile and one in the provider's active file.

(C) If, after 90 days in storage, the property has not been demanded by the youth/family, then the property is returned to TYC and will be donated or reissued to other students.

§83.45. Incident Reporting by Contract Programs.

(a) Policy. Residential contract staff will report serious incidents to the Texas Youth Commission (TYC) case manager.

(b) Rules.

(1) The following incidents will be reported in writing to the case manager within 24 hours of the incident:

(A) escape of a youth from the program;

(B) assault, where a youth strikes a staff member, or when a youth causes bodily injury that requires medical attention to another youth, or when a youth must be physically restrained to stop physical aggression to another youth;

(C) death, attempted suicide, or critical injury or illness requiring hospital admission;

(D) destruction of property valued at \$100 or more;

(E) the use of physical/mechanical restraints to control behavior;

(F) when allegations of suspected mistreatment are made;

(G) when a youth in the program is taken into custody by a law enforcement officer.

(2) Contract program staff will immediately notify the case manager or case manager supervisor in the event that allegations of mistreatment are made, or in the event of a TYC youth's death, critical injury, illness requiring hospital admission, or serious suicide attempt.

§83.47. Furloughs from Contract Care Programs.

(a) Policy. Youth in residential programs may be granted emergency furloughs and administrative furloughs. Furloughs are authorized absences from residential pro-

grams for specific purposes, for limited periods of time, and only to approved home or substitute home placements. An emergency furlough is granted because of an emergency situation in the youth's family which requires his presence as a family member. Administrative furlough is granted for programmatic reasons including home visits, holidays, medical, or maternity leave.

(b) Rules.

(1) Notification.

(A) For emergency furloughs, the residential contract program staff contacts the youth's case manager and requests regional staff to verify the emergency. Texas Youth Commission (TYC) staff notifies residential contract program staff of their findings as soon as possible.

(B) For administrative furloughs, residential contract program staff notifies the youth's case manager 30 days in advance that a youth is qualified for a furlough and the proposed dates. For weekend furloughs, residential contract program staff notifies the youth's case manager of the proposed furlough dates at least five days in advance. In the event that a medical furlough is needed, the residential contract program staff notifies the youth's case manager of the reason(s) for a furlough and the proposed dates.

(2) Decision making.

(A) All furloughs are to be approved home or substitute placements and to be authorized by TYC staff.

(B) Emergency furloughs are to be granted by the regional director for up to three days. Extensions may be granted by the regional director when deemed appropriate.

(C) Administrative furloughs are to be granted by the regional director for up to five days. Extensions may be granted by the regional director when deemed appropriate.

(3) Transportation.

(A) For emergency furloughs, TYC staff contacts the youth's parents, guardians, or managing conservator, requests provision for transportation, and makes arrangements. When the youth's family is unable to either provide transportation or pay for commercial transportation, TYC assumes the cost.

(B) For administrative furloughs, the residential contract program

staff contacts the youth's parents, guardians, or managing conservators regarding arrangements and payment for the youth's transportation. When the youth's family is unable to either provide transportation or pay for commercial transportation, the residential contract program either provides the transportation or pays for commercial transportation. In addition, the program provides transportation to and from the commercial carrier.

(4) Payment. TYC pays the residential contract program for a maximum of five days for a youth on furlough status as stipulated in the contractual agreement.

§83.49. Psychopharmacotherapy in Contract Programs.

(a) Policy. Texas Youth Commission (TYC) uses psychopharmacotherapy as an established method of treatment of emotionally disturbed adolescents. The use of psychotropic drugs within TYC contracted residential treatment centers is monitored. Under no circumstances does TYC subject youth to medical or pharmaceutical experimentation or research, or the use of psychotropic medication for program management or control purposes.

(b) Rules.

(1) Prescribing drugs.

(A) A diagnostic assessment is performed by the prescribing physician prior to initiating a psychotropic drug order.

(B) The purpose of drug therapy is the clinical relief of symptoms disressing the youth or interfering with normal functioning.

(C) The proper dosage is the lowest that will maintain the desired therapeutic effect.

(D) The oral route is the preferred method of administration in the absence of specific contraindications. Standing orders will not be utilized for psychotropic drugs.

(E) Initial review by the prescribing physician of psychotropic drug orders is required within 30 days and ongoing review is required at least every 60 days thereafter.

(2) Monitoring.

(A) Contract care programs submit a psychotropic drug report monthly to the health services office at TYC central office.

(B) Contract program maintains a log of all reports sent to health services in central office and the date sent, with a copy reports attached.

(C) Contract specialist monitors on a quarterly basis for compliance regarding submission of reports by facilities who have utilized psychotropic medication and appropriate expenditures.

(D) The TYC medical director monitors monthly reports submitted for appropriate dosage and diagnosis.

(E) If TYC medical director has concerns regarding report(s), additional information from the program is requested.

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

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Executive Director
Texas Youth Commission

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

Chapter 87. Treatment Program Planning

• 37 TAC §87.23

The Texas Youth Commission (TYC) proposes an amendment to §87.23, concerning supervision levels in parole home placement. The amendment states that youth on independent living status are on maximum supervision level.

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

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more appropriate assignment of supervision level for youth on parole on independent living status. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendment is proposed under the Human Resources Code, §61.0811, which provides the Texas Youth Commission with the authority to develop a management system for parole services that objectively measures

and provides for the classification of children based on the level of children's needs and the degree of risk they present to the public.

§87.23. Supervision Levels in Parole Home Placement.

(a) (No change.)

(b) Rules.

(1) (No change.)

(2) The level of supervision is determined by:

(A) (No change.)

(B) a high risk classifying offense; [and]

(C) the total needs score; and [.]

(D) independent living status.

(3)-(7) (No change.)

(8) Youth on subsidized independent living status are on a maximum supervision level.

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

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Texas Youth Commission

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Part V. Texas Peace Officers' Advisory Committee

Chapter 141. Administrative Division

Substantive Rules

• 37 TAC §§141.1, 141.5, 141.10, 141.15, 141.20

The Texas Peace Officers' Advisory Committee proposes new §141.1, concerning the definitions to be used in this subchapter; §141.5, concerning general eligibility of deceased Texas Peace Officers; §141.10, concerning specific eligibility of deceased Texas Peace Officers; §141.15, concerning deaths not included; and §141.20, concerning reporting standards. The new sections as proposed will establish a set of criteria for selecting qualified deceased Texas Peace Officers to be included on the memorial.

Johanna McCully-Bonner, general counsel, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these sections.

Ms. McCully-Bonner 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 these sections will be a set of criteria for determining whether a deceased Texas Peace Officer is qualified to be included on the peace officer memorial. 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 proposals must be received at the commission and may be submitted to Edward T. Laine, The Texas Peace Officers' Advisory Committee C/O the Texas Commission on Law Enforcement Officer Standards and Education, 1033 La Posada, Suite 240, Austin, Texas 78752.

The new sections are proposed under the Texas Government Code, Subchapter F, Chapter 415, §§415.111-415.123, which provides The Texas Peace Officers' Advisory Committee with the authority to pass rules for the administration of subchapter F, of Chapter 415, and Texas Civil Statutes, Article 6252-13a, which taken together establish the procedures for the rule making requirements for the Texas Peace Officers' Advisory Committee.

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

Agency—A law enforcement unit or other entity, whether public or private, authorized by Texas law to appoint a peace officer or reserve officer.

Certified copy—A copy of a document or record signed and certified as a true copy by the custodian of the records or other individual who maintains custody of the record's original and is entrusted with the duty of certifying or preparing affidavits for open records requests or court cases.

Committee—The Texas Peace Officers' Memorial Advisory Committee, a governing body authorized under Chapter 415, subchapter F, Government Code, or its successor.

Individual—A human being who has been born and is or was alive.

Killed in the line of duty—A peace officer who has died as a directly attributed result of a personal injury sustained in the line of duty.

Law—The constitution or a statute of this state, or the United States; a written opinion of a court of record; a municipal ordinance; an order of a county commissioners court; or a rule authorized by and lawfully adopted under a statute.

Line of duty—Any lawful, expected action which a peace officer is authorized

ordinance; an order of a county commissioners court; or a rule authorized by and lawfully adopted under a statute.

Line of duty—Any lawful, expected action which a peace officer is authorized by law, rule, regulation, or written condition of employment service to perform, or for which the officer is compensated by the agency for which the officer serves.

Texas peace officer—An individual elected, employed, or appointed under the Texas Code of Criminal Procedure, Article 2.12; the Texas Education Code, §51.212 or §51.214; or other Texas law as a peace officer.

Verification (verified)—The confirmation of the correctness, truth, or authenticity of a document, report, or information by sworn affidavit, oath, or deposition.

§141.5. General Eligibility of Deceased Texas Peace Officers.

(a) A deceased Texas peace officer, killed in the line of duty, is eligible for inclusion on the Texas peace officers' memorial if:

(1) the peace officer was among those listed under the Texas Code of Criminal Procedure, Article 2.12;

(2) the peace officer was required to be licensed by the Texas Commission on Law Enforcement Officer Standards and Education, under the Government Code, Chapter 415;

(3) the peace officer was officially called to duty as a Texas reserve peace officer;

(4) the peace officer was among those listed under the Texas Education Code, §51.212 or §51.214;

(5) the peace officer was among those named as such by other Texas law; or

(6) the peace officer who, in historical perspective, would be eligible under any of the preceding criteria.

(b) If the supported finding is that the peace officer died as a result of infectious disease contracted while lawfully performing official duties, or by exposure to hazardous materials or conditions while lawfully performing official duties, the officer is eligible for inclusion.

(c) The effective date of this section shall be October 1, 1992.

§141.10. Specific Eligibility of Deceased Texas Peace Officers.

(a) A deceased Texas peace officer is eligible for inclusion on the memorial if the fatal incident:

(1) was a direct result of a line of duty, on duty incident;

(2) was an indirect result but directly attributed to a line of duty, on duty incident;

(3) was a direct result of a line of duty, off duty incident;

(4) was an indirect result of but directly attributed to a lawful line of duty, off duty incident; or

(5) was a direct result of a felonious assault on the officer, perpetrated because of the status as an officer, regardless of duty status.

(b) A peace officer shall be included on the memorial if the chief executive officer of the employing Texas agency states in a sworn affidavit that the officer died in the line of duty and no information is presented to indicate otherwise.

(c) When there is doubt arising from circumstances of the peace officer's death or with respect to information concerning specific facts surrounding the fatal incident, the matter shall be resolved in favor of inclusion at the request of a surviving family member or a member of the employing Texas agency.

(d) The effective date of this section shall be October 1, 1992.

§141.15. Deaths Not Included.

(a) A peace officer whose death is attributed to natural causes, is not eligible for inclusion, except when a medical condition arises out of a specific response to a law enforcement violation or an emergency situation causing an officer's death immediately or within twenty-four hours of the violation or situation, or causing the officer's death during or after a period of hospitalization following the specific response to the law enforcement violation or emergency situation.

(b) A peace officer whose death is attributed to any of the following is not eligible for inclusion:

(1) when caused as a result of or during the officer's commission of a crime against persons or property;

(2) as a direct result of the officer's voluntary alcohol or controlled substance abuse; or

(3) when caused by the officer's intention to bring about the officer's own death.

(c) The effective date of this section shall be October 1, 1992.

§141.20. Reporting Standards.

(a) The committee, through its director, will receive verified documents and reports to establish a deceased peace offi-

cer's eligibility for inclusion on the memorial. The director of the memorial may make the decision for inclusion when sufficient information is submitted as provided in §§141.1, 141.5, and 141.10 of this title (relating to Definitions; General Eligibility of Deceased Texas Peace Officers; Specific Eligibility of Deceased Texas Peace Officers). When sufficient information is not available, when information is unverified, or when question or doubt exists, the petition for inclusion shall be submitted to the committee during a regularly scheduled meeting for review and decision.

(b) All documents, reports, and petitions submitted to the committee shall be verified originals or certified copies. Examples of such documents include, but are not limited to:

(1) certified copy of the Law Enforcement Agency incident report;

(2) certified copy of the Coroner's report;

(3) sworn affidavit from the law enforcement agency chief executive officer describing and detailing the incident and death;

(4) certified copy of statements of witnesses to the fatal incident;

(5) an original letter or petition of a family member with verified supporting documents;

(6) reproduced documents verified by a state or county historical commission chairperson; or

(7) news articles or other published materials supported by documents listed above.

(c) The effective date of this section shall be October 1, 1992.

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

Issued in Austin, Texas, on July 9, 1992.

TRD-9209474

Johanna McCully-Bonner
General Counsel
Texas Peace Officers'
Advisory Committee

Earliest possible date of adoption: August 21, 1992

For further information, please call: (512) 450-0188

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Part VII. Texas
Commission on Law
Enforcement Officer
Standards and Education

Chapter 211. Administrative
Division

Substantive Rules

• 37 TAC §§211.20, 211.25, 211.85

The Texas Commission on Law Enforcement Officer Standards and Education proposes amendments to §211.20, concerning contemplated rule making, §211.25, concerning commission meeting time and dates, and §211.85, concerning proficiency certificates for jailers. Section 211.20 will be amended by adding the provision that petitions requesting rule changes will be filed with the commission in conformity with Texas Civil Statutes, Article 6252-13a. Section 211.25 will be amended by permitting the chairman and the executive director to set the time for the meetings. Section 211.85 will be amended by adding the intermediate and advanced proficiency certificates for jailers.

Johanna McCully-Bonner, general counsel, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these sections.

Ms. McCully-Bonner 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 these sections will be a more efficient procedure for filing petitions requesting rule changes, and for establishing meeting times, and increased training for jailer. 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 must be received at the Commission may be submitted to Johanna McCully-Bonner, General Counsel, Texas Commission on Law Enforcement Officer Standards and Education, 1033 La Posada, Suite 240, Austin, Texas 78752.

The amendments are proposed under the Texas Government Code, Chapter 415, §§415.009, 415.010(1), (10), 415.031, 415.032, 415.034, and 415.062, which provides the Texas Commission on Law Enforcement Officer Standards and Education with the authority to pass rules for the administration of Chapter 415, and Texas Civil Statutes, Article 6252-13a, which taken together establish the procedures for the rule making requirements for the commission.

§211.20. Contemplated Rule Making.

(a) (No change.)

(b) An interested person may petition the commission to propose the adoption

of a rule. The petition must comply with the requirements of Texas Civil Statutes, Article 6252-13a, subsection 5(c-1), and contain a reasoned justification for the rule being proposed, the wording of the rule, a restatement of the rule's factual basis, a concise restatement of the particular statutory provisions under which the rule is being proposed and how the petitioner interprets these provisions as authorizing or requiring the rule. If the petition is in writing, the executive director must, within 60 days of submission, either place the petition on the agenda for the next regular meeting or deny the petition in writing. A denial will be reported at the next meeting. The commission staff or its attorney may modify the language or format of the petition before it is submitted as a proposed rule.

(c) The effective date of this section is February 1, 1989; the effective date of subsection (b) as amended is November 1, 1992.

§211.25. Meeting Dates and Procedures.

(a) The commission will comply with the open meetings law and may hold quarterly meetings throughout each calendar year, normally scheduled in Austin, [at 10 a.m.] time to be determined by chairman and executive director, on the second Wednesday of each March, June, September, and December, unless:

(1) the date, [time,] and location is altered by vote of the commissioners; or

(2) more frequent meetings are called by the chairman on the chairman's own motion or upon the written request of five voting commissioners.

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

(d) The effective date of this section is February 1, 1989; the effective date of subsection (a) as amended is November 1, 1992.

§211.85. Proficiency Certificates.

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

(d) A permanent jailer license holder who is reported to the commission as currently appointed as a jailer may, if qualified, be issued one of the following proficiency certificates:

(1) basic jailer;

(2) intermediate jailer; or

(3) advanced jailer. [be issued a basic jailer proficiency certificate.]

(e)-(j) (No change.)

(k) To qualify for an intermediate jailer certificate, the applicant:

(1) must have one of the following combinations of points and jailer experience:

(A) 20 points and six years experience;

(B) 40 points and four years experience;

(C) 60 points or an associate's degree and two years experience; or

(D) 120 points or a bachelor's degree and one year experience; and

(2) if the basic jailer was issued or qualified for on or after March 1, 1993, must also complete an intermediate proficiency course which must:

(A) be approved by the commission;

(B) be taught in conformity with the instructor guides provided by the commission;

(C) require passing a final examination; and

(D) consist of the following subjects, each credited with three points upon successful completion: suicide detection and prevention; use of force in a jail setting; crime scene investigation; inmate rights and privileges; or as otherwise required by the commission.

(1) To qualify for an advanced jailer certificate, the applicant must have already qualified for an intermediate jailer certificate and have either:

(1) 40 points and eight years experience;

(2) 60 points or an associate's degree and six years experience;

(3) 120 points or a bachelor's degree and four years experience; or

(4) a post-graduate degree and two years experience.

(m)[(k)] To qualify for a crime prevention inspector or a homeowners insurance inspector certificate, the applicant must meet the requirements found in §211.106 of this title (relating to Crime Prevention and Homeowners Insurance Inspector Certificates and Inspection Standards).

(n)[(l)] To qualify for an investigative hypnotist certificate, the applicant must meet the requirements found in §211.103 of this title (relating to Investigative Hypnosis by a Peace Officer).

(o)[(m)] To qualify for a drug recognition expert (DRE) certificate or standardized field sobriety testing (SFST) certificate, the applicant must meet any training, testing, certification, recertification, or other standards that may be required by the commission in the discretion of the executive director.

(p)[(n)] Any person, if qualified, may be issued an emergency telecommunications operator's certificate or emergency telecommunications technician certificate. The applicant must meet any training, testing, certification, recertification, or other standards that may be required by the commission in the discretion of the executive director.

(q)[(o)] To qualify for the issuance of a certificate, the commission may require submission of an application by an individual or agency on a completed commission form, including any documentation requested.

(r)[(p)] A license holder must return any cancelled certificate to the commission. The commission may cancel any certificate if the recipient was not qualified for its issue and it was issued:

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

(s)[(q)] In this section, the term "experience" means the actual number of months served in the appropriate capacity in law enforcement, the term "points" means training or education points, and the term "post-graduate degree" means either a master's degree, a doctoral degree, or other similar degree above the level of a bachelor's degree.

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

(t)[(r)] The effective date of this section is February 1, 1989; the effective date of subsections (a)(6) and (o) [m] is February 1, 1990; the effective date of subsections (a) and (o) [m] of this section as amended, is February 1, 1991; the effective date of subsection (p) [n] of this section as amended is September 1, 1991; the effective date of subsection (d) of this section

as amended is March 1, 1993; the effective date of subsections (k) and (l) is March 1, 1993.

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

Issued in Austin, Texas, on July 9, 1992.

TRD-9209472
Johanna McCully-Bonner
General Counsel
Texas Commission on Law
Enforcement Officer
Standards and
Education

Earliest possible date of adoption: August 21, 1992

For further information, please call: (512) 450-0188

Substantive Rules

• 37 TAC §211.30

The Texas Commission on Law Enforcement Officer Standards and Education proposes new §211.30, concerning the authority of the executive director to waive rules in order to conduct course and test validation and permits the commission to test the feasibility of various pilot projects.

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

Ms. McCully-Bonner 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 the commission to more efficiently valid courses and tests and to test the feasibility of various pilot projects. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal must be received at the commission may be submitted to Johanna McCully-Bonner, General Counsel, Texas Commission on Law Enforcement Officer Standards and Education, 1033 La Posada, Suite 240, Austin, Texas 78752.

The new section is proposed under the Texas Government Code, Chapter 415, §415.010(1), (6), and (10), which provides the Texas Commission on Law Enforcement Officer Standards and Education with the authority to pass rules for the administration of Chapter 415, and Texas Civil Statutes, Article 6252-13a, which taken together establish the procedures for the rule making requirements for the commission.

§211.30. Specific Authority to Waive Rules.

(a) The commissioners have determined that good cause exists to delegate to the executive director the authority to waive the rules of the commission. The commissioners delegate to the executive director the authority to waive the rules of the commission in order to update existing courses, to add new courses and curriculum, to add new exams or to update existing state licensing or certification exams, or other special projects as approved by the commissioners.

(b) The executive director will report these temporary waivers to the commissioners.

(c) The effective date of this section is November 1, 1992.

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

Issued in Austin, Texas, on July 9, 1992.

TRD-9209471
Johanna McCully-Bonner
General Counsel
Texas Commission on Law
Enforcement Officer
Standards and
Education

Earliest possible date of adoption: August 21, 1992

For further information, please call: (512) 450-0188

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 6252-13.1, 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, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department

of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the facility). The facility proposed amendments to Section X, administration of fund rules. The amendments were proposed in a petition (Reference Number W-0792-38-1), filed by the facility on July 9, 1992.

According to the facility's petition, these amendments are proposed to reduce the loss

control services factor of the servicing company fee from 2.0% to 1.4%, while allowing individual petitions from servicing companies for increases in the loss control services factor to a level not to exceed 2.0% of premium. Changing the fee will save the facility substantial sums, and will allow the facility to redirect a portion of the savings to other activities, including anti-fraud efforts and contracting with the Texas Workers' Compensation Commission for loss control activities.

A copy of the petition containing the full text of the proposed amendments to Section X, administration fund rules is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Tammie Waites at (512) 463-6527, refer to (Reference Number W-0792-38-l).

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 July 14, 1992

TRD-9209657 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the facility). The facility proposed new bylaws. The new bylaws were proposed in a petition (Reference Number W-0792-42-l), filed by the facility on July 9, 1992.

According to the facility's petition, the new bylaws will supersede the present facility bylaws. The new bylaws differ from the present bylaws primarily due to changes brought on by House Bill 62, passed during the Second Session, 72nd legislature, 1991, which took effect on January 1, 1992. Other changes have been made to make the bylaws more readable and to make them more appropriate to their function. The facility's operations will be enhanced by the new bylaws.

A copy of the petition containing the full text of the proposed new bylaws is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Tammie Waites at (512) 463-6527, refer to (Reference Number W-0792-42-l).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedures 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 July 14, 1992.

TRD-9209658 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the facility). The facility proposed amendments to Section VII, risks not entitled to insurance rules. The amendments were proposed in a petition (Reference Number W-0792-39-l), filed by the facility on July 9, 1992.

According to the facility's petition, these amendments are proposed to supersede and replace the rules and regulations governing pool and servicing companies of assigned pool and servicing companies of assigned risks which now appear in the Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers Liability Insurance.

The proposed amendments are designed to enhance the facility's efforts to combat certain abuses by some insurers or their clients to avoid paying proper premiums for Workers' Compensation insurance coverage through the facility. By allowing the facility to reject or cancel coverage for certain abuses, the proposed amendments will help reduce the facility's losses.

A copy of the petition containing the full text of the proposed amendments to Section VII, risks not entitled to insurance rules is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78714-9104. For further information or to request copies of the petition, please contact Tammie Waites at (512) 463-6527, refer to (Reference Number W-0792-39-l).

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 July 14, 1992.

TRD-9209659 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the facility). The facility proposed the rules and regulations governing the employers' rejected risk fund. The rules were proposed in a petition (Ref Number W-0792-40-l), filed by the facility on July 9, 1992.

According to the facility's petition, these rules are to supersede and replace the rules and regulations governing pool and servicing companies of assigned risks (hereinafter old rules) now found in the Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers Liability Insurance (hereinafter manual).

The rules incorporate provisions necessary to ensure compliance with the Texas Insurance Code, Article 5.76-2, and include the substantive provisions for the Market Assistance Program, take-out credits for removal of risks from the facility, and premium payment plans. Editorial changes were made in incorporating the take out credit rule into Section XI of the rules in order to enhance readability and to align the rules more closely with the statutory language governing such matters. The rules incorporate the Section VII amendments.

The rules do not incorporate the loss control fee amendments, as the rules do not address servicing company compensation. Section V of the rules states that servicing companies selected by the board pursuant to the Texas Insurance Code, Article 5.76-2, §4.08, shall provide such services to rejected risks as are required by the board and the facility. The facility proposes retention of the fee portions of Section X, old rules, as amended, until such time as the board acts under §4.08.

A copy of the petition containing the full text of the rules and regulations governing the employers' rejected risk fund is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78714-9104. For further information or to request copies of the petition, please contact Tammie Waites at (512) 463-6527, refer to (Reference Number W-0792-40-l).

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 July 14, 1992.

TRD-9209660 Linda K von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the facility). The Facility proposed amendments to the rules and regulations governing the small premium policy plan. The amendments were proposed in a petition (Reference Number W-0792-41-I), filed by the facility on July 9, 1992.

According to the facility's petition, with the exception of Section I and II of the rules and certain technical amendments, the rules are the same as the small premium policy plan which was approved earlier by the board as Article XII of the present facility bylaws. The facility believes the small premium policy plan (SPPP) is more appropriately treated in the rules rather than in the facility bylaws. The changes from the present SPPP are as follows:

a. Section I incorporates into the rules definitions for terms which are the same as the definitions for those terms found in the Texas Insurance Code Article 5.76-2, §1.01;

b. Section II states that the rules govern issuance of policies in the voluntary market by designated insurers and the Governing Committee supervises matters arising under the rules;

c. The technical amendments include editing the language for readability where appropriate, eliminating provisions regarding dates or events which already have occurred, and eliminating the reference to the estimated number of policies.

The rules also require a designated insurer to elect before January 1 of each year the reinsurance it will obtain through the excess catastrophe reinsurance account.

The facility believes that the previously-referenced changes, together with removing the SPPP from the facility's bylaws will be beneficial to the administration of the SPPP.

A copy of the petition containing the full text of the rules and regulations governing the small premium policy plan is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Tammie Waites at (512) 463-6527, refer to (Reference Number W-0792-41-I).

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 July 14, 1992.

TRD-9209661 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance, at a Board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider for the Texas Automobile Rules and Rating Manual (the manual), a proposal for a new Rule 15, automobile theft prevention authority pass-through fee. The proposals were set forth in a petition filed by staff on July 8, 1992.

The proposed rule is needed to clarify and implement Texas Civil Statutes, Article 4413(37) §10, which requires each insurer to pay a fee of \$1.00 per motor vehicle year to the Automobile Theft Prevention Authority. The rule will allow each insurer to recoup this fee from the policyholder. The rule provides that all automobile policies providing primary liability coverages shall be assessed the fee, except for garage liability policies, nonresident policies, and policies providing only nonownership or hired auto coverages.

The new Manual Rule 15 is proposed to be adopted for policies issued for delivery, or renewed on and after 12:01 a.m., October 1, 1992.

Copies of the full text of the proposed rule are available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78701. For further information or to request copies of the petition, please contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number A-0792-371).

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 July 10, 1992.

TRD-9209546 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, will consider the adoption of the Texas Department of Insurance Sprinkler Rules and the National Fire Protection Association's NFPA-13, Standards for the Installation of Sprinkler Systems, 1991 Edition, NFPA 231, General Storage, 1990 Edition, and NFPA 231C Rack Storage of Materials, 1991 Edition.

The National Fire Protection Association's NFPA-13, Standards for the Installation of Sprinkler Systems along with other NFPA manuals, are the national recognized manuals setting forth the minimum standards for the installing of sprinkler systems in buildings. The Texas Department of Insurance currently uses the NFPA 1989 Edition of Standards for the Installation of Sprinkler Systems for the recognition of sprinkler systems for a rate

credit in the base fire rate. The new 1991 Edition of the Standards for Installation of Sprinkler Systems presents a new manual that has been reformatted and rewritten to simplify the use of the manual, without specific changes to the previous standards.

In addition, revisions to the Texas Department of Insurance sprinkler rules, which supplement the NFPA standards, have been made to reflect a reformatting of the rules to follow the formatting of the NFPA manual and simplification of rules for a more user friendly manual. The requirement for the installation of dual fire pumps in high rise buildings was eliminated as an unnecessary rule without justification for the requirement. In addition, other minor changes were made as set out in the attached outline of changes.

Copies of the full text of the NFPA Manual and the Texas Department of Insurance sprinkler rules are available for review in the offices of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies, please contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number P-0792-431).

The 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 July 10, 1992.

TRD-9209547 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

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

The State Board of Insurance at a board meeting scheduled for 9 a.m., August 5, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, will consider a filing by Progressive Casualty Insurance Company of a new bond form titled "STAMP Surety Bond".

The new STAMP Surety Bond is designed to help financial institution comply with Rule 17 Ad-15 of the Securities Exchange Commission (SEC). This rule permits stock transfer agents to accept signature guarantees only from guarantors who have posted a STAMP Surety Bond as participants in a signature guarantee program. This bond guarantees the signature of the person transferring the stock as well as other certifications and guarantees incident to a stock transfer, payment exchange or purchase of securities.

Copies of the full text of the proposed STAMP Surety Bond program are available for review in the office of the Chief Clerk of the Texas Department of Insurance 333 Guadalupe Street, Austin, Texas, 78714-9104. For further information or to request copies, please contact Sylvia Gutierrez at (512) 463-6327, refer to (Reference Number O-0792-441).

The notification is made pursuant to the Insurance Code, Article 5.97, which exempts board action on this filing 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 July 10, 1992.

TRD-9209548 Linda K. von Quintus-Dorn
 Chief Clerk
 Texas Department of
 Insurance

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



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 4. AGRICULTURE

Part I. Texas Department of Agriculture

Chapter 11. Herbicide Regulations

- 4 TAC §11.2

The Texas Department of Agriculture has withdrawn the emergency effectiveness of amendment to §11.2, concerning the herbicide regulations. The text of the emergency amendment §11.2 appeared in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3519). The effective date of this withdrawal is August 3, 1992.

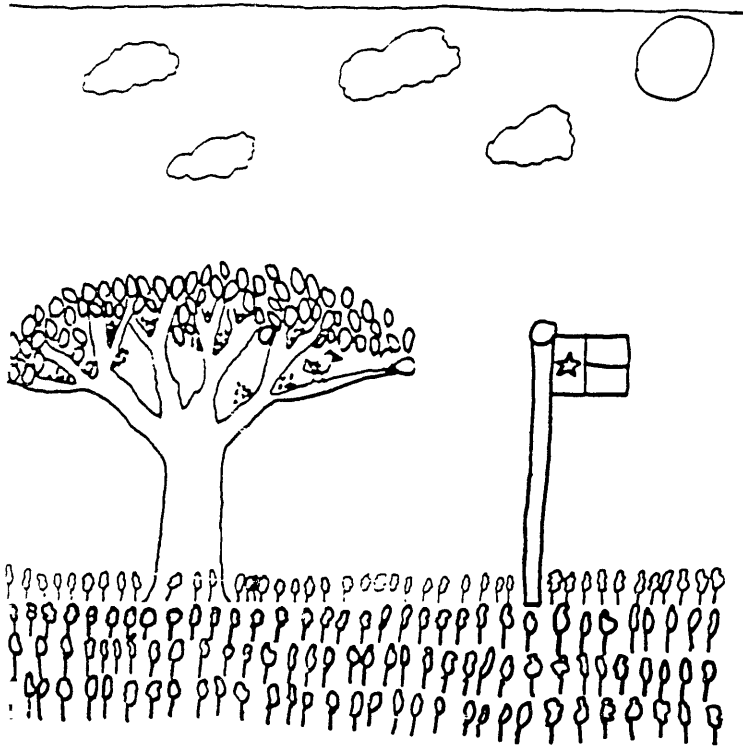
Issued in Austin, Texas, on July 3, 1992.

TRD-9209625 Dolores Alvarado Hibbs
 Chief Administrative Law
 Judge
 Texas Department of
 Agriculture

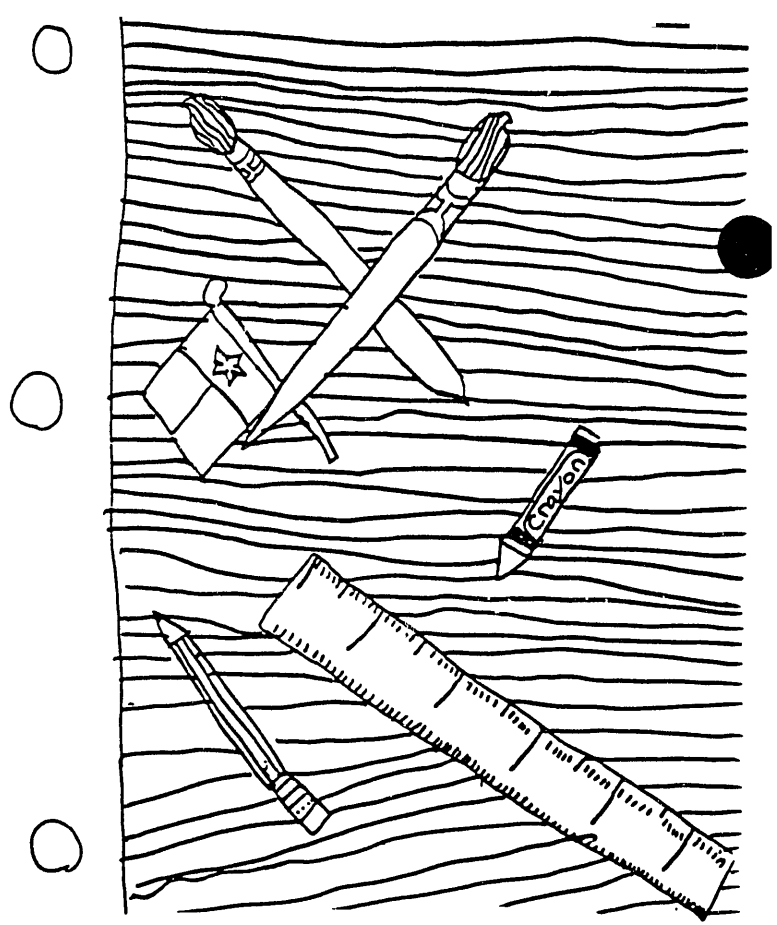
Effective date: August 3, 1992

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





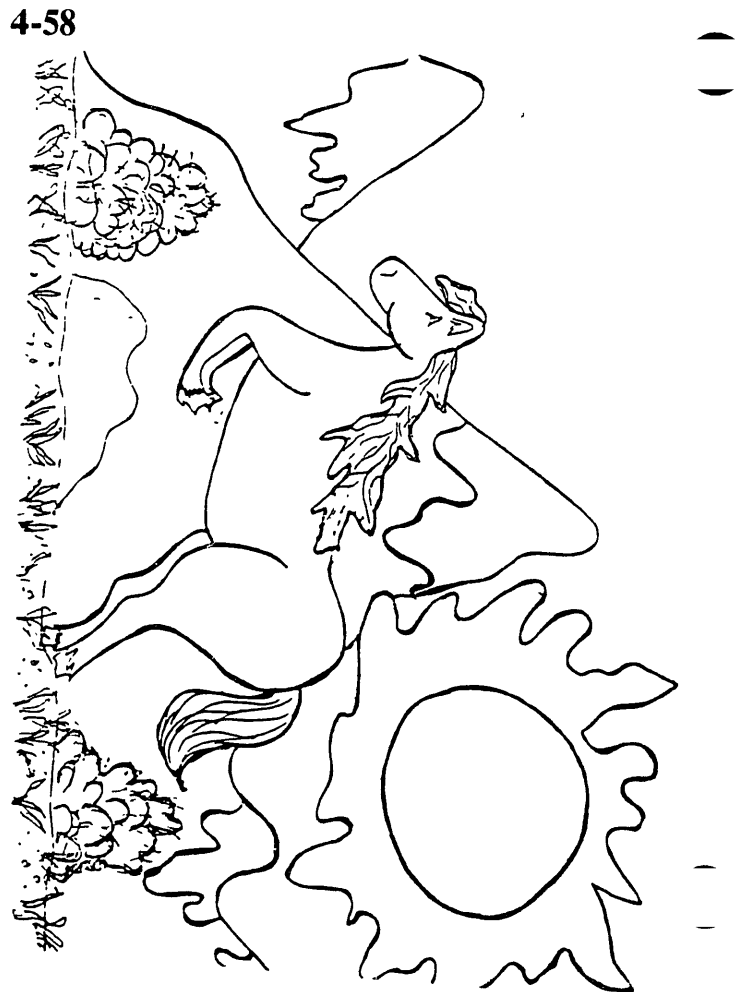
4-55



4-56



4-57



4-58

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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 11. Herbicide Regulations

• 4 TAC §11.1, §11.2

The Texas Department of Agriculture adopts amendments to §11.1 and §11.2, concerning herbicide regulations, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3525).

The amendment to §11.1 is adopted to make this section consistent with recent orders issued by county officials establishing Archer, Clay, and Wichita Counties as counties regulated under the Texas Herbicide Law. The amendment to §11.2 is adopted to minimize the risk of exposure to susceptible crops in Archer, Clay, and Wichita Counties to 2,4-D esters and to allow the use of regulated herbicides for weed control without requirement of a permit for the first year of regulation.

The amendment to §11.1 adds Archer, Clay, and Wichita Counties to the list of counties regulated under the Texas Herbicide Law. The amendment to §11.2 adds special provisions for Archer, Clay, and Wichita Counties providing for a prohibition period for the spraying of 2,4-D esters in those counties and providing that no permits be required for the application of regulated herbicides for the calendar year of 1992.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Agriculture Code, §75.018, which provides the Texas Department of Agriculture with the authority to consider a request for revision of a section, an exemption from a requirement of Chapter 75, or prohibition of spraying in one area and to adopt rules as the department deems appropriate.

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 July 13, 1992.

TRD-9209626 Dolores Alvarado Hibbs
Chief Administrative Law
Judge
Texas Department of
Agriculture

Effective date: August 3, 1992

Proposal publication date: May 15, 1992

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

TITLE 16. ECONOMIC REGULATION Part VIII. Texas Racing Commission

Chapter 309. Operation of Racetracks

Subchapter B. Horse Race- tracks

Operations

• 16 TAC §309.198

The Texas Racing Commission adopts an amendment to §309.198, concerning official program, without changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3682).

The amendment is adopted to ensure that the wagering public has adequate notice of the conditions under which horses are racing.

The amendment adds a requirement that the official programs at pari-mutuel horse racetracks contain information regarding the use of furosemide in race horses.

Written comments were received by one individual who opposes the authorization of the use of furosemide on race day. The commission disagrees with the comment on the ground that the use of furosemide should increase the number of race horses eligible to race in Texas and that sufficient testing procedures have been developed to discourage abuse of the medication.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; under §6.06, which authorize the commission to adopt rules relating to the operation of racetracks; and under §14.03, which authorize the commission to adopt rules to prohibit the illegal influencing of the outcome of a race through the use of medication.

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 July 6, 1992.

TRD-9209517 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512)
794-8461

Chapter 313. Officials and Rules of Horse Racing

Subchapter B. Entries, Declara- tions, and Allowances

Entries

• 16 TAC §313.103

The Texas Racing Commission adopts an amendment to §313.103, concerning eligibility requirements, without changes to the proposed text as published in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2670).

The amendment is adopted to ensure that horses participating in pari-mutuel races are fit and ready to run in races currently being conducted.

The amendment clarifies the eligibility requirements for entering a horse in a race.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act and under §6.06, which authorizes the commission to adopt rules relating to the operation of racetracks.

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 July 6, 1992.

TRD-9209514 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: April 17, 1992

For further information, please call: (512)
794-8461

Chapter 319. Veterinary Practices and Drug Testing

Subchapter A. General Provisions

• 16 TAC §319.3

The Texas Racing Commission adopts an amendment to §319.3, concerning medication restricted, without changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3683).

The amendment is adopted to increase the number of horses that are physically able to race competitively in this state, which will result in increased wagering, increased revenue to the state, and increased peripheral economic benefits from pari-mutuel racing.

The amendment authorizes the presence of furosemide in race horses during the running of a pari-mutuel race. The amendment also prohibits the administration of prohibited drugs, chemicals, or other substances via nasogastric intubation.

Written comments were received by one individual who opposes the authorization of the use of furosemide on race day. The commission disagrees with the comment on the ground that the use of furosemide should increase the number of race horses eligible to race in Texas, thereby enhancing the overall benefits of pari-mutuel racing, and that sufficient testing procedures have been developed to discourage abuse of the medication.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act and under §14.03, which authorize the commission to adopt rules to prohibit the illegal influencing of the outcome of a race through the use of medication.

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 July 6, 1992.

TRD-9209515 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 794-8461

• 16 TAC §319.5

The Texas Racing Commission adopts an amendment to §319.5, concerning report by veterinarians, without changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3684).

The amendment is adopted to ensure the administration of medication to race horses is monitored effectively.

The amendment requires veterinarians administering furosemide to race horses to report the administration to the commission veterinarian.

Written comments were received by one individual who opposes the authorization of the use of furosemide on race day. The commission disagrees with the comment on the ground that the use of furosemide should increase the number of race horses eligible to race in Texas, thereby enhancing the overall benefits of pari-mutuel racing, and that sufficient testing procedures have been developed to discourage abuse of the medication.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act and under §14.03, which authorize the commission to adopt rules to prohibit the illegal influencing of the outcome of a race through the use of medication.

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 July 6, 1992.

TRD-9209520 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 794-8461

Subchapter B. Treatment of Horses

• 16 TAC §319.110

The Texas Racing Commission adopts an amendment to §319.110, concerning Coggins test and health certificate, without changes to the proposed text as published in the April 17, 1992, issue of the *Texas Register* (17 TexReg 2670).

The amendment is adopted to ensure that horses participating in pari-mutuel races are healthy and that the potential for spreading certain equine diseases is minimized.

The amendment clarifies the health documentation for a horse to be admitted to an association's grounds.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act and under §6.06, which authorizes the commission to adopt rules relating to the operation of racetracks.

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 July 6, 1992.

TRD-9209518 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: April 19, 1992

For further information, please call: (512) 794-8461

• 16 TAC §319.111

The Texas Racing Commission adopts an amendment to §319.111, concerning bleeders and furosemide (Lasix) program, without changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3684).

The amendment is adopted to ensure the administration of medication to race horses is monitored effectively.

The amendment establishes a furosemide (Lasix) program and specifies the requirements for a race horse to be admitted and participate in the program.

Written comments were received by one individual who opposes the authorization of the use of furosemide on race day. The commission disagrees with the comment on the ground that the use of furosemide should increase the number of race horses eligible to race in Texas, thereby enhancing the overall benefits of pari-mutuel racing, and that sufficient testing procedures have been developed to discourage abuse of the medication.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act and under §14.03, which authorize the commission to adopt rules to prohibit the illegal influencing of the outcome of a race through the use of medication.

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 July 6, 1992.

TRD-9209519 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 794-8461

Subchapter D. Drug Testing Provisions for Horses

• 16 TAC §319.365

The Texas Racing Commission adopts an amendment to §319.365, concerning laboratory for testing splits, without changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3685).

The amendment is adopted to ensure that pari-mutuel racing is conducted with the utmost integrity.

The amendment eliminates the requirements that split labs be licensed by the commission.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act and under §14.03, which authorize the commission to adopt rules to prohibit the illegal influencing of the outcome of a race.

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 July 6, 1992.

TRD-9209516 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 794-8461

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 67. Instructional Resources

Subchapter A. State Textbook Program

General Content Requirements and Manufacturing Standards

• 19 TAC §67.21

The Texas Education Agency (TEA) adopts amendments to §67.21 and §67.66, concerning the state textbook program, without changes to the proposed text as published in the May 19, 1992, issue of the *Texas Register* (17 TexReg 3686).

The amended sections help ensure that textbooks are free of errors. The amendment to §67.21 requires publishers to perform an editorial review of textbooks submitted for consideration.

The amendment to §67.66 requires publishers to submit lists of editorial corrections, in lieu of hand corrected sample books, that would be made in textbooks under consideration. They also require publishers to certify that submitted textbooks have been edited for accuracy, content, and compliance with state guidelines.

No comments were received regarding adoption of the amendments.

The amendment is adopted under the Texas Education Code, §12.16, which authorizes

the State Board of Education to promulgate rules prescribing textbook selection methods and rules under which adopted and approved textbooks will be introduced or used by or in the public schools of the state.

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 July 15, 1992.

TRD-9209576 Criss Cloutd
Coordinator, Policy
Planning and
Evaluation
Texas Education Agency

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 463-9701

State Adoption, Acquisition, and Custody of Textbooks

• 19 TAC §67.66

The amendment is adopted under the Texas Education Code, §12.16, which authorizes the State Board of Education to promulgate rules prescribing textbook selection methods and rules under which adopted and approved textbooks will be introduced or used by or in the public schools of the state.

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 July 15, 1992.

TRD-9209575 Criss Cloutd
Coordinator, Policy
Planning and
Evaluation
Texas Education Agency

Effective date: August 3, 1992

Proposal publication date: May 19, 1992

For further information, please call: (512) 463-9701

TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

General Provisions

• 22 TAC §501.2

The Texas State Board of Public Accountancy adopts an amendment to §501.2, concerning definitions, without changes to the proposed text as published in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3539).

The definitions of "partnership" and "person" are necessary in order to ensure that the public will be able to refer to clear definitions of commonly used terms.

The amendment changes the definitions of "partnership" to specifically set forth guidelines for determining whether or not a partnership exists. The definition of "person" has been amended to include limited liability entities.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provides the Texas State Board of Public Accountancy with the authority to promulgate rules relating to definitions used in the Rules of Professional Conduct.

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 July 14, 1992.

TRD-9209668 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: August 4, 1992

Proposal publication date: May 15, 1992

For further information, please call (512) 450-7066

Chapter 515. Licenses

• 22 TAC §515.5

The Texas State Board of Public Accountancy adopts an amendment to §515.5, concerning reinstatement, without changes to the proposed text as published in the January 21, 1992, issue of the *Texas Register* (17 TexReg 459).

The amendment is necessary in order to ensure that the rule cites to the current statute and reflects the fact that licenses are now processed on a biennial basis.

The section sets forth criteria for reinstatement.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules relating to the reinstatement of licenses.

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 July 14, 1992.

TRD-9209670 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: August 4, 1992

Proposal publication date: January 21, 1992

For further information, please call: (512) 450-7066

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 73. Laboratories

Fees for Services for Drinking Water Systems

• 25 TAC §73.41

(Editor's Note This adopted rule was filed with the Texas Register on June 29, 1992, to be effective 20 days after the filing date. The rule was to appear in the July 7, 1992, issue of the Texas Register).

The Texas Department of Health (department) adopts new §73.41, concerning fees for services for drinking water systems, without changes to the proposed text as published in the March 20, 1992, issue of the *Texas Register* (17 TexReg 2092).

This section will provide chemical and bacteriological testing services for public drinking water systems at an approved laboratory. This testing must be done for compliance purposes under the requirements of 31 TAC Chapter 290, §§290.1-290.19, and the Safe Drinking Water Act and the primary drinking water regulations promulgated thereunder as found in Title 40, Code of Federal Regulations, §141.81 and §141.86. The jurisdiction and regulation of water quality in public drinking water supplies now rests with the Texas Water Commission as provided in Senate Bill 2, First Called Session, 72nd Legislature. These duties were transferred on March 1, 1992. The department retains its laboratory and its approved laboratory status for performing services as required under the Safe Drinking Water Act, thus providing analytical services to the regulated community with the Texas Water Commission making determinations as to the number and frequency of lab tests to be done.

The department received eight comments with a majority addressing the high cost of performing testing, especially as it impacts the small water systems. There were also comments on the nature of funding state government by additional and escalating fees being imposed on the regulated community, which in this case are water utilities. The department understands this view, but the department believes that the fees are appropriate and justified.

Several commenters requested that costs for testing be kept to a minimum and the impact of the fees on systems, especially small water utilities, be considered. The department agrees; however, the Texas Water Commission will determine frequency of testing as mentioned at the beginning of this preamble. The department understands that the commission will exercise due diligence to keep analytical fees to a minimum.

One commenter felt that the fees and charges were reasonable and justifiable; however, he expressed concern at not being able to utilize contract laboratories and requested the department consider certifying other laboratories to perform the work. The department has discussed this option in the past and will continue to consider this option in the future.

The commenters were Arvey Park Water System, Chapel of the Hills Baptist Church, the City of Sabin, Sunday Canyon Water Supply Corporation, the City of Coppell, Oak Terrace Mobile Home Park, Kendall County Utility Company, and the Citizens Group from Liberty County. The commenters were neither for or against the section in its entirety; however, they did express concerns as earlier mentioned.

The new section is adopted under the Health and Safety Code, §§12.031-12.032, which provides the Board of Health (board) with the authority to adopt rules concerning fees for public health services; and §12.001, which provides the board with authority to adopt rules to implement every duty imposed by law on the board, the department, and the commissioner of health.

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 29, 1992.

TRD-9209455

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

Effective date: July 20, 1992

Proposal publication date: March 20, 1992

For further information, please call: (512) 834-6640

TITLE 28. INSURANCE

Part I. Texas Department of Insurance

Chapter 1. General Administration

Subchapter A. Rules of Practice and Procedure

Subpoenaing Witnesses and Materials

• 28 TAC §1.36

The State Board of Insurance of the Texas Department of Insurance adopts an amendment to §1.36, concerning the subpoenaing of witnesses and materials, with changes to the proposed text as published in the January 17, 1992, issue of the *Texas Register* (17 TexReg 378).

The amendment is necessary to eliminate language in the existing rule which conflicts with the Insurance Code, Article 1.19-1, as amended by House Bill 62, Second Called Session, 72nd Legislature. The changes in-

clude clarification regarding who can serve subpoenas, and regarding who can administer oaths and take testimony. Three editorial changes have been made in the language of the proposed amendments to clarify the manner in which they will be implemented by the Texas Department of Insurance. First, the term "issued" has been added in subsection (b) to clarify that the persons signing such subpoenas have discretion concerning the signature of investigative subpoenas. Second, the last complete sentence of subsection (b)(2), as amended, will now include within the term "investigator" any authorized person designated by the commissioner of insurance. Third, the first sentence of subsection 1.36(b)(4) will allow the testimony of a subpoenaed witness to be taken in the presence of a notary public.

The amendments to subsection (b) will specify the persons who must sign any subpoena issued under the authority of the Insurance Code, Article 1.19-1; will specify the new name of this agency as the Texas Department of Insurance; will specify which individuals are considered as investigators for the purpose of serving an investigative subpoena issued under the Insurance Code, Article 1.19-1; and will specify who can take the testimony of a subpoenaed witness. The amendments incorporate the changes to Article 1.19-1 made by the passage of House Bill 62 during the Second Called Session of the 72nd Legislature regarding the issuance of investigative subpoenas by this department.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Articles 1.19-1 and 1.04, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 1.19-1, specifies procedures for the issuance of investigative subpoenas. Article 1.04(b) authorizes the State Board of Insurance to determine rules and regulations in accordance with the laws of this state for uniform application. Texas Civil Statutes, Article 6252-13a, §4 and §5, authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures, and prescribe the procedures for adoption of rules by a state administrative agency. The adopted amendment affects regulation through subpoenaing witnesses and materials under the Insurance Code, Article 1.19-1.

§1.36. Subpoenaing Witnesses and Materials.

(a) (No change.)

(b) Investigations. The commissioner and at least one member of the board must sign any subpoenas issued in the course of an investigation. A subpoena includes a subpoena duces tecum.

(1) (No change.)

(2) Service of subpoena. A subpoena shall be addressed to and served by any sheriff, constable, or Texas Department of Insurance investigator of the State of

Texas. For the purposes of this paragraph, a Texas Department of Insurance investigator includes any authorized person designated by the commissioner of insurance.

(3) (No change.)

(4) Receipt of testimony and materials. The testimony of a subpoenaed witness shall, at the option of the commissioner and at least one member of the board, be taken in the presence of a certified shorthand reporter having the authority to lawfully administer an oath pursuant to the Government Code, §52.025(b), or in the presence of a notary public having the authority to lawfully administer an oath pursuant to the Government Code, §406.016. The shorthand reporter's fee shall be paid by the Texas Department of Insurance. Any materials received from a witness shall be properly marked and noted by the shorthand reporter. A witness may make originals available for copying instead of relinquishing originals, provided that the originals remain available for comparison.

(5) (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 July 9, 1992.

TRD-9209478 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: July 30, 1992

Proposal publication date: January 17, 1992

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

Chapter 3. Life, Accident, and Health Insurance and Annuities

Subchapter T. Minimum Standards for Medicare Supplement Policies

• 28 TAC §3.3314

The State Board of Insurance of the Texas Department of Insurance adopts the repeal of §3.3314, concerning the standards for facilitating comparison among Medicare supplement insurance policies, without changes to the proposed text as published in the April 24, 1992, issue of the *Texas Register* (17 TexReg 2924).

Repeal of §3.3314 is necessary because the standards set forth in §3.3314 have been replaced by newer, more specific standards for comparison found in §3.3308. Provisions of §3.3308 address the maximum of 10 uniform benefit packages available under Medicare supplement legislation, and set forth the standards for uniform language and format

for comparison between and among Medicare supplement benefit coverages. Notice of final adoption of the amendment to §3.3308 as part of a more comprehensive series of amendments and new sections to Subchapter T of this title (relating to Minimum Standards for Medicare Supplement Policies), was published in the March 31, 1992, issue of the *Texas Register* (17 TexReg 2238).

Repeal of §3.3314 results in the deletion of provisions made obsolete by newer, more specific standards for comparison found in §3.3308. Provisions of §3.3308 address the maximum of 10 uniform benefit packages available under Medicare supplement legislation, and set forth the standards for uniform language and format for comparison between and among Medicare supplement benefit coverages.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Insurance Code, Article 3.74 and Article 1.04, and Texas Civil Statutes, Article 6252-13a, §4 and §5. The Insurance Code, Article 3.74, §10, provides that the board adopt any rules, including, but not limited to, minimum standards for Medicare supplement policies, applicable to regulation of Medicare supplement coverage which are necessary for the state to obtain or retain certification as a state with an approved regulatory program under 42 United States Code, §1395ss. Article 1.04 provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state for uniform application. Texas Civil Statutes, Article 6252-13a, §4 and §5, authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and prescribe the procedures for the adoption of rules by a state administrative agency. The adopted repeal affects regulation of minimum standards for Medicare supplement policies pursuant to the Insurance Code, Article 3.74.

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 July 9, 1992.

TRD-9209477 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: July 30, 1992

Proposal publication date: April 24, 1992

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

Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.7

The State Board of Insurance of the Texas Department of Insurance adopts an amendment to §7.7, concerning subordinated indebtedness, surplus debentures, surplus notes, premium income notes, bonds, or debentures, and other contingent evidences of indebtedness, with changes to the proposed text as published in the February 25, 1992, issue of the *Texas Register* (17 TexReg 1514).

Section 7.7 is concerned with subordinated indebtedness, surplus debentures, surplus notes, premium income notes, bonds, or debentures and other contingent evidences of indebtedness. These amendments are necessary to implement Article 1.39 enacted by passage of House Bill 62, 72nd Legislature, Second Called Session, 1991. Article 1.39 provides for the regulation of the issuance and repayment of subordinated indebtedness considering the financial condition of the insurer, and the assurance of consistency in accounting for subordinated indebtedness by insurers. This adoption includes several changes to the proposed text for the reasons explained in the following sentences. A change was made to subsection (a)(2) to more specifically establish the parameters of minimum surplus or "floor" and to provide to the commissioner discretionary authority in certain instances. The same change was made to subsection (c)(2) for clarification and consistency. To clarify subsection (b) (2), the word "proceeds" was deleted and the word "consideration" was substituted. New language was added to give to the commissioner discretionary authority in certain circumstances. Changes were made to subsection (c)(4) to clarify when payments can be made out of a sinking fund and by inserting the phrase "subject to the minimum surplus stated in the written agreement." A change was made to subsection (b)(5) to clarify that the payment of interest and repayment of principal under the written agreement are subordinated to policyholder and beneficiary claims. A change was made to subsection (c)(5) to replace the word "claims" with the phrase "payment of interest and repayment of principal" as the latter is more technically correct. The word "written" was also added to subsection (c)(5) for clarification. Changes were made to subsection (d)(2) to provide consistency with the Holding Company Regulatory Act (Texas Insurance Code, Article 21.49-1). The phrase "payment of interest" and the words "of principal" were added to subsection (d)(4) for clarification. The phrase "excess of the minimum surplus" and the words "or repayment" were added to subsection (d)(5) for clarification. The phrase "of another insurer" was added to subsection (e)(3) for clarification. Subsection (g) was added as suggested by several commenters and provides that the section is applicable to subordinated indebtedness issued on or after January 1, 1992.

The amendments to §7.7 concerning subordinated indebtedness, surplus debentures, surplus notes, premium income notes, bonds or debentures, and other contingent evidences of indebtedness are necessary to implement Article 1.39 enacted by passage of House Bill 62, 72nd Legislature, Second Called Session, 1991. Article 1.39 provides for the regulation of the issuance and repayment of subordinated indebtedness by insurers, the adequacy and appropriateness of the terms of repayment of subordinated indebtedness considering the financial condition of the insurer, and the assurance of consistency in accounting for subordinated indebtedness by insurers.

A commenter suggested that the last sentence of the definition of minimum surplus or "floor" in Subsection (a)(2), which states that "Such minimum surplus shall not cause a liability to be immediately posted," be eliminated because this provision is not in the Insurance Code, Article 1.39, and the commenter sees no rational justification for the rule to prohibit surplus debenture contributions simply because a portion of the contribution might exceed the minimum surplus or floor and become a liability. Another commenter raised a concern about the agency requiring a surplus cushion and believed that such a requirement would result in a substantial delay in the repayment of principal and interest and in lenders not financing acquisitions. A commenter suggested that the commissioner should have the discretion to use a different definition of minimum surplus or "floor" in certain circumstances to cure, what the commenter believed, was the sweeping applicability of subsection (a)(2) to all surplus debentures. The agency has modified the definition of minimum surplus or "floor" to reflect an amount that exceeds the sum of 10% of the face amount of the subordinated indebtedness plus, the greater of statutory minimum capital and surplus required by statute, rule, or regulation applicable to the issuing insurer, or the total capital and surplus of the insurer immediately before the issuance of the subordinated indebtedness. Language has been added giving the commissioner discretion with regard to the inclusion of an amount greater or less than 10% of the face amount of the subordinated indebtedness in determining the minimum surplus. This clarification of subsection (a)(2) has also been made to subsection (c)(2) for consistency. A commenter suggested that the first sentence of the definition of subordinated indebtedness in subsection (a)(3) be changed to read as follows: "Any contingent indebtedness issued by an insurer by which the recipient acquires a subordinated obligation of the insurer for repayment of principal and payment of interest pursuant to a written agreement providing for payment only out of that portion of an insurer's surplus that exceeds a minimum surplus stated in the agreement." The agency generally agrees with the commenter and has clarified the provision so that it is clear that it is the insurer which assumes a subordinated indebtedness. A commenter contended that "other contingent evidences of indebtedness" contained in subsection (a)(4) should be excluded from the definition of surplus notes as some forms of surplus notes do not increase surplus. The

agency has deleted the reference to "other contingent evidences of indebtedness" from the definition of surplus notes. A commenter suggested that in subsection (b)(2) the consideration received by an insurer for the issuance of subordinated indebtedness should not be limited to cash, cash equivalent securities, or government obligations of readily determinable value. The agency generally disagrees with the commenter, but does, however, realize that, in certain instances, the receipt of other assets or the subordination of a current liability should be given consideration. The agency has added additional language giving the commissioner discretionary authority in certain instances. A commenter suggested that payments on a premium note, bond, or debenture contained in subsection (c)(4) should not be restricted to an established sinking fund. The agency generally agrees and the paragraph has been modified so that payments on a premium note, bond, or debenture must be made out of an established sinking fund if provided for in the written agreement. A commenter contended that the Insurance Code, Article 21.49-1, §4(d), relating to approval by the commissioner of transactions by an insurer with its affiliates governs the time limits set forth in subsection (d)(2). Therefore, the 60 days in the proposed section should be changed to 30 days, and the 90 days should be changed to 30 days unless the amount of the transaction will exceed 5.0% of the insurer's admitted assets or 25% of its surplus, in which case it would be 90 days under the Insurance Code, Article 21.49-1 §4(d). The agency has added clarifying language to subsection (d)(2) to distinguish between affiliates or officers, directors, and third parties. A commenter suggested that it would be appropriate to reflect as an admitted asset in subsection (e) (3) any portion of the subordinated indebtedness reflected as a liability on the balance sheet of the issuing insurer so that the balance sheet of both the issuer and the holding insurer would be consistent. Thus, the holder's balance sheet would show an asset equal to the liability shown on the issuer's balance sheet. The agency disagrees with the commenter as this would permit the holder of the debenture to claim as an asset funds that are not presently due or to which the holder does not have legal entitlement. This, in the agency's opinion, would be allowing the holder to overstate its legal assets. The agency has, however, clarified the language so that it is clear that an insurer holding a subordinated indebtedness of another insurer may report it as an admitted asset equal to the amount approved by the commissioner for payment by the issuer but not yet paid. Several commenters suggested that a section be added to this section to reflect that the section does not apply to any subordinated indebtedness issued prior to January 1, 1992. The agency agrees with the commenters and has added a provision addressing the effective date as subsection (g).

Allstate County Mutual Insurance Company and Texas Life Insurance Company were generally in favor of the proposed section; however, both commenters requested that the section be clarified to indicate that the section only applies to subordinated indebtedness created on or after January 1, 1992.

The Texas Legal Reserve Officials Association also suggested that this clarification be added; specifically objected to subsections (a)(2) and (c)(2) and proposed minor modifications to subsections (a)(3), (c)(5), (d)(2); (d)(4) and (5), and (e)(3). The Texas Association of Life Insurance Officials specifically objected to subsections (a)(4), (b)(2), and (c)(4). A representative with the law firm of Weil, Gotschal & Manges proposed minor modifications to subsections (a)(3) and (b)(2) and specifically objected to subsections (a)(2) and (e)(3).

The amendment is proposed under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state; the Insurance Code, Article 1.10, which authorizes the State Board of Insurance to see that all laws respecting insurance companies are faithfully executed; Insurance Code, Article 1.32, which provides for an early warning system for insurers in hazardous condition; the Insurance Code, Article 1.39, which makes subordinated indebtedness agreements, and payments and repayments thereon, subject to approval by the commissioner; and, Texas Civil Statutes, Article 6252-13a, §4 and §5, which require and authorize each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures, and prescribe the procedure for adoption of rules by state administrative agencies.

§7.7. Subordinated Indebtedness, Surplus Debentures, Surplus Notes, Premium Income Notes, Bonds, or Debentures, and Other Contingent Evidences of Indebtedness.

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

(1) Insurer—An insurer authorized to do business under the law of this state and includes life, health, and accident insurance companies, fire and marine companies, general casualty companies, title insurance companies, fraternal benefit societies, mutual life insurance companies, local mutual aid associations, statewide mutual assessment companies, mutual insurance companies other than life, farm mutual insurance companies, county mutual insurance companies, Lloyd's plans, reciprocal and interinsurance exchanges, group hospital service corporations, health maintenance organizations, stipulated premium insurance companies, and nonprofit legal services corporations.

(2) Minimum surplus or floor—The amount of surplus specified in the written agreement evidencing the subordinated indebtedness which may not be used for payments or repayments of subordinated indebtedness and which amount must exceed the sum of the following:

(A) 10% of the face amount of the subordinated indebtedness; plus

(B) the greater of:

(i) the statutory minimum capital and surplus required by statute, rule, or regulation applicable to the issuing insurer; or

(ii) the total stated capital and surplus of the insurer immediately before the issuance of the subordinated indebtedness. The commissioner may approve an amount greater or less than 10% of the face amount of the subordinated indebtedness if the commissioner is satisfied such amount is appropriate, considering the financial condition of the insurer.

(3) Subordinated indebtedness—Any contingent indebtedness issued by an insurer for which such insurer assumes a subordinated liability for repayment of principal and payment of interest pursuant to a written agreement providing for payment only out of that portion of an insurer's surplus that exceeds a minimum surplus stated in such agreement. Subordinated indebtedness includes advances made in accordance with the Insurance Code, Articles 11.16, 17.17, and 19.07, and surplus notes, as herein defined.

(4) Surplus notes—Surplus notes, also known as "surplus debentures," "contribution certificates," "surplus capital notes," and "premium income notes, bonds, or debentures," however denominated, which are financing vehicles that increase the surplus of an insurer.

(b) General provisions.

(1) The issuance of subordinated indebtedness shall not be utilized to initially capitalize an insurer, other than a mutual life insurer, a county mutual, or a reciprocal or interinsurance exchange.

(2) The consideration received by an insurer in return for the issuance of subordinated indebtedness shall be in the form of cash, cash equivalent securities, or government backed obligations of readily determinable value. However, in the instance of an acquisition of an insurer, the commissioner may give consideration to other assets having a readily determinable value acceptable to the commissioner. Additionally, in the instance of an issuer required by this agency to increase its surplus as regards policyholders, the subordination of a current liability owed by the issuer to the prospective holder of the subordinated indebtedness, may be considered in an amount acceptable to the commissioner.

(3) When considering applications made pursuant to the Insurance Code, Article 1.39, and this section, the commissioner will consider other applicable provi-

sions of the Insurance Code, including Articles 1.29 and 21.49-1.

(c) Written agreements. When issuing subordinated indebtedness, the insurer must execute a written agreement with the creditor, providing the following.

(1) The creditor may be paid only out of the portion of the insurer's surplus that exceeds the minimum surplus stated in the agreement.

(2) The minimum surplus or floor shall exceed the sum of the following.

(A) 10% of the face amount of the subordinated indebtedness (provided, however, that the commissioner may approve an amount greater or less than 10% of the face amount of the subordinated indebtedness if the commissioner is satisfied such amount is appropriate, considering the financial condition of the insurer); plus

(B) the greater of:

(i) the statutory minimum capital and surplus required by statute, rule, or regulation applicable to the issuing insurer; or

(ii) the total stated capital and surplus of the insurer immediately before the issuance of the subordinated indebtedness.

(3) All payments of principal and interest shall be subject to the prior approval of the commissioner.

(4) If the subordinated indebtedness is in the form of a premium note, bond, or debenture, which includes a provision for the payment or repayment only out of a sinking fund established by the insurer by setting aside a specified percentage of the insurance premium income collected by the insurer during a specified period, all payments must be made from the established sinking fund, subject to the minimum surplus stated in the written agreement, and such payment requires the prior approval of the commissioner.

(5) In the event of liquidation, payment of interest and repayment of principal under the written agreement are subordinated to policyholder and beneficiary claims.

(d) Filing requirements.

(1) All subordinated indebtedness issued by an insurer is subject to the prior approval of the commissioner, regardless of amount. Such applications shall be filed with the Holding Company Activity, Mail Code 304-2A, Texas Department of Insurance, P.O. Box 149104, 333 Guadalupe, Austin, Texas 78714-9104.

(2) Applications for approval of the payment of interest or repayment of principal are subject to the prior approval of

the commissioner and shall be filed at least 30 days prior to the date of the proposed payment, or such shorter period as the commissioner may permit. Payment of interest or repayment of principal to an affiliate of an insurer may be made within the time periods specified in the Insurance Code, Article 21.49-1, §4(d)(1) or (2), provided the commissioner has not disapproved such payment within such periods. Payment of interest or the repayment of principal to an affiliate, officer, director, or third party not subject to the Insurance Code, Article 21.49-1, §4(d)(1) or (2) may be made 35 days after the filing of the application provided the commissioner has not disapproved such payment within such period. No such application shall be deemed filed until the date all material required and sufficient to constitute a full application has been provided.

(3) The written application for approval of the issuance of subordinated indebtedness shall include at least the following:

(A) the nature and purpose of the transaction;

(B) the nature and amounts of any transfers of assets between the parties to the transaction;

(C) the identities of all parties to the transaction;

(D) whether any officers or directors of a party are pecuniarily interested in the transaction;

(E) a copy of any agreement between the parties relating to the transaction;

(F) evidence that the transaction will not adversely affect the interests of policyholders.

(4) The written application for approval of the payment of interest or the repayment of principal of subordinated indebtedness shall include at least the following:

(A) the nature and amounts of any payments or transfers of assets between the parties to the transaction;

(B) the identities of all parties to the transaction; and

(C) evidence that the repayment or payment is appropriate considering the financial condition of the insurer.

(5) A current financial statement dated not earlier than 60 days before the application date must be filed with the application for approval of the payment of interest or repayment of principal which demonstrates the existence of sufficient surplus in excess of the minimum surplus, and a statement by the chief executive officer of the insurer that the insurer's current total surplus is in such amount that payment or repayment as of the payment date will be only from surplus in excess of minimum surplus and will not adversely affect the insurer's current financial condition.

(6) Applications for approval of the issuance, payment of interest, or the repayment of principal, must meet the following standards.

(A) The terms shall be fair and equitable.

(B) The books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transaction.

(C) Minimum surplus and the insurer's surplus as regards policyholders following such payment of interest or repayment of principal shall be reasonable in relation to the insurer's outstanding liabilities and adequate to satisfy its financial needs.

(e) Accounting requirements.

(1) All financial statements published by any insurer or filed with the commissioner must show as a liability that portion of the insurer's surplus that exceeds the minimum surplus as defined in the written agreement to the extent of the unpaid principal balance thereon.

(2) All agreements shall be clearly reported in an insurer's "Notes to Financial Statements" of the annual statement indicating that payment of interest and repayments of principal are subject to the prior approval of the commissioner.

(3) An insurer holding a subordinated indebtedness of another insurer may report it as an admitted asset equal to the amount approved by the commissioner for payment by the issuer but not yet paid.

(f) Applicability to foreign insurers. The provisions of this section shall apply to insurers domiciled in another state unless such other state regulates the issuance and payment or repayment of subordinated indebtedness under laws, rules, or bulletins that the commissioner finds are substantially similar in substance and effect to Texas law and rules. To pursue this exception, the insurer shall provide, upon request, to the commissioner evidence of

similarity in the form of statutes, regulations, and interpretation of the standards utilized by the state of domicile.

(g) The provisions of this section apply to subordinated indebtedness issued on or after January 1, 1992.

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 January 1, 1988.

TRD-9209561 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: August 3, 1992

Proposal publication date: February 25, 1992

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

TITLE 31. NATURAL RESOURCE AND CONSERVATION

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter D. Amendments, Renewals, Transfers, Corrections, Revocation, and Suspension of Permits

• 31 TAC §305.69

The Texas Water Commission (TWC) adopts an amendment to §305.69 concerning consolidated permits, with changes to the proposed text as published in the *Texas Register* on April 17, 1992 (17 TexReg 2698).

The amendment is adopted in order to clarify existing rules and to conform to the federal hazardous waste regulations as published and adopted in the March 7, 1989, issue of the *Federal Register* (54 FedReg 9608), the February 21, 1991, issue of the *Federal Register* (56 FedReg 7239), the July 17, 1991, issue of the *Federal Register* (56 FedReg 32688), the August 27, 1991, issue of the *Federal Register* (56 FedReg 42504), and the September 5, 1991, issue of the *Federal Register* (56 FedReg 43874). The commission received comments on the proposed rules from Alternative Fuel Systems, Inc., Cement Manufacturers Association of Texas, Citizens Aware and United for a Safe Environment (CAUSE), City of New Braunfels, Dow Chemical Company, Hoechst Celanese Chemical Group, LaFarge Corporation, North Texas Cement Company, Olin Chemicals, Public Interest Counsel of the Texas Water Commission, Securing a Future Environment (SAFE), a State Senator, Sterling Chemical, Inc., Texas Chemical Council, Texas Industries, Inc. (TXI), and United States Environmental Protection Agency (EPA) Region VI. In addition,

comments were received from citizens in public hearings conducted by the TWC in the Texas cities of: Austin, Midlothian, New Braunfels, and Texas City.

One commenter remarked that, since the term hazardous waste management "unit" was proposed to be used under §305.69(g), then §305.2 (relating to Definitions) should contain such a definition. The commission agrees but will propose the addition of this definition in a subsequent rulemaking since the publication of these rules did not propose any change to §305.2. Some commenters pointed out some minor typographical errors in §305.69(h) Appendix 1 C.7.a, D.1.b., F.2.b., and Appendix L.7.a. These have been corrected.

The amendment is adopted under the Texas Water Code, §§5.103, 5.105, and 26.011, which give the commission the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The sections are also adopted under the Solid Waste Disposal Act, §3 and §4, which gives the commission the authority to regulate industrial solid wastes and hazardous municipal wastes and to adopt rules and promulgate rules consistent with the general intent and purposes of the Act.

§305.69. *Solid Waste Permit Modification at the Request of the Permittee.*

(a)-(f) (No change.)

(g) Newly regulated wastes and units.

(1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 40 CFR Part 261 or to continue to manage hazardous waste in units newly regulated as hazardous waste management units if:

(A) the unit was in existence as a hazardous waste facility unit with respect to the newly listed or characteristic waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste or regulating the unit;

(B) the permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

(C) the permittee is in substantial compliance with the applicable standards of 40 CFR Part 265 and Part 266;

(D) in the case of Classes 2 and 3 modifications, the permittee also submits a complete permit modification request within 180 days after the effective date of the final rule listing or identifying the waste or subjecting the unit to RCRA Subtitle C management standards; and

(D) in the case of Classes 2 and 3 modifications, the permittee also submits a complete permit modification request within 180 days after the effective date of the final rule listing or identifying the waste or subjecting the unit to RCRA Subtitle C management standards; and

(E) in the case of land disposal units, the permittee certifies that each

such unit is in compliance with all applicable 40 CFR Part 265 ground-water monitoring and financial responsibility requirements on the date 12 months after the effective date of the final rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with these requirements, the owner or operator shall lose authority to operate under this section.

(2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

(h) Appendix I. The following appendix will be used for the purposes of this subchapter which relates to solid waste permit modification at the request of the permittee.

Modifications

Class

A. General Permit Provisions

- 1. Administrative and informational changes..... 1
- 2. Correction of typographical errors..... 1
- 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)..... 1

- 4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:
 - a. To provide for more frequent monitoring, reporting, sampling, or maintenance..... 1
 - b. Other changes..... 2
- 5. Schedule of compliance
 - a. Changes in interim compliance dates, with prior approval of the executive director..... 1¹
 - b. Extension of final compliance date..... 3
- 6. Changes in expiration date or permit to allow earlier permit expiration, with prior approval of the executive director..... 1¹
- 7. Changes in ownership or operational control of a facility, provided the procedures of §305.65(g) are followed..... 1¹

B. General Standards

- 1. Changes to waste sampling or analysis methods:
 - a. To conform with agency guidance or regulations..... 1
 - b. Other changes..... 2
- 2. Changes to analytical quality assurance/control plan:
 - a. To conform with agency guidance or regulations..... 1

b.	Other changes.....	2
3.	Changes in procedures for maintaining the operating record.....	1
4.	Changes in frequency or content of inspection schedules.....	2
5.	Changes in the training plan:	
a.	That affect the type or decrease the amount of training given to employees.....	2
b.	Other changes.....	1
6.	Contingency plan:	
a.	Changes in emergency procedures (i.e., spill or release response procedures).....	2
b.	Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed.....	1
c.	Removal of equipment from emergency equipment list.....	2
d.	Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan.....	1

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as the permit modification. (No change)

C. Ground-water Protection

- 1. Changes to wells:
 - a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted groundwater monitoring system..... 2
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well..... 1
- 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the executive director..... 1¹
- 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the executive director..... 1¹
- 4. Changes in point of compliance..... 2
- 5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):
 - a. As specified in the groundwater protection standard..... 3
 - b. As specified in the detection monitoring program..... 2

- 6. Changes to a detection monitoring program as required by §335.164(10) of this title (relating to Detection Monitoring Program), unless otherwise specified in this appendix..... 2
- 7. Compliance monitoring program:
 - a. Addition of compliance monitoring program pursuant to §335.164(7)(D) of this title (relating to Detection Monitoring Program), and §335.165 of this title (relating to Compliance Monitoring Program)..... 3
 - b. Changes to a compliance monitoring program as required by §335.165(11) of this title (relating to Compliance Monitoring Program), unless otherwise specified in this appendix.... 2
- 8. Corrective action program:
 - a. Addition of a corrective action program pursuant to §335.165(9)(B) of this title (relating to Compliance Monitoring Program) and §335.166 of this title (relating to Corrective Action Program)..... 3
 - b. Changes to a corrective action program as required by §335.166(8), unless otherwise specified in this appendix..... 2

D. Closure

- 1. Changes to the closure plan:

- a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the executive director..... 1¹
- b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the executive director..... 1¹
- c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the executive director..... 1¹
- d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the executive director..... 1¹
- e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix..... 2
- f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 40 CFR 264.113(d) and (e)..... 2

2.	Creation of a new landfill unit as part of closure.....	3
3.	Addition of the following new units to be used temporarily for closure activities:	
a.	Surface impoundments.....	3
b.	Incinerators.....	3
c.	Waste piles that do not comply with 40 CFR 264.250(c).....	3
d.	Waste piles that comply with 40 CFR 264.250(c).....	2
e.	Tanks or containers (other than specified below).....	2
f.	Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the executive director.....	1 ¹

E. Post-Closure

1.	Changes in name, address, or phone number of contact in post-closure plan.....	1
2.	Extension of post-closure care period.....	2
3.	Reduction in the post-closure care period.....	3
4.	Changes to the expected year of final closure, where other permit conditions are not changed.....	1
5.	Changes in post-closure plan necessitated by events occurring during the active life of	

the facility, including partial and final
closure..... 2

F. Containers

1. Modification or addition of container units:
 - a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below..... 3
 - b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a) below..... 2
 - c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), with prior approval of the executive director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is

not applicable to dioxin-containing wastes
(F020, 021, 022, 023, 026, 027, and 028)..... 1¹

- 2. a. Modification of a container unit without increasing the capacity of the unit..... 2
- b. Addition of a roof to a container unit without alteration of the containment system..... 1
- 3. Storage of different wastes in containers, except as provided in F(4) below:
 - a. That require additional or different management practices from those authorized in the permit..... 3
 - b. That do not require additional or different management practices from those authorized in the permit..... 2

Note: See §305.69(g) of this title (relating to Newly Listed Solid Waste Permit Modification at the Request of the Permittee or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

- 4. Storage or treatment of different wastes in containers:
 - a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land,

disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the executive director. This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1¹

b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

5. Other changes in container management practices (e.g., aisle space, types of containers, segregation)..... 2

G. Tanks

1. a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G(1)(c), G(1)(d), and G(1)(e) below of this appendix..... 3
- b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G(1)(d) and G(1)(e) below of this appendix..... 2
- c. Addition of a new tank (no capacity limitation) that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation..... 2
- d. After prior approval of the executive director, addition of a new tank (no capacity limitation) that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation..... 1¹
- e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from

land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), with prior approval of the executive director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1¹

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit..... 2
3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/-10% of the replaced tank provided:..... 1
 - a. The capacity difference is no more than 1500 gallons;
 - b. The facility's permitted tank capacity is not increased; and
 - c. The replacement tank meets the same conditions in the permit.

- 4. Modification of a tank management practice..... 2
- 5. Management of different wastes in tanks:
 - a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(c) below..... 3
 - b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G(5)(d) below..... 2
 - c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(1)(ii), with prior approval of the executive director. The

modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1¹

- d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

Note: See §305.69(g) of this title (relating to Newly Listed Solid Waste Permit Modification at the Request of the Permittee or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity... 3
- 2. Replacement of a surface impoundment unit..... 3
- 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity

- and without modifying the unit's liner, leak detection system, or leachate collection system..... 2
4. Modification of a surface impoundment management practice..... 2
5. Treatment, storage, or disposal of different wastes in surface impoundments:
- a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit..... 3
- b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit..... 2
- c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2). This modifi-

cation is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

- d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles except those complying with 40 CFR 264.250(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 40 CFR 264.250(c).

1. Modification or addition of waste pile units:
 - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity..... 3
 - b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity..... 2
2. Modification of waste pile unit without increasing the capacity of the unit..... 2
3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit..... 1
4. Modification of a waste pile management practice.... 2
5. Storage or treatment of different wastes in waste piles:
 - a. That require additional or different management practices or different design of the unit..... 3
 - b. That do not require additional or different management practices or different design of the unit..... 2

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

J.	Landfills and Unenclosed Waste Piles	
1.	Modification or addition of landfill units that result in increasing the facility's disposal capacity.....	3
2.	Replacement of a landfill.....	3
3.	Addition or modification or a liner, leachate collection system, leachate detection system, run-off control, or final cover system.....	3
4.	Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control, or final cover system.....	2
5.	Modification of a landfill management practice.....	2
6.	Landfill different wastes:	
a.	That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.....	3
b.	That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.....	2
c.	That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard	

of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028)..... 1

Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

1. Lateral expansion of or other modification of a land treatment unit to increase areal extent..... 3
 2. Modification of run-on control system..... 2
 3. Modify run-off control system..... 3
 4. Other modifications of land treatment unit component specifications or standards required in the permit..... 2
 5. Management of different wastes in land treatment units:
 - a. That require a change in permit operating conditions or unit design specifications..... 3
 - b. That do not require a change in permit operating conditions or unit design specifications..... 2
- Note: See §305.69(g) of this title (relating to Newly Listed or Identified Wastes) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment management practice to:
 - a. Increase rate or change method of waste application..... 3
 - b. Decrease rate of waste application..... 1
 7. Modification of a land treatment unit management practice to change measures of pH or

- moisture content, or to enhance microbial
or chemical reactions..... 2
8. Modification of a land treatment unit manage-
ment practice to grow food chain crops, or
add to or replace existing permitted crops
with different food chain crops, or to modify
operating plans for distribution of animal
feeds resulting from such crops..... 3
9. Modification of operating practice due to
detection of releases from the land treatment
unit pursuant to 40 CFR 264.278(g)(2)..... 3
10. Changes in the unsaturated zone monitoring
system, resulting in a change to the location,
depth, or number of sampling points, or that
replace unsaturated zone monitoring devices
or components thereof with devices or com-
ponents that have specifications different
from permit requirements..... 3
11. Changes in the unsaturated zone monitoring
system that do not result in a change to
the location, depth, or number of sampling
points, or that replace unsaturated zone
monitoring devices or components thereof
with devices or components having specifi-
cations not different from permit requirements..... 2

- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid..... 2
- 13. Changes in sampling, analysis, or statistical procedure..... 2
- 14. Changes in land treatment demonstration program prior to or during the demonstration..... 2
- 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the executive director's prior approval has been received..... 1¹
- 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the executive director..... 1¹
- 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the waste can be treated completely, where

the conditions for the second demonstration
are not substantially the same as the
conditions for the first demonstration..... 3

18. Changes in vegetative cover requirements for
closure..... 2

L. Incinerators, Boilers and Industrial Furnaces

1. Changes to increase by more than 25% any of the
following limits authorized in the permit:
A thermal feed rate limit; a feedstream
feed rate limit; a chlorine feed
rate limit, a metal feed rate limit, or an ash
feed rate limit. The executive director will
require a new trial burn to substantiate
compliance with the regulatory performance
standards unless this demonstration can be
made through other means..... 3

2. Changes to increase by up to 25% any of the
following limits authorized in the permit:
A thermal feed rate limit; a feedstream
feedrate limit; chlorine/chloride
feed rate limit, a metal feed rate limit, or an
ash feed rate limit. The executive director will
require a new trial burn to substantiate compliance
with the regulatory performance standards unless
this demonstration can be made through other
means..... 2

3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size of geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂ metals or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3
4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The executive director may require a new trial burn to demonstrate compliance with the regulatory performance standards..... 2
5. Operating requirements:
 - a. Modification of the limits specified in the permit for minimum or maximum combustion gas

temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or operating parameters for the air pollution control system. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3

b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls..... 3

c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit..... 2

6. Burning different wastes:

a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires

compliance with different regulatory performance standards than specified in the permit. The executive director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means..... 3

- b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit..... 2

Note: See §305.69(g) of this title (relating to Newly Regulated Wastes and Units) for modification procedures to be used for the management of newly regulated wastes and units.

- 7. Shakedown and trial burn:
 - a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn..... 2

- b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the executive director1¹
 - c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the executive director... 1¹
 - d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the executive director..... 1¹
8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit..... 1

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 July 8, 1992.

TRD-9209414

Mary Ruth Holder
Director, Legal Division
Texas Water Commission

Effective date: July 29, 1992

Proposal publication date: April 17, 1992

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.312

The Comptroller of Public Accounts adopts an amendment to §3.312, concerning graphic arts or related occupations and miscellaneous activities, without changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3451).

The amendment in subsection (c) changes references from §3.292 concerning repair, remodeling, maintenance, and restoration of tangible personal property, where appropriate, to new §3.359 concerning motor vehicles and private aircraft.

No comments were received regarding adoption of the amendment.

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

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 July 8, 1992.

TRD-9209410

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: July 29, 1992

Proposal publication date: May 12, 1992

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

Subchapter V. Franchise Tax

• 34 TAC §3.565

The Comptroller of Public Accounts adopts new §3.565, concerning survivors of mergers, without changes to the proposed text as published in the May 26, 1992, issue of the *Texas Register* (17 TexReg 3831).

The new section replaces §3.412, concerning the same subject matter, which is being repealed in order that it can be adopted under the Texas Administrative Code, Title 34, Part I, Chapter 3, Subchapter V. This new section contains information concerning corporations which are the survivors of mergers.

No comments were received regarding adoption of the new section.

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

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 July 8, 1992.

TRD-9209408

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: July 29, 1992

Proposal publication date: May 26, 1992

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

• 34 TAC §3.567

The Comptroller of Public Accounts adopts new §3.567, concerning additional tax on earned surplus, without changes to the proposed text as published in the May 26, 1992, issue of the *Texas Register* (17 TexReg 3832).

The new section explains the additional tax imposed on corporations which will no longer have sufficient nexus with Texas to be subject to the tax on earned surplus.

No comments were received regarding adoption of the new section.

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

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 July 8, 1992.

TRD-9209409

Martin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: July 29, 1992

Proposal publication date: May 26, 1992

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

Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit Military Services

• 34 TAC §25.61, §25.66

The Teacher Retirement System of Texas (TRS) adopts amendment to §§25.61, 25.66, 25.75, 25.87, 25.151 and new §§25.181-25.189, concerning military service credit veteran's out-of-state service credit, and development leave credit, without changes to the proposed text published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3452).

The amended sections are adopted in order to implement recent statutory amendment permitting installment payment for special service credit.

The amended sections will amend the sections governing military service credit, veteran's credit, out-of-state service credit, and developmental leave credit to permit payment for these types of credit by the installment payment method. The new sections will provide for and govern payment by the installment method.

No comments were received regarding adoption of the amendments and new sections.

The amendments are adopted under the Texas Government Code, §825.102, which authorized the TRS board of trustees to adopt rules for membership eligibility and the administration of the funds of the retirement system, and §825.40, which authorizes the TRA board of trustees to adopt rules to implement the installment method of payment for special service credit.

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 July 8, 1992.

TRD-9209449

Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: May 12, 1992

Proposal publication date: September 1, 1992

For further information, please call: (512) 370-0524

Veteran's Service Credit

• 34 TAC §25.75

The amendment is adopted under the Texas Government Code, §825.102, which autho-

rizes the TRS board of trustees to adopt rules for membership eligibility and the administration of the funds of the retirement system, and §825.410, which authorizes the TRS board of trustees to adopt rules to implement the installment method of payment for special service credit.

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 July 8, 1992.

TRD-9209450 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Purchase of Credit For Out-of-State Service

• 34 TAC §25.87

The amendment is adopted under the Texas Government Code, §825.102, which authorizes the TRS board of trustees to adopt rules for membership eligibility and the administration of the funds of the retirement system, and §825.410, which authorizes the TRS board of trustees to adopt rules to implement the installment method of payment for special service credit.

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 July 8, 1992.

TRD-9209451 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Developmental Leave

• 34 TAC §25.151

The amendment is adopted under the Texas Government Code, §825.102, which authorizes the TRS board of trustees to adopt rules for membership eligibility and the administration of the funds of the retirement system, and §825.410, which authorizes the TRS board of trustees to adopt rules to implement the installment method of payment for special service credit.

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 July 8, 1992.

TRD-9209452 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Installment Payments

• 34 TAC §§25.181-25.189

The new sections are adopted under the Texas Government Code, §825.102, which authorizes the TRS board of trustees to adopt rules for membership eligibility and the administration of the funds of the retirement system, and §825.410, which authorizes the TRS board of trustees to adopt rules to implement the installment method of payment for special service credit.

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 July 8, 1992.

TRD-9209453 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Part III. Teacher Retirement System of Texas

Chapter 29. Benefits

Retirement

The Teacher Retirement System of Texas (TRS) adopts amendments to §§29.1, 29.2, 29.7, 29.8, 29.12, 29.21, 29.23, 29.24, 29.26, and 29.31, concerning retirement. Section 29.2 is adopted with changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3452). Sections 29.1, 29.7, 29.8, 29.12, 29.21, 29.23, 29.24, 29.26, and 29.31 are adopted without changes and will not be republished. Section 29.21 is repealed.

The amended sections are adopted in order to combine similar sections on disability and service retirement so as to eliminate repetition in the rules. The repeal of §29.21 eliminates a section made unnecessary by the combination of the rules. Changes were made to proposed §29.2 to modify the format of the subsection and add a subsection title for clarification. The amended sections also reflect statutory amendments made during the last legislative session.

The amended sections eliminate from the rules an undesignated head for disability retirement and combine disability retirement sections with service retirement sections concerning eligibility, age and service requirements, minimum retirement benefits,

retirement payment plans, and date of retirement and making application. The repeal of the section concerning the effective date for disability retirement eliminates a section made unnecessary by the combination of rules. The amended sections also provide for the same optional payment plans to be available to some disability retirees as are available to service retirees, as provided by recent statutory amendments. The amended sections also provide for the discontinuation of disability retirement benefits to retirees over 60 years of age under certain circumstances, in response to recent statutory amendments. Finally, they modify the conditions under which the death benefit options are available to the beneficiary of a disability retiree, as provided by recent statutory amendments.

No comments were received regarding adoption of the sections.

• 34 TAC §§29.1, 29.2, 29.7, 29.8, 29.12, 29.23, 29.24, 29.26

The amendments are adopted under the Texas Government Code, §825.102, which authorizes the TRS Board of Trustees to adopt rules for the administration of the funds of the retirement system, and §§824.301-824.308, which govern eligibility for, and payment of, disability retirement benefits.

§29.2. *Age and Service Requirements for [Service] Retirements.* Retirement benefits are payable according to the following schedule. See also §29.3 of this title (relating to Standard Annuity) for computation of standard annuity, §29.7 of this title (relating to Minimum Retirement Benefits) for minimum benefits, and §29.8(b) of this title (relating to Retirement Payment Plans) for optional reduced benefits. All retired members except those disability retirees whose benefits have ceased under the Government Code, §824.304(a) are covered by survivor benefits. The following is a list of length of service, age, and benefits.

(1) Service retirement:

(A) normal age retirement:

(i) 30 years or more-55: the larger of a standard annuity or a minimum benefit;

(ii) 20 years through 29 years-60: the larger of a standard annuity or a minimum benefit;

(iii) five years through 19 years-65: the larger of a standard annuity or a minimum benefit;

(B) early age retirement:

(i) five years through 19 years-between 55 and 65: the larger of a standard annuity or a minimum benefit reduced from age 65;

(ii) 20 years through 29 years-between 55 and 60: the larger of a

standard annuity or a minimum benefit reduced from age 60;

(iii) 30 years or more—any age below 55: the larger of a standard annuity or a minimum benefit reduced from age 55.

(2) Disability retirement:

(A) less than 10 years: \$50 a month for the shorter of:

(i) the duration of the disability; or

(ii) the number of months of creditable service;

(B) 10 years or more: the larger of a standard annuity or a minimum benefit.

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 July 8, 1992.

TRD-9209445 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Disability Retirement

• 34 TAC §29.21

The repeal is adopted under the Texas Government Code, §825.102, which authorizes the TRS Board of Trustees to adopt rules for the administration of the funds of the retirement system, and §§824.301-824.308, which govern eligibility for, and payment of, disability retirement benefits.

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 July 8, 1992.

TRD-9209446 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

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Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Death Before Retirement

• 34 TAC §29.31

The amended section is adopted under the Texas Government Code, §825.102, which authorizes the TRS Board of Trustees to adopt rules for the administration of the funds of the retirement system, and §§824.301-824.308, which govern eligibility for, and payment of, disability retirement benefits.

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 July 8, 1992.

TRD-9209447 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

Plan Limitations

• 34 TAC §29.51

The Teacher Retirement System of Texas (TRS) adopts an amendment to §29.51, concerning plan limitations on retirement benefits, without changes to the proposed text as published in the May 12, 1992, issue of the *Texas Register* (17 TexReg 3452).

The amended section is adopted in order to clarify the scope and applicability of the section.

The amended section will eliminate the word "service" from the title of the section to clarify that restrictions may apply to disability retirement benefits as well as service retirement benefits.

No comments were received regarding adoption of the amendment.

The amended section is adopted under the Texas Government Code, §825.102, which authorizes the TRS Board of Trustees to adopt rules for membership eligibility and the administration of the funds of the retirement system, and §825.506, which provides the Board with the authority to adopt rules to the extent necessary for the retirement system to be a qualified plan.

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 July 8, 1992.

TRD-9209448 Wayne Blevins
Executive Secretary
Teacher Retirement
System of Texas

Effective date: September 1, 1992

Proposal publication date: May 12, 1992

For further information, please call: (512) 370-0524

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

Eligibility

• 40 TAC §48.2911, §48.2918

The Texas Department of Human Services (DHS) adopts amendments to §48.2911 and §48.2918 concerning family care and eligibility for primary home care, without changes to the proposed text as published in the June 9, 1992, issue of the *Texas Register* (17 TexReg 4160).

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

The amendments will function by assisting individuals who need additional hours of service to remain in the community.

No comments were received regarding adoption of the amendments.

The amendments are adopted 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.

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 July 15, 1992.

TRC 9209696 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: August 5, 1992

Proposal publication date: June 9, 1992

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

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 adopted on July 9, 1992, a filing by the Fireman's Fund Insurance Company, Novato, California of revisions

to the standard and uniform Premium Finance Company Errors and Omissions Policy.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the filing has been filed in the office of the Chief Clerk of the Texas Department of Insurance. The filing has been available for public inspection for 15 days, and a public hearing has not been requested by any party.

The policy revisions add policy wording required by the Insurance Code, Article 21.49-2D.

There are no rate consequences to the adopted form revisions.

This filing becomes effective on the 15th day after notice of this action is published in the *Texas Register*. This notice is filed pursuant to the Insurance Code, Article 5.97, which exempts board action on this filing from the requirements

of the Administrative Procedure and Texas Register Act. (Reference Number 0692-321).

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 July 10, 1992.

TRD-9209549

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

Effective date: August 5, 1992

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

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Open Meetings

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

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

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

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

Thursday, July 23, 1992, 9:30 a.m. The Texas Board on Aging's Planning Committee of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Conference Room, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of the minutes of the July 8, 1992 meeting; receive public testimony regarding FY 1993-1995 state plan; finalize FY 1993-1995 state plan and recommend to board for action; and adjourn.

Contact: Aliceanne Wallace, Route 2, Box 2585, Belton, Texas 76513, (817) 939-8178.

Filed: July 14, 1992, 7:33 a.m.

TRD-9209641



Texas Department of Agriculture

Monday, July 20, 1992, 10 a.m. The Agriculture Resources Protection Authority of the Texas Department of Agriculture met at the Texas Department of Agriculture, 1700 North Congress Avenue, Stephen F. Austin Building, Room 924-A, Austin. According to the complete agenda, the department may have discussed approval of the minutes; adopted special proceedings rules; adopted appellate rules; budget proposal for FY 94-95 appropriations; discussed other business; and established date for next meeting.

Contact: Alvin Ashom, P.O. Box 12847, Austin, Texas 78711, (512) 463-7698.

Filed: July 10, 1992, 4:18 p.m.

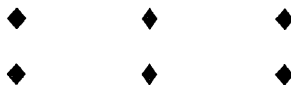
TRD-9209558

Saturday, July 25, 1992, 11 a.m. The Texas Soybean Producers Board of the Texas Department of Agriculture will meet at the George R. Brown Convention Center, Room 307A, 1001 Convention Center Boulevard, Houston. According to the complete agenda, the board will discuss approval of minutes; hear financial report; discuss and act on budget; USB report-Pyle; new business-allocation of research funds by Area, swearing in of T. P. Rotello; and discuss old business.

Contact: Trent Roberts, Department 1068, P.O. Box 650290, Dallas, Texas 75265-0290, 1-800-247-8691.

Filed: July 13, 1992, 3:14 p.m.

TRD-9209624



Texas Air Control Board

Wednesday, July 22, 1992, 12:30 p.m. The Community Involvement Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will give an update on small business assistance program activities.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 11, 1992, 9:48 a.m.

TRD-9209654

Wednesday, July 22, 1992, 1 p.m. The Fee Review Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dal-

las. According to the complete agenda, the committee will consider and act to adopt proposed revisions to the general rules regarding inspection and emission fees; and to adopt proposed revisions to the general rules regarding asbestos notification fees.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 11, 1992, 9:47 a.m.

TRD-9209653

Wednesday, July 22, 1992, 1:30 p.m. The Hearings Oversight Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will consider and act on recommendations regarding public notice requirements and the calling and processing of contested case hearings at the Texas Air Control Board.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 11, 1992, 9:47 a.m.

TRD-9209652

Wednesday, July 22, 1992, 2 p.m. The Enforcement Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will give Star Task Force update; compliance history task force update; penalty and policy task force update; and consider and act on minor source policy.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 11, 1992, 9:47 a.m.

TRD-9209651

Wednesday, July 22, 1992, 3 p.m. The Mobile Source Emissions Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will consider and act for: public hearings on Regulation IV, concerning control of air pollution from motor vehicles, regarding a petition to include ethanol as an alternative fuel, and an equipment certification requirement for alternative fuel conversions; public hearings on proposed revisions to the State Implementation Plan (SIP) regarding the Vehicle Inspection/Maintenance Programs for ozone nonattainment areas; public hearings on proposed revisions to the SIP regarding a commitment to adopt transportation control measures sufficient to offset emissions resulting from increases in vehicle miles traveled in the Houston-Galveston ozone nonattainment area.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 11, 1992, 9:47 a.m.

TRD-9209650

Wednesday, July 22, 1992, 4 p.m. The Regulation Development Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will consider and act to adopt proposed revisions to: the General Rules, regarding inspection and emissions fees; the General Rules, regarding asbestos notification fees. Consideration and action for public hearings on proposed revisions to: Regulation VII, concerning Control of Air Pollution from nitrogen compounds, regarding reasonable available control technology for nitrogen oxides in the ozone nonattainment areas; the General Rules, regarding banking of emissions reductions to be used for offsets in the ozone nonattainment areas; the State Implementation Plan (SIP) regarding the Small Business Compliance Assistance Program; the SIP regarding vehicle inspection/maintenance programs for ozone nonattainment areas; Regulation IV, concerning control of air pollution from motor vehicles, regarding a petition to include ethanol as an alternative fuel, and an equipment certification requirement for alternative fuel conversions; and the SIP regarding a commitment to adopt transportation control measures sufficient to offset emissions resulting from increases in vehicle miles travelled in the Houston-Galveston ozone nonattainment areas.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 14, 1992, 10:49 a.m.

TRD-9209666

Wednesday, July 22, 1992, 7 p.m. The Monitoring and Research Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will give a report on monitoring studies in Midlothian.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 14, 1992, 9:47 a.m.

TRD-9209649

Thursday, July 23, 1992, 8:15 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the complete agenda, the committee will consider and act on: approval and submittal of agency strategic plan; task force member expenses; and agency budget, staffing status, salary considerations and outlook for Fiscal Year 1993.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 14, 1992, 9:46 a.m.

TRD-9209648

Thursday, July 23, 1992, 9 a.m. The Texas Air Control Board will meet at 7050 Stemmons Freeway, Holiday Inn, Brook Hollow, Dallas. According to the agenda summary, the board will call the meeting to order; consider and act on approval of the minutes; hear public testimony; motor vehicle inspection/maintenance requirements; consider and act on adoption of rules; enforcement report; consideration and action on: agreed enforcement orders, resolution recommending use of reformulated gasoline in El Paso, approval and submittal of agency's strategic plan; meet in executive session for evaluation of performance of executive director; consideration and action on salary compression and employee bonuses; staff report on ex-parte communications; staff report on procedures relating to the review of health effects on permit applications; committee meeting reports; discuss new business; and adjourn.

Contact: Lane Hartsock, 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1451.

Filed: July 14, 1992, 9:46 a.m.

TRD-9209647

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Advisory Board of Athletic Trainers

Tuesday, July 21, 1992, 2:30 p.m. The Advisory Board of Athletic Trainers will

meet at the Champions Room, Sheraton Park Centre, Arlington. According to the complete agenda, the board will discuss approval of the minutes of the previous meeting; hear reports by chairman, executive secretary, program administrator, and continuing education and test committee; hear presentations by Thomas E. Walling and Gina Delmont; discuss and possibly act on: order concerning Terry Alan Bunker, license number AT1108; North East Independent School District violation of state law concerning the board and rules adopted under law; reorganization of the continuing education and test committee; final adoption to amendments to Title 25, Texas Administrative Code, Chapter 313; request from Southwestern University's Athletic Trainer Education Program; election of officers; and hear announcements and comments.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6615. 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: July 10, 1992, 4:16 p.m.

TRD-9209554

Wednesday, July 22, 1992, 4 p.m. The Advisory Board of Athletic Trainers will meet at the Arlington Convention Center, Room E-2, Arlington. According to the complete agenda, the board will conduct at the Southwest Athletic Trainers Association 1992 annual meeting and clinical symposium a question and answer session concerning licensing and regulations of athletic trainers.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6615. 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: July 10, 1992, 4:16 p.m.

TRD-9209555

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The State Bar of Texas

Thursday, July 23, 1992, 10 a.m. The Executive Committee of the State Bar of Texas will meet at the Del Lago Conference Center, Lake Conroe. According to the agenda summary, the committee will call the meeting to order; take roll call; reports of chair, president, President elect, executive director, office of general counsel, immediate past president, TYLA president and Supreme Court.

Contact: Pat Hiller, 1414 Colorado, Austin, Texas 78701, (512) 463-1451.

Filed: July 15, 1992, 3:47 p.m.

TRD-9209752

Texas Bond Review Board

Thursday, July 23, 1992, 10 a.m. The Texas Bond Review Board will meet at the Reagan Building, 105 West 15th Street, Room 103, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; consider proposed issues; discuss other business; and adjourn.

Contact: Tom K. Pollard, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: July 15, 1992, 4:30 p.m.

TRD-9209755

Texas Child Care Development Board

Thursday, July 23, 1992, 9:30 a.m. The Texas Child Care Development Board will meet at 201 East 14th Street, Sam Houston Building, Room 710, Austin. According to the complete agenda, the board will welcome guests; discuss approval of minutes from previous meeting; discussion and approval of proposed rules governing state employee child care centers; report on Capitol child care center; future child care options for state employees; United Way Child Care Working Group report; discussion and adoption of by-law amendments; new business; and adjourn.

Contact: Mary E. Fero, P.O. Box 12548, Austin, Texas 78711, (512) 463-2170.

Filed: July 9, 1992, 3:37 p.m.

TRD-9209470

Texas Board of Criminal Justice

Tuesday, July 14, 1992, 2 p.m. The Texas Board of Criminal Justice held an emergency telephonic meeting at the Board Offices, 816 Congress Avenue, Suite 500, Austin, and the BOT Building, Spur 59 off Highway 75 North, Huntsville. According to the complete agenda, the board considered settlement of Ruiz versus Collins, under Section 492.006(c) Government Code. This subject was considered in executive and open session. The emergency status was necessary due to impending mandamus action.

Contact: Jackee Cox, 816 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 463-9988.

Filed: July 9, 1992, 2:55 p.m.

TRD-9209466

Thursday, July 23, 1992, 3 p.m. The Subcommittee on Substance Abuse of the Texas

Board of Criminal Justice will meet at the Holiday Inn, 1911 IH-40 at Ross, Amarillo. According to the agenda summary, the subcommittee will call the meeting to order; discuss approval of minutes; update on in-prison therapeutic communities; female facility-Gatesville; male facility-Kyle; update on 12,000 bed substance abuse facilities, prior pending business; new business; and adjourn.

Contact: Andrea Scott, P.O. Box 99, Huntsville, Texas 77342, (409) 294-2931.

Filed: July 14, 1992, 11:17 a.m.

TRD-9209667

Texas Commission for the Deaf and Hearing Impaired

Saturday, August 1, 1992, 10 a.m. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf and Hearing Impaired will meet at the TCDHI Conference Room, 1524 South IH-35, #200, Austin. According to the complete agenda, the board will take roll call; discuss approval of minutes; hear public comments; chairperson's report; BEI staff report; TSID report; calendar update; rules update; meet in executive session to review applicant testing materials; certification; revocation, recertification, certificate extensions; and discuss old and new business.

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

Filed: July 13, 1992, 3:52 p.m.

TRD-9209629

Interagency Council on Early Childhood Intervention

Wednesday, July 15, 1992, 9 a.m. The Interagency Council on Early Childhood Intervention met at the Texas Department of Health, 7800 1100 West 49th Street, Room M-652, Austin. According to the emergency revised agenda, the council heard public comments; discussed approval of minutes of previous meeting; discussed and possibly acted on coordinated case management activities between maternal and child health and early childhood intervention; fiscal year 1994-1995 legislative appropriations request and strategic plan; staff recommendation to increase respite funding for fiscal year 1992 for life management center; fiscal year 1993 interagency contract amendments; provider for Jefferson and Orange Counties, and continued funding for fiscal year 1993 for Edgewood Independent School District. The emergency status was 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: July 10, 1992, 4:15 p.m.

TRD-9209553

Texas Education Agency

Friday, July 31, 1992, 9 a.m. The Task Force of Various State Agencies that Regulate Proprietary Schools of the Texas Education Agency will meet at the William B. Travis Building, 17th and Congress Avenue, Room 1-109, Austin. According to the complete agenda, the task force, comprised of staff from the Texas Education Agency, Texas Guaranteed Student Loan Corporation, and other state agencies will discuss the agencies' actions to improve program quality and reduce default rates. The task force will then summarize the meeting and discuss the next meeting of the task force.

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

Filed: July 15, 1992, 2:44 p.m.

TRD-9209742

Educational Economic Policy Center

Wednesday, July 22, 1992, 9 a.m. The Director Search Subcommittee of the Educational Economic Policy Center will meet at the Joe C. Thompson Conference Center, Room 1.122, 2315 Red River Street, Austin. According to the complete agenda, the subcommittee will call the meeting to order; and meet in executive session to discuss personnel matters.

Contact: Mary Ward, UT-Austin, SRH 3.310, Austin, Texas 78712, (512) 471-7561.

Filed: July 13, 1992, 4:28 p.m.

TRD-9209635

Wednesday, July 22, 1992, 9 a.m. (Revised agenda). The Subcommittee on Public School Accountability of the Educational Economic Policy Center will meet at the Joe C. Thompson Conference Center, Room 3.120, 2315 Red River Street, Austin. According to the complete agenda, the subcommittee will review accountability study workplan; presentation of preliminary drafts of faculty teams; discuss indicators of school effectiveness; work session with educational organizations; and adjourn.

Contact: Mary Ward, UT-Austin, SRH

3.310, Austin, Texas 78712, (512) 471-7561.

Filed: July 13, 1992, 4:28 p.m.

TRD-9209634

Wednesday, July 22, 1992, 11 a.m. The Policy Center Committee of the Educational Economic Policy Center will meet at the Joe C. Thompson Conference Center, Room 3.120, 2315 Red River Street, Austin. According to the complete agenda, the committee will discuss approval of minutes of April 13, 1992; meet in executive session to discuss personnel matters; center strategic plan; 1994-1995 biennial budget request; status of accountability study; and discuss other business.

Contact: Mary Ward, UT-Austin, SRH 3.310, Austin, Texas 78712, (512) 471-7561.

Filed: July 13, 1992, 4:28 p.m.

TRD-9209636

Texas Employment Commission

Tuesday, July 21, 1992, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, 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; and relocation of agency headquarters; actions, if any, resulting from executive session; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Dockets 29 and 29A; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: July 13, 1992, 3:25 p.m.

TRD-9209628

Texas State Board of Registration for Professional Engineers

Wednesday-Thursday, July 22-23, 1992, 8:30 a.m. The Texas State Board of Registration for Professional Engineers will meet at 1917 IH-35 South, Board Room, Austin. According to the agenda summary, the board will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and discuss other related business.

Contact: Charles E. Nemir, P.E., 1917 IH-

35 South, Austin, Texas 78741, (512) 440-7723.

Filed: July 10, 1992, 12:40 p.m.

TRD-9209511

Texas Ethics Commission

Thursday, July 23, 1992, 9:30 a.m. The Texas Ethics Commission will meet at 1101 Camino La Costa, Room 235, Austin. According to the agenda summary, the commission will hear comments; discuss approval of the June 4, 1992 minutes; briefing, discussion, and possible action on the electronic database required by statute; possible action on the 1992-1993 budget; briefing and possible action concerning training programs for state employees and for members and members-elect of the legislature; and possible action regarding studies on campaign finance laws, judicial campaigns, and judicial relationships. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Margie Castellanos at (512) 463-5800 or (800) 325-8506 at least two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.

Contact: John Steiner, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: July 15, 1992, 3:45 p.m.

TRD-9209750

Friday, July 24, 1992, 9:30 a.m. The Texas Ethics Commission will meet at the John H. Reagan Building, 105 West 15th Street, Room 109, Austin. According to the agenda summary, the commission will hear comments; briefing regarding indexing of Ethics Advisory Opinions; discussion and possible action to adopt rules 6.13-6.15, 6.17, 6.27, 6.29, 11.1, 11.3, 11.5, 11.7, 11.9 and 13.1; discussion and possible action to propose new rules concerning increasing the fines for late filings and the procedures; discussion and possible action regarding AOR's 21, 23, 38, 40, 48, 49, 22, 27, 33, 32, 36, 44, 50, 53, 62, 65, 12, and 54; unfinished or postponed agenda items from the July 23, 1992 meeting, if any, including discussion and possible action on the electronic database; budget for 1992-1993; and training programs and studies mandated by statute.

Contact: John Steiner, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: July 15, 1992, 3:45 p.m.

TRD-9209751

Fire Fighters' Pension Commission

Tuesday, August 11, 1992, 9 a.m. The Administration Division of the Fire Fighters' Pension Commission will meet at the Wyndham Hotel, Room 102, IH-35 South of Ben White, Austin. According to the agenda summary, the Senate Bill 411 State-wide Volunteer Fire Fighters' Retirement Fund Board of Trustees will meet, as prescribed by Article 6243.e3, Texas Civil Statutes, to discuss the proposed CPA contract; audit report; Attorney General opinion requests; and the status of the board appointments and appropriations requests.

Contact: Helen L. Campbell, 3910 South I-35, Suite 235, Austin, Texas 78704, (512) 462-0222.

Filed: July 13, 1992, 9:51 a.m.

TRD-9209574

General Land Office

Wednesday, July 22, 1992, 3 p.m. The Veterans Land Board of the General Land Office will meet at the Stephen F. Austin Building, Room 831, Austin. According to the agenda summary, the board will discuss approval of the April 29, 1992 minutes; consideration of and action on resolution: authorizing issuance and sale of Texas Veterans Housing Assistance Bonds, Series 1992, \$35,000,000; awarding sale of bonds; authorizing, ratifying and approving the preliminary and final official statement; designating the treasurer as the initial paying agent and Comptroller of Public Accounts as initial registrar; authorizing other matters in connection therewith; take such action regarding the sale to be appropriate and/or necessary; permanent adoption of rule amending county committee report requirements; alternatives to FHA Title I HIP loans; extend sale of selected Type II forfeited land tracts; forfeiture action on delinquent land accounts; order for sale; and October 27, 1992 date for next Type I forfeited land sale.

Contact: Mae Vrazel, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5340.

Filed: July 13, 1992, 11:18 a.m.

TRD-9209604

Texas Department of Health

Tuesday, July 21, 1992, 9 a.m. The HIV Education, Prevention, and Risk Reduction Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the

complete agenda, the committee will hear introductions and opening statements; discuss approval of minutes of previous meeting; discuss and possibly act on public health promotion update; desensitization exercise; discussion/assignment of new subcommittees; HIV/AIDS film (new Centers for Disease Control guidelines); conduct subcommittee meetings; and hear public comments.

Contact: Becky Waak, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7209. 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: July 10, 1992, 4:16 p.m.

TRD-9209556

Wednesday, July 22, 1992, 9:30 a.m. The Advisory Committee for Personal Care Facilities of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the committee will hear opening remarks; introduce new advisory committee members; discuss and possibly act on report of standards and physical environment subcommittees; and hear announcements and comments.

Contact: Janice Caldwell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7709. 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: July 10, 1992, 4:16 p.m.

TRD-9209557

Texas High-Speed Rail Authority

Tuesday, July 21, 1992, 3 p.m. The Standing Budget Committee of the Texas High-Speed Rail Authority will hold a teleconference public meeting; listening area at 823 Congress Avenue, Suite 1502, Austin. According to the agenda summary, the committee will discuss the 1993 budget; procurement/contracting delegation; and meet in executive session.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: July 13, 1992, 9 a.m.

TRD-9209560

Texas Historical Commission

Thursday, July 23, 1992, 11 a.m. The Old San Antonio Road Commission of the

Texas Historical Commission will meet at the Austin History Center, 810 Guadalupe Street, Reception Room, Austin. According to the complete agenda, the commission will call the meeting to order (McDonald); update on National Legislation (Morris); update on signage (Bohuslav); legislative report (McDonald) format, drafting, and deadlines; review of tourism potential study (Department of Commerce); discuss other business; and adjourn.

Contact: Nancy Kenmotsu, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

Filed: July 13, 1992, 9:57 a.m.

TRD-9209587

Thursday, July 23, 1992, noon. The Executive Committee of the Texas Historical Commission will meet at the Carrington-Covert House Library, 1511 Colorado Street, Austin. According to the complete agenda, the committee will discuss 1993 annual historic preservation conference; update on THC Strategic Plan and budget; staff retreat in September; permit projects; publications; and meet in executive session to discuss litigation.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 13, 1992, 9:59 a.m.

TRD-9209593

Thursday, July 23, 1992, 2 p.m. The DAP Committee of the Texas Historical Commission will meet at the THC/CC House Library, 1511 Colorado Street, Austin. According to the complete agenda, the committee will give a departmental consolidation update; status of the Galveston Island Project; status of Mission Dolores; and other project updates.

Contact: Jim Bruseth, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

Filed: July 13, 1992, 9:57 a.m.

TRD-9209586

Friday, July 24, 1992, 2 p.m. The Texas Preservation Trust Fund Committee and Guardians of the Texas Historical Commission will meet at the Guest Quarters Suite Hotel, Houston One, 303 West 15th Street, Austin. According to the complete agenda, the committee will discuss future activities of the Texas Preservation Trust Fund.

Contact: Stan Graves, Lisa Harvell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: July 14, 1992

TRD-9209685

Friday, July 24, 1992, 7 a.m. The Local History Programs Committee of the Texas Historical Commission will meet at the 15th

Street Cafe, Guest Quarters Hotel, 303 West 15th Street, Austin. According to the complete agenda, the committee will give an update on departmental activity and workload; and discuss annual historic preservation conference.

Contact: Frances Rickard, 1511 Colorado Street, Austin, Texas 78711, (512) 463-6100.

Filed: July 14, 1992, 3:40 p.m.

TRD-9209686

Friday, July 24, 1992, 7:30 a.m. The National Register Programs Committee of the Texas Historical Commission will meet at the 15th Street Cafe, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda summary, the committee will discuss approval of six appointments to the State Board of Review; and give information report on state board of review meeting and workshop; slide show on "Texas Properties in the National Register of Historic Places"; and certified local government conference.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: July 13, 1992, 9:57 a.m.

TRD-9209588

Friday, July 24, 1992, 8 a.m. The Architecture Committee of the Texas Historical Commission will meet at the Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the complete agenda, the committee will give an update on Texas Historic Preservation grants; pre-application for FY 1993 and FY 1992 projects; update on significant projects; Governor's Mansion/THC properties; and NPS Historic Architecture Conference, San Antonio.

Contact: Stan Graves, Lisa Harvell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: July 13, 1992, 9:59 a.m.

TRD-9209592

Friday, July 24, 1992, 8 a.m. The Main Street Committee of the Texas Historical Commission will meet at the 15th Street Cafe, Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the complete agenda, the committee will give an update on Main Street; report on grant writing workshops; 1993 application process; and 1993 budget.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 13, 1992, 9:58 a.m.

TRD-9209590

Friday, July 24, 1992, 9 a.m. The Texas Historical Commission will meet at the

Guest Quarters Suite Hotel, Houston II Room, Second Floor, 303 West 15th Street, Austin. According to the agenda summary, the commission will hear chairman's report; publications/education committee report; architecture committee report; antiquities protection committee report; Los Caminos del Rio project report; Main Street Committee report; archeology committee report; local history committee report; and National Register Committee report.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: July 13, 1992, 10 a.m.

TRD-9209594

Saturday, July 25, 1992, 9:30 a.m. (Revised agenda). The State Board of Review of the Texas Historical Commission will meet at the Austin History Center, 810 Guadalupe Street, Austin. According to the agenda summary, the board will make announcements; discuss approval of the minutes of the March 28, 1992 meeting; review nominations to the National Register; and hold a workshop.

Contact: Marlene Casarez, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: July 13, 1992, 9:57 a.m.

TRD-9209589

Texas Department of Human Services

Friday, July 17, 1992, 10 a.m. The Texas Board of Human Services of the Texas Department of Human Services met at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the board considered action on approval of July 18, 1992 minutes; heard chairman's comments and announcements; CPS advisory committee report; ethics advisory committee report; Arlington regional administrator's report; adoption of rule changes for implementation of CPS risk assessment; drug use review board appointments; restoration of the vendor drug incentive factor; rules on remedies against nursing facilities for contract violations; mid-year review of reimbursement rates for the nursing facility, swing bed, hospice-nursing facility, Bienvivir waiver, and pediatric nursing facility programs; amendment to HCS program; adoption of service hour ceiling for family care and primary home care; rate adjustment for small community-based ICF-MR and facilities for persons with related conditions; unit rate for case management for children who are blind or visually impaired; revisions to medical transportation policies and procedures; amendments to policies and proce-

dures; FY 1991-1992 budget adjustments; approval of FY 1993 operating plan; discussion of FY 1994-95 LAR; first annual report on implementation of the office on services to persons with disabilities strategic plan; adoption of advisory committee rules; commissioner's report; and approval of financing arrangements for purchase or lease of equipment.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: July 9, 1992, 1:22 p.m.

TRD-9209441

Tuesday, July 21, 1992, 1:30 p.m. The Adolescent Pregnancy and Parenthood Advisory Council will meet at 701 West 51st Street, First Floor, West Tower, Room 103-W, Austin. According to the complete agenda, the council will review and discuss TDHS program reform initiatives project; APPAC report to 73rd Legislature; expiration of term advisory council members; Texas summit update; notifications of open records' requests; resource requests from state agencies for Texas summit; agencies updates; and open discussion.

Contact: William Pace, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4146.

Filed: July 14, 1992, 4:12 p.m.

TRD-9209690

Texas Department of Insurance

Friday, July 17, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance met at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the department conducted a public hearing to consider whether the emergency cease and desist, Commissioner's Order 92-0608, against First Assurance and Casualty Company, LTD, should be vacated. Docket Number 11529.

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

Filed: July 9, 1992, 1:23 p.m.

TRD-9209442

Tuesday, July 21, 1992, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Kyle A. Metcalf, Dallas, for a Group I, Legal Reserve Accident and Health Insurance Agent's license. Docket Number 11522.

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

Filed: July 13, 1992, 1:47 p.m.

TRD-9209605

Wednesday, July 22, 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, Room 100, Austin. According to the agenda summary, the board will consider filings by United States Fidelity and Guaranty Company, et al; Utica Mutual Insurance Company, et al; Centennial Insurance Company; United Services Automobile Association and USAA Casualty Insurance Company; discuss personnel; solvency; litigation; commissioner's orders; consider appointment of insurer representative to the Life, A&H Guaranty Association; consider amendments to 28 TAC §§5.2001-5.2004 concerning plan of operation of Texas Medical Liability Underwriting Association; consider filing by TDI staff to determine a meeting or hearing regarding proposed reinsurance intermediary bond; consider commercial multi-peril form filing by Travelers Lloyds Insurance Company; consider filing by MIC Property and Casualty Corporation; and consider excess of loss policies.

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

Filed: July 14, 1992, 2:41 p.m.

TRD-9209674

Thursday, July 23, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of Gainsco Service Corporation, a Texas corporation, to acquire the charter, management contract, and control of National County Mutual Fire Insurance Company, a county mutual insurance company organized under the laws of the State of Texas and currently in receivership, pursuant to the provisions of Texas Insurance Code, Article 21.49-1, Section 5; and the issuance of a surplus debenture in the amount of \$2,500,000 to Gainsco Service Corporation, pursuant to the provisions of Texas Insurance Code, Articles 1.39, 17.17, and 21.49-1, Section 4. Docket Number 11530.

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

Filed: July 14, 1992, 3:59 p.m.

TRD-9209688

Thursday, July 23, 1992, 9 a.m. The State Board of Insurance of the Texas Depart-

ment of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public meeting to consider a petition filed by the staff of the Texas Department of Insurance proposing amendments to Rule IX of the Texas Manual of Rules, Classifications and Rates for Workers' Compensation and Employers Liability. In addition, if this rule change is adopted, then staff recommends the repeal of the current Rule IX, Section E.

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

Filed: July 14, 1992, 9:48 a.m.

TRD-9209655

Thursday, July 23, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Samuel Garcia Ramos, of Brownsville, who holds a Group I, Legal Reserve Life Insurance Agent's license and Group II Insurance Agent's license. Docket Number 11521.

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

Filed: July 13, 1992, 1:47 p.m.

TRD-9209606

Friday, July 24, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Frank P. Soliz, of San Antonio, who holds a Group I, Legal Reserve Life Insurance Agent's license and Group II Insurance Agent's license. Docket Number 11525.

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

Filed: July 13, 1992, 1:48 p.m.

TRD-9209607

Friday, July 24, 1992, 9 a.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application of DLG Financial Corporation, a Texas corporation, to acquire control of Bankers Protective Life Insurance Company, Austin, pursuant to the provisions of Texas Insurance Code, Article 21.49-1, Section 5. Docket Number 11532.

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

Filed: July 14, 1992, 4:20 p.m.

TRD-9209691

Thursday, July 30, 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, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1916 to consider an appeal and motion to stay by George H. Wood from the Commissioner of Insurance Order Number 92-0501 revoking George H. Wood's Group I, Legal Reserve Life Insurance Agent's license and Variable Contract Agent's license.

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

Filed: July 15, 1992, 10:21 a.m.

TRD-9209717

Texas Commission on Jail Standards

Wednesday, July 29, 1992, 9 a.m. (Revised agenda). The Texas Commission on Jail Standards will meet at the John H. Reagan Building, Room 105, 15th and Congress, Austin. According to the agenda summary, the commission will discuss old business: Bexar County, parole in absentia; review of strategic plan; variances: Hopkins County; and hear directors report.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: July 15, 1992, 11:25 a.m.

TRD-9209724

Texas Board of Professional Land Surveying

Friday, July 24, 1992, 9 a.m. The Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will hold a rehearing of Complaint Number 91-18; discuss approval of the minutes of the previous meeting; consider the possible adoption of board rules 663.13-663.20, 664.1-664.11, and 663.1(c) and (d); conduct interviews; hear presentation of complaints; hear committee reports; discuss correspondence; discuss old business; and consider new business. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers,

large print or braille, are requested to contact Sandy Smith at 452-9427 two (2) work days prior to the meeting so that appropriate arrangements can be made.

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

Filed: July 13, 1992, 9:42 a.m.

TRD-9209565

Board of Law Examiners

Sunday-Monday, July 26-27, 1992, 8:30 a.m. The Board of Law Examiners will meet at the Four Seasons Hotel, 99 San Jacinto Street, and on Monday, the board will meet at 501 South Congress Avenue, Suite 116, Austin. According to the agenda summary, the board will consider approval of minutes, hear financial reports and investment reports; hold public hearings on character and fitness matters; consider committee and staff reports; consider policy matters; consider special requests; review July 1992 bar exam; discuss details concerning the administration of July 1992 bar exam; hear communications from the public; and discuss admission requirements for foreign attorneys.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621, FAX (512) 463-5300.

Filed: July 14, 1992, 9:21 a.m.

TRD-9209646

Texas State Library and Archives Commission

Thursday, July 23, 1992, 9 a.m. The Texas State Library and Archives Commission will meet at the Hyatt-Regency Hotel, Texas Ballroom One, 208 Barton Springs Road, Austin. According to the complete agenda, the commission will discuss approval of the minutes of the May 12, 1992 meeting; approve Library Services and Construction Act; long range plan; annual program; Title I, Services to Disadvantaged Populations Grants; Title II, Public Library Construction Grants; appoint three persons to the Library Services and Construction Act Advisory Council; internal auditor reports; risk analysis; policy and procedures; charter; contribution of sequent computer system; adoption of fee schedule for micro-filing state and local government records; approve master lease financing resolution; uniform state service regions and the boundaries of the regional library systems; and hear committee reports.

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460.

Filed: July 9, 1992, 2:15 p.m.

TRD-9209457

Thursday, July 23, 1992, 9 a.m. (Revised agenda). The Texas State Library and Archives Commission will meet at the Hyatt-Regency Hotel, Texas Ballroom One, 208 Barton Springs Road, Austin. According to the complete agenda, the commission will discuss approval of the minutes of the May 12, 1992 meeting; approve Library Services and Construction Act: long range plan; annual program; Title I, Services to Disadvantaged Populations Grants; Title II, Public Library Construction Grants; appoint members to advisory groups: Library Services and Construction Act Advisory Council; Library Systems Act Advisory Board; internal auditor reports: risk analysis; policy and procedures; charter; contribution of sequent computer system; adoption of fee schedule for microfilming state and local government records; approve master lease financing resolution; uniform state service regions and the boundaries of the regional library systems; and hear committee reports.

Contact: Raymond Hitt, P.O. Box 12927, Austin, Texas 78711, (512) 463-5460.

Filed: July 13, 1992, 2:10 p.m.

TRD-9209610

Texas Department of Licensing and Regulation

Monday, July 20, 1992, 9 a.m. The Inspections and Investigations, Air Conditioning of the Texas Department of Licensing and Regulation met at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department held an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Calvin Jones for violation of Vernon's Texas Civil Statutes, Articles 8861 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: July 10, 1992, 9:50 a.m.

TRD-9209488

Wednesday, July 22, 1992, 9 a.m. The Inspections and Investigations, Air Conditioning of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, 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 John Hardin doing business as John Hardin Company for violation of Ver-

non's Texas Civil Statutes, Articles 8861 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: July 10, 1992, 9:50 a.m.

TRD-9209487

Texas State Board of Medical Examiners

Thursday, July 23, 1992, 5 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 complete agenda, the committee will call the meeting to order; take roll call; consider the temporary suspension of: the license of Ray Huang-Tsang Chen, M.D., License #E-5356; the license of Li-Mei Kuo, M.D., License #F-5811; and adjourn. The executive committee is meeting under the authority of Article 4495b, Section 4.13, 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 of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: July 14, 1992, 3:22 p.m.

TRD-9209683

Friday, July 24, 1992, 9 a.m. The Long Range Planning 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 the sunset review; discuss budget; proposed changes to the Medical Practice Act; liability reporting system; retired physicians; IMGs; board rule changes; public information; electro diagnostic procedures; acupuncturists; impaired physicians; HIV policy; and corporate practice of medicine.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: July 14, 1992, 3:22 p.m.

TRD-9209682

Monday, August 3, 1992, 9 a.m. The Hearings Division of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the division will include probationary appearances by George E. Gross, D.O.; Luis A. Irurita, M.D.; Nick Jay Newman, M.D.; Victor Eugene McCall, M.D.; Ardashes Mirzatuny, M.D.; and Emerson Emory, 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 of Attorney General 1974, Number 484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: July 15, 1992, 2:24 p.m.

TRD-9209736

Tuesday, August 4, 1992, 9 a.m. The Hearings Division of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the division will include probationary appearances by Edward Allen Balli, M.D.; Roy Leslie Leamon, M.D.; Eric Heston Scheffey, M.D.; William Boyer Ledlie, M.D.; Dennis M. Shaughnessy, M.D.; Patrick Anthony Titus, M.D.; John Alonza Luker, M.D.; Brett Robert Ravkind, M.D.; Roger Alvin Meharry, M.D.; and a request for modification of probation by Daniel A. King, 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 of Attorney General 1974, Number 484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: July 15, 1992, 2:24 p.m.

TRD-9209735

Texas Department of Mental Health and Mental Retardation

Tuesday, August 4, 1992, 1 p.m. The Interagency Council on ICF/MR Facilities of the Texas Department of Mental Health and Mental Retardation will meet at the Howard Johnson Plaza Hotel South, Apollo Room, 3401 South IH-35, Austin. According to the complete agenda, the council, in accordance with Senate Bill 1426, Section 3, the Interagency Council on ICF/MR Facilities will convene to review the proposed methodology for the ICF/MR Plan for new bed development for fiscal years 1994-1995. If interpreters for the deaf are required, notify TXMHMR (512) 323-3261, Carole Smith 72 hours prior to the meeting.

Contact: Carole Smith, 305 Northland Drive, Suite 400, Austin, Texas 78731, (512) 323-3261.

Filed: July 15, 1992, 4:19 p.m.

TRD-9209754

Texas Parks and Wildlife Department

Tuesday, July 21, 1992, 2:30 p.m. The Finance Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Executive Office Conference Room, Second Floor,

4200 Smith School Road, Austin. According to the complete agenda, the committee will discuss approval of the minutes from July 8, 1992 meeting; review of FY 93 operational budget; information regarding Uniform Service Regions; update on proposed bond issue; and discuss other business.

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

Filed: July 13, 1992, 3:15 p.m.

TRD-9209627

Polygraph Examiners Board

Friday, July 24, 1992, 9 a.m. The Polygraph Examiners Board will meet at the Holiday Inn Austin Airport, 6911 North IH-35, Board Room III, Austin. According to the complete agenda, the board will administer licensing examination in closed meeting; convene to open meeting; appearance of Richard O. Arthur; discuss approval of April 1992 meeting minutes; consider applications for licensure; discuss agency's renewal survey; agency update; formal hearing on Board Complaint Number C-03-FY92; formal hearing on Board Complaint Number C-04-FY92; adoption of ADA grievance procedure; consider other ADA matters; appearance of Frank Robinson and D.D. Welch of T.A.P.E. regarding proposed legislation; discuss agency's strategic plan; and discuss 1994-1995 budget request.

Contact: Bryan M. Perot, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: July 15, 1992, 1:02 p.m.

TRD-9209727

Public Utility Commission of Texas

Monday, July 20, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division held a prehearing conference in Docket Numbers 11048-petition of Medina Electric Cooperative, Inc. for reduction of fuel factor and for a partial waiver of Substantive Rule 23.23(b)(2)(D)(iii); and 11244-application of South Texas Electric Cooperative, Inc. for authority to refund an overrecovery of fuel cost revenues and to reduce its fixed fuel factor.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1992, 3:13 p.m.

TRD-9209536

Tuesday, July 21, 1992, 9 a.m. (CHR) The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda summary, the commission will consider the following dockets: 10841, P-10653, P-10970, 10972, 10200, 10034, 10758, 11094, 10751, 10901, TC-11241, 10988, 10991, 10903, P-10780, and P-11299.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 13, 1992, 2:55 p.m.

TRD-9209620

Tuesday, July 21, 1992, 9:05 a.m. The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda summary, the commission will discuss reports; discussion and action on budget and fiscal matters; presentation of outstanding employee awards; presentation of monthly financial statements; consideration of matters involving the proposed 5-state audit of Southwestern Bell Telephone Company; approval of PUC/CES interagency contract for FY93; report on workshop to review substantive rules; approval of revision to annual audit plan; presentation of the fixed assets audit report; approval of proposed reply comments to the FCC in RM-7990, petition for clarification and modification of pay-per-call rules; appointment of independent third-party trier of fact as instructed in order on remand in Docket Numbers 10200 and 10034; adjourn for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and adjourn.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 13, 1992, 2:54 p.m.

TRD-9209619

Tuesday, July 21, 1992, 1:30 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 10935-application of Gulf States Utilities Company to amend certificate of convenience and necessity for proposed transmission line within Montgomery County. (Line 803).

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1992, 3:12 p.m.

TRD-9209534

Wednesday, July 22, 1992, 1:30 p.m. (Rescheduled from Wednesday, July 22, 1992, 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11259-joint application of Farmers Electric Cooperative, Inc. and the City of Garland to amend certificated service area boundaries within Dallas County, and application for sale, transfer or merger.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1992, 3:03 p.m.

TRD-9209676

Thursday, July 23, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11292-application of Entergy Corporation and Gulf States Utilities Company for sale, transfer, or merger.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1992, 3:03 p.m.

TRD-9209675

Tuesday, July 28, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11293-petition of the General Counsel to inquire into the reasonableness of the rates and services of Eastex Telephone Cooperative, Inc.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 13, 1992, 2:53 p.m.

TRD-9209618

Wednesday, July 29, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11014-application of Pedernales Electric Cooperative, Inc. to amend certificate of convenience and necessity for proposed transmission line within Hays County.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 15, 1992, 3:38 p.m.

TRD-9209747

Thursday, July 30, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Numbers 10200-application of Texas-New Mexico Power Company for authority to change rates; 10034-petition of Texas-New Mexico Power Company for approval of deferred accounting treatment for TNP One, Unit 2.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1992, 3:05 p.m.

TRD-9209678

Monday, August 3, 1992, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on remand in Docket Numbers 10200-application of Texas-New Mexico Power Company for authority to change rates; 10034-petition of Texas-New Mexico Power Company for approval of deferred accounting treatment for TNP One, Unit 2.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 14, 1992, 3:04 p.m.

TRD-9209677

Thursday, October 1, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11271-application of Bowie-Cass Electric Cooperative, Inc. for authority to change rates.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 15, 1992, 3:38 p.m.

TRD-9209745

Thursday, October 8, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a final prehearing conference in Docket Number 11220-application of Southwestern Bell Telephone Company to revise general exchange tariff to introduce Bill Plus.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 15, 1992, 3:38 p.m.

TRD-9209746

Tuesday, October 13, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11220-application of Southwestern Bell Telephone Company to revise general exchange tariff to introduce Bill Plus.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 15, 1992, 3:40 p.m.

TRD-9209748

Monday, November 9, 1992, 10 a.m. (Rescheduled from Tuesday, April 14, 1992, 9 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10831-application of Southwestern Bell Telephone Company to revise its tariff to redefine the point of demarcation ("Demarc") and the location of the network.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: July 10, 1992, 3:12 p.m.

TRD-9209535

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Railroad Commission of Texas

Monday, July 20, 1992, 9:30 a.m. The Railroad Commission of Texas met at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room, Austin. Agendas follow.

The commission considered and acted 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: July 10, 1992, 10:45 a.m.

TRD-9209500

The commission considered and acted 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 78711-2967, (512) 463-6710.

Filed: July 10, 1992, 10:45 a.m.

TRD-9209501

The commission considered 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 78711-2967, (512) 463-6755.

Filed: July 10, 1992, 10:45 a.m.

TRD-9209502

The commission considered and acted 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 78711-2967, (512) 463-7251.

Filed: July 10, 1992, 10:45 a.m.

TRD-9209503

The commission considered and acted 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 78711-2967, (512) 463-7257.

Filed: July 10, 1992, 10:45 a.m.

TRD-9209504

The commission considered and acted 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: July 10, 1992, 10:45 a.m.

TRD-9209505

The commission considered and acted on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission met 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 78711-2967, (512) 463-7187.

Filed: July 10, 1992, 10:46 a.m.

TRD-9209506

The commission considered and acted on 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 discussed the implementation of individual operating budgets for each individual commissioner's office. The commissioner discussed a proposed training agree-

ment for the Gas Utility Section of the Legal Division. The commission met in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation. 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: July 10, 1992, 10:46 a.m.

TRD-9209507

The commission considered and acted on the consider and/or decide various applications and other matters within the jurisdiction of the agency. The commission considered 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 met in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6921.

Filed: July 10, 1992, 10:46 a.m.

TRD-9209508

Monday, July 20, 1992, 1:30 p.m. The Railroad Commission of Texas met at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room 12-125, Austin. The commission held its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6729.

Filed: July 10, 1992, 10:44 a.m.

TRD-9209499

The Railroad Commission of Texas versus South Rusk County Gas Company, Inc., Cause Number 91-233 in the District Court of Rusk County. The emergency status was necessary due to information received after the posting deadline, during the course of discovery, required that the Attorney General's Office meet with the Railroad Commission at the next regular meeting to consider action to preserve the assets of the South Rusk Company and protect its customers.

Contact: Brenda Loudermilk, P.O. Box 12967, Austin, Texas 78711, (512) 463-7149.

Filed: July 16, 1992, 10:42 a.m.

TRD-9209720

School Land Board

Tuesday, July 21, 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, Wildcat Field, Brazoria and Matagorda Counties; Brazos Block 338-L (Miocene) Field, Matagorda County; Big Cowboy (Lobo) Field, Webb County; Giddings (Austin Chalk-3) Field, Fayette County; consideration of nominations, terms, conditions and procedures for the October 6, 1992 oil, gas and other minerals lease sale; direct land sales, Eastland, Callahan, Wheeler, Reeves, Val Verde, Dallas and Leon Counties; coastal public lands-commercial easement application, Redfish Bay, San Patricio County; lease applications, Lavaca Bay, Calhoun County; Hynes Bay, Refugio County; Colorado River, Matagorda County; easement applications, Clear Lake, Harris County; Laguna Madre, Cameron County; structure permit termination, Laguna Madre, Kleberg County; structure permit request, Laguna Madre, Kleberg County; structure permit renewals, Laguna Madre, Kenedy County; Laguna Madre, Kleberg County; meet in executive session to discuss real estate transaction, Bexar County; and pending and proposed litigation.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: July 13, 1992, 4:20 p.m.

TRD-9209633

State Securities Board

Thursday, July 23, 1992, 9:15 a.m. The State Securities Board will meet at the Ashbel Smith Hall, Second Floor Conference Room, 201 West Seventh Street, Austin. According to the agenda summary, the board will discuss approval of the April 29, 1992 meeting minutes; published proposals to: create new Section 109.17 regarding federal savings bank under Section 5.L; create new Section 139.13 regarding exemption for resales; create new Section 139.14 regarding certain sales not covered by Section 5.C(1); create new Section 133.34 regarding new form for use with new Section 139.14; amend Chapter 143(B); new rule proposals to: amend Section 109.3; repeal Section 139.4; amend Section 117.3; amend Section 121.4; amend Section 141.3; amend Section 133.29; state auditor's performance measures certification report; ratify internal audit charter and plan; resolution for Dorothy B. Wilkinson; new business items; and hear division directors' and commissioners' reports.

Contact: Richard D. Latham, 221 West Sixth Street, Suite 700, Austin, Texas 78701, (512) 474-2233

Filed: July 15, 1992, 11:31 a.m.

TRD-9209725

Texas Space Commission

Tuesday, July 21, 1992, 1 p.m. The Board of Directors of the Texas Space Commission will meet at the Johnson Space Center, Director's Conference Room, Ninth Floor, Houston. According to the complete agenda, the board will discuss approval of previous meeting minutes; briefing to the TSC Board; regional technology transfer center; Gary Serra; space strategy for Texas; Dean Kastell; hear executive director's report; TSC projects and activities status; TSC financial status; roles and responsibilities; commissioners, executive director and staff; TSC strategic plan; possible projects; act on assignments; and schedule next meeting.

Contact: Sherri H Banta, 1300 Hercules Street, Suite 204, Houston, Texas 77058, (713) 486-9250.

Filed: July 10, 1992, 7:57 a.m.

TRD-9209479

Board for Lease of State-owned Lands

Monday, July 27, 1992, 10 a.m. The Board for Lease of Texas Department of Criminal Justice of the Board for Lease of State-owned Lands will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 833, Austin. According to the agenda summary, the board will discuss approval of the minutes of the previous board meeting; consider nominations, terms, conditions and procedures for the October 6, 1992 oil, gas and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: July 13, 1992, 4:20 p.m.

TRD-9209632

Stephen F. Austin State University

Monday-Tuesday, July 13-14, 1992, 1:30 p.m. and 9 a.m. respectively. The Board of Regents of Stephen F. Austin State University met at the Arlington Park Centre, 1500 Stadium Drive East, Arlington. According to the agenda summary, the board discussed

approval of minutes; personnel; academic and student affairs, financial affairs; buildings and grounds; heard reports; and met in executive session

Contact: Dr. William J. Brophy, P O Box 6078 SFA, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: July 9, 1992, 2.55 p.m

TRD-9209467

Texas Appraiser Licensing and Certification Board

Thursday, July 23, 1992, 2 p.m. The Legislative Liaison Committee of the Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, Conference Room 234, Second Floor, 1101 Camino La Costa, Austin. According to the complete agenda, the committee will call the meeting to order, discuss and possibly make recommendations to the Texas Appraiser Licensing and Certification Board concerning communications with legislators and the legislature, amendments to the Texas Appraiser Licensing and Certification Act (Article 6573a 2, Vernon's Texas Civil Statutes); discuss other legislative matters; and adjourn.

Contact: Renil C Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950

Filed: July 15, 1992, 4.44 p.m.

TRD-9209759

Thursday, July 23, 1992, 3 p.m. The Budget Committee of the Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, 1101 Camino La Costa, Room 123-B, Austin. According to the complete agenda, the committee will call the meeting to order; discussion and possible recommendations to the Board concerning budget and appropriations, including review of expenditures, the emergency and deficiency grant from the Governor's Office, budget and appropriations process; other budgetary and fiscal matters; and adjourn.

Contact: Renil C Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: July 15, 1992, 4:43 p.m

TRD-9209757

Thursday, July 23, 1992, 3 p.m. The Special Projects Committee of the Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, 1101 Camino La Costa, Room 123-C, Austin. According to the complete agenda, the committee will call the meeting to order; discuss and possible recommendations to the Board concerning a study guide, consumer bro-

chure, research and data collection on appraisal needs, workshops; creation of task forces, and other projects as identified in the TALCB Strategic Plan; and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: July 15, 1992, 4:45 p.m.

TRD-9209760

Thursday, July 23, 1992, 3 p.m. The Education Committee of the Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, 1101 Camino La Costa, Room 234, Second Floor, Austin. According to the complete agenda, the committee will call the meeting to order; discussion and possible recommendations to the Board concerning educational requirements, examinations, appraiser continuing education (ACE), course and provider approval procedures, appraiser trainee renewal, and other educational matters; and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: July 15, 1992, 4.44 p.m.

TRD-9209758

Friday, July 24, 1992, 8:30 a.m. The Texas Appraiser Licensing and Certification Board will meet at the TREC Headquarters, 1101 Camino La Costa, Room 235, Second Floor, Austin. According to the agenda summary, the board will hold a workshop on Open Meetings Act; call the meeting to order; consider approval of minutes, staff reports, report for the following committees and possible action on recommendations: budget committee, Education Committee, legislative liaison committee, possible final adoption of proposed amendment to 22 TAC §153 15; discuss proposed amendments to 22 TAC §153 17; discuss and possibly act concerning the application, certification/licensing or other board procedures, policies and interpretations, comments and presentations from visitors; selection of date of subsequent meetings, and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: July 15, 1992, 4.42 p.m.

TRD-9209756

The Texas A&M University System, Board of Regents

Friday, August 14, 1992, 4:30 p.m. The Board of Regents of the Texas A&M University System will hold a telephonic meeting at the Board of Regents Meeting Room, College Station. According to the complete agenda, the board will consider bids and

award a contract for the business administration building/library facilities, Phase I, Project at Texas A&M University System.

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

Filed: July 14, 1992, 10.33 a.m.

TRD-9209663

Texas Department of Protective and Regulatory Services

Friday-Saturday, July 17-18, 1992, 1 p.m. and 8 a.m. respectively. The Texas Board of Protective and Regulatory Services of the Texas Department of Protective and Regulatory Services met at the Joe C Thompson Conference Center, 2405 Red River Street, Room 1.126, Austin. According to the complete agenda, the board convened at 1 p.m. for a briefing on roles and responsibilities of the board; an overview of programs transferring to the Department of Protective and Regulatory Services (DPRS), and Child Protective Services (CPS). On Saturday, the board was briefed on the department's strategic plan; proposed FY 94-95 LAR, and the FY 93 operating budget. It was anticipated that the board would provide guidance to the staff concerning further development of the LAR; and also approve the operating budget and other items necessary for the creation of the DPRS.

Contact: Terry Trimble, P.O. Box 149303, Mail Code E-504, Austin, Texas 78714-9030, (512) 450-3070

Filed: July 9, 1992, 3.56 p.m

TRD-9209475

Texas Property and Casualty Insurance Guaranty Association

Tuesday, July 21, 1992, 9:30 a.m. The Board of Directors of the Texas Property and Casualty Insurance Guaranty Association will meet at the Workers Compensation Insurance Facility, Building A, Suite 310, 8303 MOPAC Expressway North, Austin. According to the complete agenda, the board will hear a presentation by the National Conference on Insurance Guaranty Funds, discuss approval of the minutes of the previous meetings; consider and possibly act on determining terms of office for directors; report on borrowed funds, status of bridge agreement and delegation of authority regarding transition issues; employee benefit plan; financial reports; new receiverships; cost containment and fraud prevention measures in covered claim processing;

payment of NCIGF dues; retention of board counsel; formation of guidelines for future association rehabilitation plans; discuss personnel matters; sale of dedicated assets of Performance Insurance Company; and schedule next meeting. The executive session will include discussion of solvency matters (Conservator's report), and litigation and personnel matters.

Contact: Stephen S. Durish, 333 Guadalupe Street, Austin, Texas 78701, (512) 322-0223.

Filed: July 13, 1992, 4:10 p.m.

TRD-9209631

Texas State Technical College System

Wednesday, July 15, 1992, 10 a.m. The Board of Regents of Texas State Technical College System held a teleconference meeting at TSTC System Administration Building, Room 112, Waco. According to the complete agenda, the board discussed a resolution to the Texas Higher Education Coordinating Board regarding the consultant's report submitted by Aumack and Blake.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: July 10, 1992, 3:06 p.m.

TRD-9209533

Friday, July 24, 1992, 1:30 p.m. The Board of Regents of Texas State Technical College will meet at the TSTC Waco Campus Women's Resource Center, Waco. According to the agenda summary, the board will discuss and review the following TSTC Policy Committee minute orders and reports: committee of the whole; policy committee for instruction and student services; policy committee for human resources and development; policy committee for fiscal affairs; policy committee for facilities; and committee of the whole.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: July 16, 1992, 8:58 a.m.

TRD-9209766

Saturday, July 25, 1992, 9 a.m. The Board of Regents of Texas State Technical College will meet at the TSTC Waco System Administration Conference Room, Waco. According to the agenda summary, the board will discuss and act on the following minute orders: classes meeting with less than ten students; FY 93 budget concept approval; budget change request; amendments to FY 93 board plan rates; emoluments, housing rental rates; service charges;

deposits schedule; authorization of car allowance as emolument for presidents; resolution for purpose of financing or refinancing purchase or lease of equipment; lease agreements: Rita Denney, Knaack Chemical, Food Service Contract with Marriott; sale excess vehicles; resolution-petroleum storage tank reimbursement; award contract Applied Technology Education Center Building; resolution honoring Robert Krienke, William Cox; holiday schedule; discontinuance of self-insured health insurance; and approval of insurance change to Employee Retirement System.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: July 16, 1992, 8:57 a.m.

TRD-9209764

Saturday, July 25, 1992, 10 a.m. The Board of Regents of Texas State Technical College will meet at the TSTC Waco Campus, System Administration Conference Room, Waco. According to the agenda summary, the board will convene in executive session in accordance with Article 6252-17 for specific purpose provided in Section 2, Subsection (e) and (f).

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: July 16, 1992, 8:57 a.m.

TRD-9209765

Texas Southern University

Thursday, July 30, 1992, 4 p.m. The Finance Committee of the Board of Regents of Texas Southern University will meet at the Texas Southern University, 3100 Cleburne Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the committee will meet to consider matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments, and informational items.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: July 16, 1992, 9:22 a.m.

TRD-9209773

Thursday, August 13, 1992, 8:30 a.m. The Board of Regents of Texas Southern University will meet at Texas Southern University, University Library, Fifth Floor, Houston. According to the complete agenda, the board will consider approval of the minutes; report of the president; report from standing committees; and meet in executive session.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: July 16, 1992, 9:22 a.m.

TRD-9209772

Texas Turnpike Authority

Wednesday, July 22, 1992, 4 p.m. The Contract Awards Committee of the Texas Turnpike Authority will meet at the Texas Turnpike Authority Administration Building, 3015 Raleigh Street, Dallas. According to the complete agenda, the committee will take roll call of directors; consider approval of Supplemental Agreement Number Two to Contract Number DNT-191; consider interagency agreement with the Texas Department of Transportation; and adjourn.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: July 14, 1992, 10:27 a.m.

TRD-9209662

University of Houston

Monday, July 20, 1992, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, S&R II, Room 201, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee discussed and/or acted upon the following: approval of May and June minutes; renewal protocols; policy and procedures manual; update on security system; update on legal opinion of open meeting rule; per diem rate increase discussion; new protocol forms; and OHP funding.

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

Filed: July 14, 1992, 10:34 a.m.

TRD-9209664

Texas Water Commission

Thursday-Friday, July 16-17, 1992, 2 p.m. and 8:30 a.m. respectively. The Municipal Solid Waste Advisory Council held an emergency meeting at the Sheraton Hotel, 5701 South Broadway, North Star Meeting Room, Tyler. According to the complete agenda, the council discussed various issues with the Composting Committee and Education Committee of the MSW Advisory Council. A tour of Vital Earth Resources was held on Friday, in Big Sandy. In addition to the tour, presentations were presented by Dr. William Halmark and Bill Nash. The emergency status was necessary to give the public sufficient notice of the meeting.

Contact: Gary Trim, P.O. Box 13087, Austin, Texas 78711-3087, (512) 834-6625.

Filed: July 10, 1992, 3:01 p.m.

TRD-9209532

Monday, July 20, 1992, 8:45 a.m. The Texas Water Commission met at the High Plains Underground Water Conservation District Number One Office, 2930 Avenue Q, Lubbock. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner attended meetings at locations listed on the agenda for Monday and Tuesday, July 20 and 21. The commissioners discussed area concerns and answered questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:43 a.m.

TRD-9209492

Monday, July 20, 1992, 2 p.m. The Texas Water Commission met at the Sandy Land Underground Water Conservation District Office, 1012 Avenue F, Plains. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner attended meetings at locations listed on the agenda for Monday and Tuesday, July 20 and 21. The commissioners discussed area concerns and answered questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:43 a.m.

TRD-9209493

Tuesday, July 21, 1992, 7:30 a.m. The Texas Water Commission will meet at the Sheraton Hotel, 100 Central Freeway, Wichita Falls. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner will attend meetings at locations listed on the agenda for Monday and Tuesday, July 20 and 21. The commissioners will discuss area concerns and answer questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:44 a.m.

TRD-9209494

Tuesday, July 21, 1992, 9:15 a.m. The Texas Water Commission will meet at the Kickapoo Downtown Airport, Wichita Falls. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner will attend meetings at locations listed on the agenda for Monday and

Tuesday, July 20 and 21. The commissioners will discuss area concerns and answer questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:44 a.m.

TRD-9209495

Tuesday, July 21, 1992, 10:30 a.m. The Texas Water Commission will meet at the Sterling County Underground Water Conservation District Office, 311 Elm Street, Sterling City. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner will attend meetings at locations listed on the agenda for Monday and Tuesday, July 20 and 21. The commissioners will discuss area concerns and answer questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:44 a.m.

TRD-9209496

Tuesday, July 21, 1992, noon. The Texas Water Commission will meet at the Community Center, 518 Third Street, Sterling City. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner will attend meetings at locations listed on the agenda for Monday and Tuesday, July 20 and 21. The commissioners will discuss area concerns and answer questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:44 a.m.

TRD-9209497

Tuesday, July 21, 1992, 2 p.m. The Texas Water Commission will meet at the Glasscock County Underground Water Conservation District Office, Glasscock County Courthouse, Highways 158 and 33, Garden City. According to the agenda summary, Chairman John Hall and Commissioner Peggy Garner will attend meetings at locations listed on the agenda for Monday and Tuesday, July 20 and 21. The commissioners will discuss area concerns and answer questions about the Edwards Underground River Regulations and other West Texas water or solid waste issues.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 10, 1992, 10:44 a.m.

TRD-9209498

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 consider various matters within the regulatory jurisdiction of the commission, including specifically the adoption of new or amended agency regulations. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 13, 1992, 4:38 p.m.

TRD-9209639

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 consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to scheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 13, 1992, 4:37 p.m.

TRD-9209638

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 consider various matters within the regulatory jurisdiction of the commission, including specifically the adoption of new or amended agency regulations. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 14, 1992, 4:20 p.m.

TRD-9209692

Thursday, July 23, 1992, 3 p.m. The Texas Water Commission will meet at the

John H. Reagan Building, West 15th Street, Room 101, Austin. According to the agenda summary, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including, but not limited to scheduling an item in its entirety or for particular action at a future date or time

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: July 15, 1992, 4:20 p.m.

TRD-9209762

Friday, July 24, 1992, 9:30 a.m. The Task Force 21: Waste Management Policy for the Future of the Texas Water Commission will meet at the Reagan Building, 105 West 15th Street, Room 102, Austin. According to the agenda summary, the task force 21 will discuss various issues related to funding for the consolidated state environmental agency, Texas Natural Resource Conservation Commission, for the 1994-1995 biennium. The task force will make introductions; summary of the meeting of June 24, 1992; discuss funding needs for environmental programs for 1994-1995; discuss potential funding options including fee revenue proposals related to sale and use of consumer products; discuss other issues or initiatives; plan future meeting schedule; and adjourn.

Contact: Stephen Minick, P.O. Box 13087, Austin, Texas 78711, (512) 463-8227.

Filed: July 15, 1992, 9:54 a.m.

TRD-9209709

Thursday, August 13, 1992, 10 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Bauer Community Center, 2300 Highway 35, Port Lavaca. According to the agenda summary, the commission will consider an application by Formosa Plastics Corporation, Texas for an amendment to Permit Number 02436 to authorize an increase in the discharge and to increase the number of stormwater outfalls. The effluent via Outfalls 001A and Outfalls 002-012 is discharged into unnamed tributaries; thence to Cox Creek; thence to Cox Creek Lake; thence to Huisache Cove; thence to Cox Bay, Segment Number 2454 of the Bays and Estuaries. The effluent via Outfall 001 is discharged via pipeline to Lavaca Bay, Segment Number 2453 of the Bays and Estuaries.

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

Filed: July 13, 1992, 9:43 a.m.

TRD-9209566

Thursday, August 20, 1992, 10 a.m. The Texas Groundwater Protection Committee

of the Texas Water Commission will meet at the John H. Reagan Building, 105 West 15th Street, Room 104, Austin. According to the complete agenda, the committee will consider and take action on reports presented by subcommittees for agricultural chemicals, groundwater classification, data management and joint groundwater monitoring and contamination; a presentation by the Texas State Soil and Water Conservation Board's Farm Assist Program and Seco Creek Demonstration Project; the committee's report to the next legislature on activities during the 1991-1992 biennium and recommendations for groundwater protection; and status updates on the NPS groundwater program, the Texas Water Well Drillers Board transition to the TWC, the Groundwater Quality Subcommittee of Texas Clean Water Council, and the State Comprehensive Groundwater Protection Program related to EPA grant conditions.

Contact: Mary Ambrose, 1700 North Congress Avenue, Austin, Texas 78711, (512) 371-6320.

Filed: July 15, 1992, 9:54 a.m.

TRD-9209710

Wednesday, September 9, 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 determine whether to affirm, modify or set aside Emergency Order Number 92-11E granted on June 24, 1992 to Chemical Waste Management, Inc. The order authorizes Chemical Waste Management, Inc. to continue to store and repackage certain agricultural chemical wastes accumulated from the Texas Water Commission agricultural waste collection program. The facility is located on 1800 South Highway 146, Baytown, Harris County.

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

Filed: July 13, 1992, 9:44 a.m.

TRD-9209569

Wednesday, September 9, 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 determine whether to affirm, modify or set aside Emergency Order 92-12E granted on June 24, 1992 to Dow Chemical Company. The order authorizes Dow Chemical to store, process and dispose of certain agricultural chemical wastes accumulated from the Texas Water Commission's agricultural waste collection program. The facility is located in Freeport, Brazoria County.

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

Filed: July 13, 1992, 9:43 a.m.

TRD-9209568

Wednesday, September 23, 1992, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Refugio County Courthouse, District Courtroom, 808 Commerce, Refugio. According to the agenda summary, the commission will consider an application by Pristine Systems for a municipal solid waste permit (Proposed Permit Number MSW2177-05) to authorize a Type V (incinerator) municipal solid waste management facility. The site is to be on a twenty-five (25) acre site approximately two miles north-northwest of the intersection of U.S. Highway 183 and State Highway 202 in Refugio County.

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

Filed: July 13, 1992, 9:43 a.m.

TRD-9209567

Texas Water Development Board

Thursday, July 16, 1992, 9 a.m. The Texas Water Development Board met at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the complete emergency revised agenda, the board considered extension of commitment period to August 28, 1992 for grants with the University of Texas, Bureau of Economic Geology and the University of Texas, LBJ School of Public Affairs. The emergency status was necessary due to unforeseen issues which evolved in contract negotiation and impending expiration of time to sign a contract made immediate board action necessary.

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

Filed: July 15, 1992, 2:58 p.m.

TRD-9209743

Texas Workers' Compensation Commission

Friday, July 17, 1992, 10 a.m. The Texas Workers' Compensation Commission met at the Southfield Building, 4000 South IH-35, Rooms 910-911, Austin. According to the agenda summary, the commission called the meeting to order; discussed approval of minutes of the public meetings of June 25, 1992, and June 26, 1992; discussed, considered and possibly acted on amendments to existing rules; appointment of an acting or permanent executive director; met in executive session; acted on matters considered in executive session; heard general reports;

discussed and possibly acted on issues related to commission activities which may have included, but were not limited to, the following: discussion of future public meetings; and adjourned

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: July 13, 1992, 4:30 p.m.

TRD-9209637

Texas Workers' Compensation Insurance Fund

Wednesday, July 22, 1992, 8:30 a.m. The Board of Directors of the Texas Workers' Compensation Insurance Fund will meet at the Crest Hotel, Congress and First Street, Austin. According to the agenda summary, the board will call the meeting to order; take roll call, public participation call; hear president's report; review and discuss approval of June 24, 1992 minutes; fund staffing status; planning and budgeting development; facility depopulation plan; staff reports: financial; marketing and underwriting; claims and loss prevention; status of investment manager; selection/employee pension plan; editorial board/media plan status; meet in executive session to consider commercial, industrial, and public agency underwriting criteria; and consider 1993 rate other development procedures.

Contact: Jodie Bowen, 100 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 322-3851.

Filed: July 14, 1992, 3:59 p.m.

TRD-9209689

Friday, July 31, 1992, 9 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet at the Southfield Building, 4000 South IH-35, Room 910-911, Austin. According to the complete agenda, the committee will call the meeting to order; review and discuss approval of June 5, 1992 minutes; update on commission rules pursuant to the June 25, 1992 commission public meeting; discuss, consideration and recommendation of proposed dental fee guideline; update on time lines for treatment guidelines; general discussion on pharmaceutical services; review and consider proposed alternate medical advisory committee members; discuss determining impairment ratings; discuss use of 1992 CPT Codes for the Medical Fee Guideline; establish next meeting date; establish draft agenda; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: July 10, 1992, 9:02 a.m.

TRD-9209480

Texas Youth Commission

Thursday, July 23, 1992, 1:30 p.m. The Board of the Texas Youth Commission will meet at the Inn of the Hills, Guadalupe River Club, Kerrville. According to the agenda summary, the board will discuss adoption of proposed rule on population management admissions reduction; approval of form contract for private sector residential programs; report on total quality management initiatives; approval of the strategic plan; update on sale of trust properties; and review of alleged mistreatment investigations.

Contact: Ron Jackson, P.O. Box 4260, Austin, Texas 78765, (512) 483-5001.

Filed: July 15, 1992, 3:30 p.m.

TRD-9209744

Regional Meetings

Meetings Filed July 9, 1992

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees and Personnel Committee met at 1430 Collier Street, Board Room, Austin, July 14, 1992, at 6 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031. TRD-9209469.

The Bastrop Central Appraisal District Board of Directors met at the Bastrop Central Appraisal District, 1200 Cedar Street, Bastrop, July 16, 1992, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9209476.

The Bexar-Medina-Atascosa Counties Water Control Improvement District Number One Board of Directors met at the District Office, Highway 81, #226 Highway 132, Natalia, July 13, 1992, at 8 a.m. Information may be obtained from John W. Ward III, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132. TRD-9209461.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees met at 408 Mulberry Drive, Brownwood, July 14, 1992, at 5 p. m. Information may be obtained from Saul Pullman, P.O. Box 25, Brownwood, Texas 76804, (915) 646-9574, ext. 102. TRD-9209443.

The El Oso Water Supply Corporation Board of Directors met at their office, FM 99, Karnes City, July 14, 1992, at 7 a.m. Information may be obtained from Judith

Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9209463.

The Gregg Appraisal District Appraisal Review Board met at 2010 Gilmer Road, Longview, July 17, 1992, at 9 a.m. Information may be obtained from Bill Carroll, P.O. Box 6700, Longview, Texas 75608, (903) 759-0015. TRD-9209460.

The Guadalupe-Blanco River Authority Board of Directors met at the Authority's Offices, 933 East Court Street, Seguin, July 16, 1992, at 10 a. m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822. TRD-9209462.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, July 13, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9209444.

The Lamar County Appraisal District Appraisal Review Board met at the Lamar County Appraisal District, 521 Bonham Street, Paris, July 16, 1992, at 9 a.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9209465.

The Lamar County Appraisal District Appraisal Review Board met at the Lamar County Appraisal District, 521 Bonham Street, Paris, July 17, 1992, at 9 a.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9209464.

The Leon County Central Appraisal District Appraisal Review Board met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, July 14, 1992, at 9 a.m. Information may be obtained from Robert M. Winn, P.O. Box 53, Centerville, Texas 75833, (903) 536-2252. TRD-9209456.

The Pecan Valley Mental Health and Mental Retardation Region Board of Trustees met at the Pecan Valley MHMR Region Clinical Office, 104 Charles Street, Granbury, July 15, 1992, at 9 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9209439.

The Rio Grande Council of Governments Board of Directors met at 1014 North Stanton, Main Conference Room, El Paso, July 17, 1992, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-9209473.

Meetings Filed July 10, 1992

The Austin Travis County Mental Health and Mental Retardation Center Board of Trustees, Personnel Committee met at 1430 Collier Street, Board Room, Austin, July 15, 1992, at 6 p.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031. TRD-9209545.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124-A Regal Row, Austin, July 15, 1992, at 5 p.m. Information may be obtained from Bill E. Couch, 1124-A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9209522.

The Bosque Central Appraisal District Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, July 16, 1992, at 1:30 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304. TRD-9209539.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce Street, Burnet, July 16, 1992, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9209513.

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce Street, Burnet, July 17, 1992, at 8:30 a.m. (Revised agenda). Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9209521.

The Dallas Area Rapid Transit Revenue Forecasting Sub-Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, July 14, 1992, at 9 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209543.

The Dallas Area Rapid Transit Audit Committee met at the DART Office, 601 Pacific Avenue, Executive Conference Room, Dallas, July 14, 1992, at 10:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209540.

The Dallas Area Rapid Transit HOV Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, July 14, 1992, at 11:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209542.

The Dallas Area Rapid Transit Mobility Impaired Committee met at the DART Office, 601 Pacific Avenue, Board Room,

Dallas, July 14, 1992, at 1 p. m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209544.

The Dallas Area Rapid Transit Governmental Relations Committee met at the DART Office, 601 Pacific Avenue, Executive Conference Room, Dallas, July 14, 1992, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209552.

The Dallas Area Rapid Transit Bus Planning, Development and Operations Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, July 14, 1992, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209541.

The Dallas Area Rapid Transit Board of Directors met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, July 14, 1992, at 5 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9209551.

The East Texas Council of Governments Private Industry Council met at the ETCOG Office, Kilgore, July 16, 1992, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9209491.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. Executive Committee met at 2401 Houston Highway, Victoria, July 13, 1992, at 5 p.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9209483.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. Oversight Committee met at the Holiday Inn, Room One, 2705 Houston Highway, Victoria, July 14, 1992, at 11:30 a.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9209484.

The Golden Crescent Service Delivery Area Private Industry Council, Inc. met at 2401 Houston Highway, Victoria, July 15, 1992, at 6:30 p. m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9209486.

The Hansford Appraisal District Appraisal Review Board met at 709 West Seventh Street, Spearman, July 15, 1992, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 519, Spearman, Texas 79081, (806) 659-5575. TRD-9209490.

The Harris County Appraisal District Board of Directors met at 2800 North Loop West, Eighth Floor, Houston, July 15, 1992, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5291. TRD-9209527.

The Heart of Texas Council of Governments Private Industry Council met at 300 Franklin Avenue, HOTCOG Board Room, Waco, July 16, 1992, at 5:30 p.m. Information may be obtained from Donna Teat, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9209485.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, July 14, 1992, at 6 p.m. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9209538.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, July 16, 1992, at 6:30 p.m. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9209512.

The Johnson County Rural Water Supply Corporation Board met at the Cleburne Civic Center, Cleburne, July 14, 1992, at 6 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9209531.

The Lower Colorado River Authority Finance and Administration Committee met at 3700 Lake Austin Boulevard, General Manager's Conference Room, Austin, July 14, 1992, at noon. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209510.

The Lower Colorado River Authority Retirement Benefits Committee met at 3700 Lake Austin Boulevard, Manager's Conference Room, Austin, July 14, 1992, at 1 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9209537.

The Martin County Appraisal District Board of Directors met at the MCAD-Office, 308 North St. Peter Street, Stanton, July 14, 1992, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9209482.

The Mills County Appraisal District Board of Directors met at the Mills County Courthouse, Jury Room, Goldthwaite, July 16, 1992, at 6:30 p. m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9209526.

The Nolan County Central Appraisal District Board of Directors met at the Nolan County Courthouse, Third Floor, Sweetwater, July 14, 1992, at 7 a.m. (Revised agenda). Information may be obtained from Lane Compton, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9209528.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District Board of Directors will meet at the Las Palmas Restaurant, East Highway 44, Robstown, July 21, 1992, at 7:30 a.m. Information may be obtained from Denise Lawhon, 710 East Main Street, Robstown, Texas 78380, (512) 668-8363. TRD-9209525.

The Rio Grande Council of Governments Board of Directors met at 1014 North Stanton, Main Conference Room, El Paso, July 17, 1992, at 9:30 a.m. (MST). (Revised agenda). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-9209523.

The Texas Association of Regional Councils Board of Directors met at Ballroom A, Omni Hotel, (Formerly the Radisson), Austin, July 17, 1992, at 9 a.m. Information may be obtained from Sheila Jennings, 508 West 12th Street, Austin, Texas 78701, (512) 478-4715. TRD-9209524.

The West Central Texas Council of Governments Private Industry Council met at the Stagecoach Inn, I-35, Salado, July 17, 1992, at 10:45 a.m. Information may be obtained from Mary Ross, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9209530.

The West Central Texas Council of Governments Executive Committee will meet at 1025 East North 10th Street, Abilene, July 22, 1992, at 12:45 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9209529.



Meetings Filed July 13, 1992

The Andrews Center Board of Trustees held an emergency meeting at 2323 West Front Street, Board Room, Tyler, July 14, 1992, at 3:30 p.m. The emergency status was necessary as approval needed to meet TXMHMR contract requirements for inpatient contract. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (903) 597-1351. TRD-9209597.

The Bexar Appraisal District Appraisal Review Board met at 535 South Main, San Antonio, July 20, 1992, at 10 a.m. Information may be obtained from Beverly Houston, 535 South Main, San Antonio, Texas

78204, (512) 224-8511. TRD-9209577

The Bexar Appraisal District Board of Directors met at 535 South Main, San Antonio, July 20, 1992, at 5 p.m. Information may be obtained from Beverly Houston, 535 South Main, San Antonio, Texas 78204, (512) 224-8511 TRD-9209578

The Brazos Valley Development Council Regional Solid Waste Advisory Committee will meet at the Brazos Center, 3232 Briarcrest Drive, Bryan, July 22, 1992, at 1:30 p.m. Information may be obtained from Jill Hyde, P.O. Drawer 4128, Bryan, Texas 77805-4128. TRD-9209613.

The Central Plains Center for Mental Health and Mental Retardation and SA Board of Trustees held an emergency meeting at 2700 Yonkers, Plainview, July 14, 1992, at 9 a.m. The emergency status was necessary as we needed to discuss personnel. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072. (806) 293-2636 TRD-9209601.

The Central Texas Private Industry Council, Inc. will meet at 302 East Central, Belton, July 23, 1992, at 10 a.m. Information may be obtained from Susan Kamas, P.O. Box 729, Belton, Texas 76513. (817) 939-3771. TRD-9209579

The Coryell City Water Supply District Board of Directors met at Route 2, FM 929, Gatesville, July 16, 1992, at 7:30 p.m. Information may be obtained from Helen Swift, Route 2, Box 93, Gatesville, Texas 76528, (817) 865-6089 TRD-9209603

The East Texas Council of Governments Private Industry Council met at the ETCOG Office, Kilgore, July 16, 1992, at 9:30 a.m. (Revised agenda). Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9209599.

The Ellis County Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, July 16, 1992, at 2 p.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9209623.

The Fisher County Appraisal District Board of Directors met at the Fisher County Tax Appraisal Office, Fisher County Courthouse, Roby, July 14, 1992, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2184. TRD-9209596.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis, Sherman, July 22, 1992, at 7:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9209614.

The Hale-Hockley CED Number Eight Board of Directors met at the Citizens State

Bank Meeting Room, Anton, July 16, 1992, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9209602.

The Hunt County Appraisal District Appraisal Review Board will meet at the Hunt County Appraisal District, Board Room, 4801 King Street, Greenville, July 18, and July 22, 1992 at 8:45 a.m. Information may be obtained from Mildred Compton, P.O. Box 1339, Greenville, Texas 75401, (903) 454-3510. TRD-9209598.

The Jones County Appraisal District Board of Directors met at the District's Office, 1137 East Court Plaza, Anson, July 16, 1992, at 8:30 a.m. Information may be obtained from John Steeie, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422 TRD-9209582.

The Kendall Appraisal District Appraisal Review Board met at the Kendall Appraisal District, 121 South Main, Boerne, July 16-17, 1992, at 9 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9209583

The Nortex Regional Planning Commission Executive Committee will meet at the Nortex Regional Planning Commission Conference Room, Galaxy Center Building, 4309 Jacksboro Highway, Wichita Falls, July 23, 1992, at noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307, (817) 322-5281 TRD-9209580.

The North Central Texas Council of Governments Transportation Department will meet at Commissioner's Court, Dallas County Administration Building, 411 Elm Street, Dallas, July 22, 1992, at 4 p.m. Information may be obtained from Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9209615.

The North Central Texas Council of Governments Transportation Department will meet at the Council Chambers, Lewisville City Hall, 1197 West Main Street, Lewisville, July 23, 1992, at 4 p.m. Information may be obtained from Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9209616

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, July 23, 1992, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Box 2408, Wylie, Texas 75098, (214) 442-5405. TRD-9209585.

The Pecan Valley Mental Health and Mental Retardation Region Board of Trustees held an emergency meeting at the Pecan Valley MHMR Region Clinical Of-

face, 104 Charles Street, Granbury, July 15, 1992, at 9 a.m. (Rescheduled from July 15, 1992, at 8 a.m.) The emergency status was necessary due to revised agenda. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9209640.

The Region One Education Service Center Board of Directors will meet at 1900 West Schunior, Edinburg, July 21, 1992, at 7 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611. TRD-9209600.

The Rusk County Appraisal District Appraisal Review Board met at the Administrative Offices, 107 North Van Buren, Henderson, July 20, 1992, at 9 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697. TRD-9209581.

The San Jacinto River Authority Board of Directors will meet at Hilliards Restaurant and Club, 2219 Highway 90, Crosby, July 22, 1992, at 12:30 p.m. Information may be obtained from James B. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111 TRD-9209612

The South Plains Association of Governments Regional Review Committee will meet at 1323 58th Street, Lubbock, July 28, 1992, at 1:30 p.m. Information may be obtained from Shawn Raborn, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730. TRD-9209609.

The Texas Municipal Power Agency ("TMPA") Board of Directors met at Citijet, Main Terminal, Dallas Room, Second Floor, 8001 Lemmon Avenue at Lovers Lane, Dallas, July 16, 1992, at 7 p.m. Information may be obtained from Wanda Callahan, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9209630.

The Texas Regional Planning Commissions Employee Benefit Plan Agency Board of Trustees held an emergency meeting at the Senate Room, Omni Hotel, Austin, July 15, 1992, at 1 p.m. The emergency status was necessary as items needed to be approved. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730. TRD-9209595.

The Wood County Appraisal District Board of Directors met at 217 North Main, Conference Room, Wood County Appraisal District, Quitman, July 16, 1992, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783-0951, (903) 763-4891. TRD-9209584.

Meetings Filed July 14, 1992

The Brazos River Authority Board of Directors met at 4400 Cobbs Drive, Waco, July 20, 1992, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9209645.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, July 23, 1992, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9209644.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, July 21, 1992, at 7:45 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841. TRD-9209684.

The Hamilton County Appraisal District will meet at the Hamilton County Appraisal District Board Room, 119 East Henry, Hamilton, July 21, 1992, at 7 a.m. Information may be obtained from Doyle Roberts, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945, FAX (817) 386-8947. TRD-9209643

The Hays County Appraisal District Appraisal Review Board met at 632 A East Hopkins, Municipal Building, San Marcos, July 20, 1992, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400. TRD-9209693

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, July 21, 1992, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9209672.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, August 13, 1992, at 7:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405. TRD-9209671.

The Wise County Appraisal District Appraisal Review Board held an emergency meeting at 206 South State Street, Decatur, July 16, 1992, at 9 a.m. The emergency status was necessary as meeting was mandatory due to the 1992 certification deadline. Information may be obtained from LaReesea Pittman, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9209673.

Meetings Filed July 15, 1992

The Central Texas Council of Governments Executive Committee will meet at 302 East Central, Belton, July 23, 1992, at 12:30 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801. TRD-9209705.

The County Education District Number 14 met at the Pampa Middle School Library, 2401 Charles Street, Pampa, July 20, 1992, at 7 p.m. Information may be obtained from Dawson Orr, 321 West Albert, Pampa, Texas 79065, (806) 669-4700. TRD-9209718

The Dallas Central Appraisal District Appraisal Review Board met at 2949 North Stemmons Freeway, Dallas, July 20, 1992, at 10 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520 TRD-9209704

The Deep East Texas Council of Governments Solid Waste Task Force will meet at the Lufkin City Hall, Room 102, 300 Shepard Avenue, Angelina County, Lufkin, July 21, 1992, at 2:30 p.m. Information may be obtained from Rusty Phillips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704 TRD-9209721.

The Deep East Texas Council of Governments Grants Applications Review Committee will meet at Twitty's Restaurant, Highway 87 North, Sabine County, Hemphill, July 23, 1992, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9209702.

The Deep East Texas Council of Governments Board of Directors will meet at Twitty's Restaurant, Highway 87 North, Sabine County, Hemphill, July 23, 1992, at 1 p.m. Information may be obtained from Joan Draper, 274 East Lamar, Jasper, Texas 75951, (409) 384-5704. TRD-9209707.

The Dewitt County Appraisal District Board of Directors will meet at the Dewitt County Appraisal Office, 103 Bailey Street, Cuero, July 21, 1992, at 7:30 p.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9209706.

The East Texas Council of Governments Regional Review Committee will meet at the ETCOG Office, Kilgore, July 30, 1992, at 10 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9209700.

The Golden Crescent Service Delivery Area Private Industry, Inc. will meet at 2401 Houston Highway, Victoria, July 15, 1992, at 6:30 p.m. (Revised agenda). Information may be obtained from Sandy

Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9209701.

The Henderson County Appraisal District Board of Directors met at 1751 Enterprise, Athens, July 20, 1992, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9209729.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise, Athens, July 27, 1992, at 6:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9209728.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise, Athens, July 27, 1992, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9209730.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl, District Office, Granbury, July 21, 1992, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9209763.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Fourth Floor Board of Directors Conference Room, Houston, July 21, 1992, at 9 a.m. Information may be obtained from R. Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9209723.

The Houston-Galveston Area Council H-GAC Board of Directors will meet at 3555 Timmons Lane, Fourth Floor Board of Directors Conference Room, Houston, July 21, 1992, at 9 a.m. Information may be obtained from R. Ballas, 3555 Timmons

Lane, Houston, Texas 77027, (713) 627-3200. TRD-9209722.

The Jack County Appraisal District Board of Directors will meet at 210 North Church Street, JCAD Conference Room, Jacksboro, July 21, 1992, at 7 p.m. Information may be obtained from Donna Hartzell, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9209711.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, July 22, 1992, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9209753

The Sabine River Authority of Texas Board of Directors will meet at the Fredonia Hotel, Nacogdoches, July 24, 1992, at 10:30 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200. TRD-9209739.

The Wise County Appraisal District Appraisal Review Board met at 206 South State Street, Decatur, July 20, 1992, at 9 a.m. Information may be obtained from LaReesea Pittman, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9209737.

◆ ◆ ◆
Meetings Filed July 16, 1992

The Alamo Area Council of Governments Management Committee will meet at 118 Broadway, Suite 420, San Antonio, July 22, 1992, at 10 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9209777.

The High Plains Underground Water Conservation District Number One Board of Directors met at 2930 Avenue O, Conference Room, Lubbock, July 20, 1992, at 9 a.m. Information may be obtained from A.

Wayne Wyatt, 2930 Avenue O, Lubbock, Texas 79405, (806) 762-0181. TRD-9209778.

The Mills County Appraisal Review Board met at the Mills County Courthouse, Jury Room, Goldthwaite, July 20, 1992, at 9 a.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9209776.

The Nortex Regional Planning Commission North Texas Private Industry Council will meet at the Nortex Regional Planning Commission, 4309 Jacksboro Highway, Wichita Falls, July 22, 1992, at 12:15 p.m. Information may be obtained from Mona Williams, P.O. Box 5144, Wichita Falls, Texas 76307, (817) 322-5281. TRD-9209769.

The Nortex Regional Planning Commission Executive Committee will meet at the Nortex Regional Planning Commission Conference Room, Galaxy Center Building, 4309 Jacksboro Highway, Wichita Falls, July 23, 1992, at noon. (Revised agenda). Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307, (817) 322-5281. TRD-9209770.

The North Central Texas Council of Governments Transportation Department will meet at the South Texas Room, Amon G. Carter Exhibits Hall, Will Rogers Memorial Center, 3400 Crestline Road, Fort Worth, July 21, 1992, at 4 p.m. Information may be obtained from Michael Morris, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9209775.

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, July 23, 1992, at 12:45 p.m. Information may be obtained from Edwina Shires, P. O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9209771.

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 Air Control Board

Notice of Opportunity to Comment on Administrative Actions

The Texas Air Control Board (TACB) staff is providing an opportunity for written public comment on the listed agreed board orders (ABOs) pursuant to the Texas Clean Air Act, Health and Safety Code Annotated, Chapter 382, §382.096. The Act, §382.096, requires that TACB may not approve these ABOs unless the public has been provided an opportunity to submit written comments. Section 382.096 requires that notice of the proposed orders and of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is August 20, 1992. Section 382.096 also requires that TACB promptly consider any written comments received and that TACB may withhold approval of an ABO if a comment indicates the proposed ABO is inappropriate, improper, inadequate, or inconsistent with the requirements of the Texas Clean Air Act. Additional notice is not required if changes to an ABO are made in response to written comments.

A copy of each of the proposed ABOs is available for public inspection at both the TACB's Central Office, located at 12124 Park 35 Circle, Austin, Texas 78753, (512) 908-1000 and at the applicable regional office listed following. Written comments about these ABOs should be sent to the staff attorney designated for each ABO at the TACB's Central Office in Austin, and must be received by 5 p.m. on August 20, 1992. Written comments may also be sent by facsimile machine to the staff attorney at (512) 908-1850. The TACB Staff Attorneys are available to discuss the ABOs and/or the comment procedure at the listed phone numbers; however, §382.096 provides that comments on the ABOs should be submitted to the TACB in writing.

Company: Alumax Mill Products, Inc; Location: Nash, Bowie County; Type of Facility: aluminum coil manufacturing plant; Rule Violated: §116.4, exceeding the emission limits for volatile organic compounds (VOC); §116.5, exceeding the production rate that was represented in Permit Application Number 9476; Board Rule §101.20(1) and Agreed Board Order Number 89-07(a), violating standards of performance for new stationary sources (NSPS) by failing to submit excess emissions and monitoring systems performance reports on a quarterly basis; Penalty: \$66,250; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 1304 South Vine Avenue Tyler, Texas 75701, (903) 595-2639.

Company: Arlington Marble, Inc.; Location: Fort Worth, Tarrant County; Type of Facility: cultured marble manufacturing plant; Rule Violated: §116.1 and Agreed Board Order Number 86-65, constructing and operating a cultured marble manufacturing plant without first obtaining a

permit or qualifying for a standard exemption; Penalty: \$2,400; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Beltgate Cleaners; Location: Irving, Dallas County; Type of Facility: dry cleaning facility; Rule Violated: §115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device; Penalty: \$500; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Darling-Delaware Company, Inc; Location: Houston, Harris County; Type of Facility: rendering plant; Rule Violated: §101.4, nuisance level odors; Penalty: \$8,000; Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: David's Patio, Incorporated; Location: Azle, Parker County Type of Facility: specialty concrete products plant; Rule Violated: §116.1, construction and operation without first obtaining a permit or qualifying for a standard exemption; Penalty: \$275 Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Davis Gas Processing, Incorporated; Location: Banquete, Nueces County; Type of Facility: gas processing plant; Rule Violated: TACB §101.20(2), which requires compliance with federal NESHAP provisions for asbestos; Penalty: \$50,500 Staff Attorney: Walter Ehresman, (512) 908-1843 Regional Office, 1231 Agnes Street, Suite 103 Corpus Christi, Texas 78401, (512) 882-5828 or (512) 882-5829.

Company: Diamond Food Markets, Incorporated; Location: Van Alstyne, Grayson County; Type of Facility: grocery store; Rule Violated: §111.121(7), by operating an on-site incinerator with emissions opacity of over 5.0% during the testing period; Penalty: \$500; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Dry Clean Plus; Location: Houston, Harris County; Type of Facility: perchloroethylene dry cleaning facility; Rule Violated: §115.521, failing to vent the entire dryer exhaust through a properly functioning control device; Penalty: \$1,000; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: EPS Products, Inc.; Location: Marline, Falls County; Type of Facility: expandable polystyrene fabrication plant; Rule Violated: §116.1, construction and operation without first obtaining a permit or qualifying for a

standard exemption; Penalty: \$600 Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-6055.

Company: Freeman Decorating Company; Location: Dallas, Dallas County; Type of Facility: a convention exhibit preparation plant; Rule Violated: §116.1, by constructing and operating a paint booth without first obtaining a permit or qualifying for a standard exemption; Penalty: \$2,000 Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Galaxy Cleaners; Location: Richardson, Dallas County; Type of Facility: dry cleaning facility; Rule Violated: §115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device; Penalty: \$500; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: GHP, Inc.; Location: Garland, Dallas County; Type of Facility: computer flooring and partition manufacturing plant; Rule Violated: §116.1, construction and operation without first obtaining a permit or qualifying for a standard exemption; Penalty: \$4,325; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Harbison-Fischer, Incorporated; Location: Crowley, Tarrant County; Type of Facility: oil-field pump manufacturing plant; Rule Violated: §116.1, constructing and operating seven metal spray stations without first obtaining a permit or qualifying for a standard exemption; Penalty: \$775; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: J.J.'s Auto Sales; Location: Stafford, Fort Bend County; Type of Facility: motor vehicle sales operation; Rule Violated: §114.1(c)(1), offering for sale or lease motor vehicles which were not equipped with operable original or equivalent replacement emission control systems or devices; Penalty: \$500; Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401; (713) 666-4964.

Company: Khan Enterprises; Location: Irving, Dallas County; Type of Facility: dry cleaning plant; Rule Violated: §115.521, failing to vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device; Penalty: \$500; Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Koch Materials Company; Location: Ennis, Ellis County; Type of Facility: asphalt blowing plant; Rule Violated: §101.4, nuisance level emissions; Board Rule 101.6, failing to notify the Executive Director of the TACB of a major upset condition; Penalty: \$7,000; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116; (713) 732-5531 or (713) 732-5532.

Company: Palo Duro Feeders; Location: South of Gruver, Hansford County; Type of Facility: beef cattle feedlot; Rule Violated: §116.1, modifying an existing beef cattle

feedlot without first obtaining a permit or qualifying for a standard exemption; Penalty: \$3,425; Staff Attorney: Bill Zeis, (512) 908-1844; Regional Office: 5302 South Avenue Q, Lubbock, Texas 79412, (806) 744-0090 or (806) 744-6055.

Company: Parkway Motors, Inc.; Location: Houston, Harris County; Type of Facility: motor vehicle sales operation; Rule Violated: §114.1(c)(1), offering for sale or lease motor vehicles which were not equipped with the original or equivalent replacement emission control systems or devices; Penalty: \$500; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 5555 West Loop, Suite 300, Bellaire, Texas 77401, (713) 666-4964.

Company: Poly-Flex Packaging Company; Location: Dallas, Dallas County; Type of Facility: flexographic printing plant; Rule Violated: §115.432, by operating its plant without use of low solvent-content inks or adequate carbon adsorption or incineration emission controls; Penalty: \$5,900; Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 6421 Camp Bowie Boulevard, Suite 312, Fort Worth, Texas 76116, (817) 732-5531 or (817) 732-5532.

Company: Jack Rowe; Location: Circleville, Williamson County; Type of Facility: abandoned gravel pit; Rule Violated: §111.101, unauthorized outdoor burning; Penalty: \$250; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Shure Brothers, Inc.; Location: El Paso, El Paso County; Type of Facility: microphone manufacturing plant; Rule Violated: §116.1, constructing and operating a spray painting facility without first obtaining a permit or qualifying for a standard exemption; Penalty: \$850; Staff Attorney: Rodman C. Johnson, (512) 908-1854; Regional Office: 1200 Golden Key Circle, Suite 369, El Paso, Texas 79925, (915) 591-8128 or (915) 591-8129.

Company: Sign Builders of Texas, Inc.; Location: Austin, Travis County; Type of Facility: sign manufacturing facility; Rule Violated: §116.1, constructing and operating a paint booth without first obtaining a permit or qualifying for a standard exemption; Penalty: \$750; Staff Attorney: Terri Phelps, (512) 908-1846; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: City of Taylor; Location: Circleville, Williamson County; Type of Facility: abandoned gravel pit; Rule Violated: §111.101, unauthorized outdoor burning; Penalty: \$750; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 500 Lake Air Drive, Suite 1, Waco, Texas 76710, (817) 772-9240 or (817) 772-9241.

Company: Texaco Chemical Company, Port Arthur; Location: Port Arthur, Jefferson County; Type of Facility: a petrochemical plant; Rule Violated: §115.112(a)(1) and §115.112(a)(2)(E), storage tank seal damage; §115.212(a)(1), loading or unloading of VOCs without a vapor recovery system; Penalty: \$27,250; Staff Attorney: Walter Ehresman, (512) 908-1843; Regional Office: 3870 Eastex Freeway, Suite 110; Beaumont, Texas 77703; (409) 898-3838 or (409) 898-3790.

Company: Texaloy Foundry Company; Location: Floresville, Wilson County; Type of Facility: a foundry; Rule Violated: §116.1, by constructing and operating an electro-inductive furnace, a sand tank, and a shot-blast cleaner without first obtaining a permit or qualifying for a standard exemption; Penalty: \$625; Staff Attorney: Walter

Ehresman, (512) 908-1843; Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Company: Adolpho P. Vela; Location: San Antonio, Bexar County; Type of Facility: demolition company; Rule Violated: §101.20(2), which requires compliance with federal NESHAP provisions for asbestos; Penalty: \$3,000; Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 4335 Piedras West, Suite 101 San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Company: Vista Verde Plaza Joint Venture; Location: San Antonio, Bexar County; Type of Facility: demolished building; Rule Violated: §101.20(2), which requires compliance with federal NESHAP provisions for asbestos; Penalty: \$3,000; Staff Attorney: David A. Todd, (512) 908-1851; Regional Office: 4335 Piedras West, Suite 101, San Antonio, Texas 78228, (512) 734-7981 or (512) 734-7982.

Issued in Austin, Texas on July 15, 1992

TRD-9209703 Lane Hartsock
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: July 15, 1992

For further information, please call. (512) 908-1451

State Banking Board

Notice of Hearings

The hearing officer of the State Banking will conduct a hearing on September 8, 1992, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the trust company charter application for West Texas Trust Company, Levelland, Hockley County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar Boulevard, Austin, Texas: 78705, (512) 475-1317.

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

TRD-9209459 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: July 9, 1992

For further information, please call. (512) 475-1317

The hearing officer of the State Banking will conduct a hearing on August 11, 1992, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the trust company charter application for Phoenix Trust Company, San Antonio, Bexar County.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, State Banking Department, 2601 North Lamar Boulevard, Austin, Texas 78705 (512) 475-1317.

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

TRD-9209458 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: July 9, 1992

For further information, please call: (512) 475-1317

Texas Commission for the Blind Request for Proposals

The Texas Commission for the Blind announces a request for proposals for services leading to supported employment. Supported employment provides the option of community integrated, competitive employment for severely disabled vocational rehabilitation clients of the commission who require extended ongoing support services in order to maintain employment.

Funding Priorities. It is anticipated that organizations which are currently funded through this commission, and which have less than two years of experience serving persons in supported employment who are blind or visually impaired, will receive priority consideration for continuation. It is also this commission's intent to offer supported employment services statewide, both in metropolitan and rural areas of the state. Services currently exist in the following locations: Austin, Dallas, Fort Worth, Houston, Corpus Christi, the Rio Grande Valley, Laredo, El Paso, Bryan/College Station, San Antonio, Tyler, San Angelo, and Wichita Falls.

Priority for establishment of new services will be in areas of the state where services currently do not exist for persons who are blind or severely visually impaired. The Panhandle, South Plains, and Waco areas are among those where supported employment services currently do not exist for persons with visual disabilities.

Amended Supported Employment Regulations Pending. A June 24, 1992, *Federal Register* notice reflects intent to publish new supported employment regulations under the Rehabilitation Act. There are significant changes in the amended regulations which may be effective mid August 1992, at the soonest. For information about the pending new regulations, contact the Supported Employment Coordinator at the phone number listed in this announcement.

Definitions. (The following information is based on supported employment regulations currently in effect.) Supported employment is defined as competitive employment in an integrated work setting with extended ongoing support for individuals with severe disabilities for whom competitive employment has not traditionally occurred (or has been interrupted or intermittent) as a result of the severe disability (*Federal Register*, August 14, 1987). Services under supported employment are provided in order to reinforce and stabilize the client on the job. Authorized activities are assessment to determine an individual's potential for supported employment services, job development and job placement, on-the-job skills training at work site, communication with the employer regarding the individual who is working, assistance with transportation and housing, personal care services, and contact with the family/advocates on behalf of the consumer. An integrated work setting is defined as one in which most coworkers are not disabled, or in which individuals are part of a group of not more than eight workers with disabling conditions. Extended ongoing support occurs after the State's vocational rehabilitation agency services and funding terminate and is defined as skills training provided at least twice monthly at the work site to enable the individual to perform the work. Extended ongoing

support services, other than job skills training, may be provided as long as the individual has a need for ongoing job skills training and is receiving that training at the job site.

Grant Requirements. Funds awarded under this grant are intended for the provision of new or expanded services to commission clients. Individuals served in supported employment programs may receive these services with commission funding during assessment, job development and placement, and then for a maximum of 18 months from the time of job placement. Public, private, and private nonprofit organizations that receive funds must agree to provide or arrange for the extended ongoing support to maintain each individual in their job after state vocational rehabilitation services are completed. Federal regulations regarding supported employment must be met (*Federal Register*, 34 Code of Federal Regulations Part 363; Title VI, Part C of the Rehabilitation Act Amendment of 1986).

Intent of Funds These federal vocational rehabilitation dollars are being made available for the purpose of vendor organizations gaining experience in developing and implementing supported employment services for persons with severe visual disabilities. Once an experience base is established by an organization, it is expected that a fee-for-service mechanism of payment for services will be implemented.

Availability of Funds Approximately \$225,000 is available for both continuation and new project sites. Awards typically approximate \$30,000 to \$50,000. It is anticipated that two to four awards will be made statewide for new project sites. The funds will be expended between October 1, 1992, and September 30, 1993.

Application Process. Organizations that can provide services leading to supported employment for visually impaired clients of the commission are encouraged to apply. Write or call Nansi Morris, Supported Employment Coordinator, Texas Commission for the Blind, P.O. Box 12866, Austin, Texas, 78711, (512) 459-2669, to obtain an application packet, a copy of the pending amended Supported employment regulations, or to ask questions about the request for proposals. A committee will review applications for funding and will select applicants based on evaluation criteria within the application packet.

Deadline. Applicants responding to this request for proposals must submit proposals postmarked no later than August 31, 1992. It is anticipated that awards will be announced within one month after the proposal deadline.

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

TRD-9209559 Pat D. Westbrook
Executive Director
Texas Commission for the Blind

Filed. July 10, 1992

For further information, please call (512) 459-2601

Texas Bond Review Board

Bi-Weekly Report on the 1992

Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of June 27, 1992-July 10, 1992.

Total amount of state ceiling remaining unreserved for the \$242,886,000 subceiling for qualified mortgage bonds under the Act as of July 10, 1992: \$60,400.

Total amount of state ceiling remaining unreserved for the \$151,803,750 subceiling for state-voted issues under the Act as of July 10, 1992: \$51,803,750.

Total amount of state ceiling remaining unreserved for the \$65,058,750 subceiling for qualified small issues under the Act as of July 10, 1992: \$54,808,750.

Total amount of state ceiling remaining unreserved for the \$43,372,500 subceiling for residential rental project issues under the Act as of July 10, 1992: \$1,307,500.

Total amount of state ceiling remaining unreserved for the \$364,329,000 subceiling for all other bonds requiring an allocation under the Act as of July 10, 1992: \$64,000.

Total amount of the \$867,450,000 state ceiling remaining unreserved as of July 10, 1992: \$112,172,900.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from June 27, 1992-July 10, 1992: San Antonio HFC; MAGI/Applegate; residential rental; \$13,100,000; Travis County HFC, Prime/Marquis, residential rental; \$7 million.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a certificate of allocation pursuant to the Act from June 27, 1992-July 10, 1992: City of Dallas HFC; mortgage credit certificates; \$30 million; Brazos River Authority; pollution control/TUEC; \$33 million; Texas Department of Housing and Community Affairs; MRBs, \$80,901,600; North Central Texas HFC; mortgage credit certificates; \$15,911,380.

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from June 27, 1992-July 10, 1992: San Antonio HFC; Magi/Braesview; residential rental, \$10,407,500.

Following is a comprehensive listing of applications which released a portion or their reserved amount pursuant to the Act from June 27, 1992-July 10, 1992: Brazos River Authority; Comanche Peak; Pollution Control; \$64,000.

Issued in Austin, Texas, on July 13, 1992.

TRD-9209642 Tom K. Pollard
Executive Director
Texas Bond Review Board

Filed. July 14, 1992

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

Center for Rural Health Initiatives Request for Proposal

The Texas Center for Rural Health Initiatives (CRHI) invites proposals from interested parties for the development of a project or projects to provide relief services to rural physicians. The CRHI will fund up to three pilot projects to provide relief services for physicians in Texas' 205 non-metropolitan counties who may have difficulty leaving a practice to pursue continuing medical education.

This Rural Physician Relief Services Program will operate in two phases. The first phase runs approximately three months and consists of planning and development of a relief services project. Projects which meet progress and

performance criteria will be eligible for implementation funding.

Background. Rural Texas continues to need primary care physicians. In 1990, 25 rural Texas counties had no primary care physician. Those physicians who do practice in rural areas often encounter a lack of support that may jeopardize their willingness to continue in a rural practice. Twenty-two rural counties had only one physician in 1990, and a total of 106 rural counties had five or fewer. Often, physicians may have difficulty leaving a rural practice to seek needed continuing medical education.

The CRHI is authorized by law to develop relief services programs for physicians to facilitate ready access to continuing education. The agency seeks to fulfill this mandate in part through contracting for relief services.

Contract Period. The proposed contract between CRHI and the selected applicant(s) for planning grants will begin no later than October 1, 1992, and run through December 31, 1992. Implementation funding will be available through August 31, 1993.

Budget Limitations. Up to \$150,000 is available for contracts under this program through August 31, 1993. The CRHI will provide a maximum of \$5,000 each to up to three planning projects. These initial grants may be used to cover the costs of travel, salaries, and supplies necessary to develop a project. Availability of funds for project implementation will depend on the merits of contractors' proposals.

Project Description. The purpose of the project is to support medical personnel in rural areas by offering relief services to those who find it difficult to leave a practice to pursue continuing medical education. The project aims to help retain physicians in rural communities, enhance their ability to provide quality health care, and make rural practice a more appealing option for physicians.

The project also aims to build mutually beneficial ties between rural physicians and communities and medical institutions, particularly in ways that will encourage physicians to practice in rural areas. The CRHI especially encourages proposals that are structured to include rural experiences for residents and/or medical school faculty to further develop opportunities to encourage rural practice and to improve the delivery of health care to rural residents.

The first phase of the project is designed for planning, to allow an agency or organization to design and develop a pilot rural relief services project. During the first phase, projects will be required to: assess the needs for rural relief services in a specific geographic area or areas; identify physicians who may be able to participate as temporary providers in a rural community; and work closely with the CRHI, rural communities and physicians and medical education institutions to design an implementation plan for a pilot relief services project; develop and submit a written report to the CRHI that includes a description of the program to be implemented, specific activities to be funded, and a detailed budget.

Priority will be given to proposed planning projects that demonstrate: evidence of a commitment to building strong ties between rural physicians and medical schools and/or primary care residency programs; potential to provide obstetrical services and/or emergency room services to rural physicians or communities in need of these services; and an understanding of the liability implications of designing a rural relief services program.

Projects selected for implementation will: provide relief services to rural physicians who need to leave a practice temporarily to seek continuing medical education; involve one or more medical schools and/or primary care residency programs; and work closely with the CRHI to develop, plan and implement the project.

Subcontracting. The selected applicant may contract with other individuals/entities, but the selected applicant must develop the standards for such subcontractors and is responsible for their performance. The CRHI reserves the right to approve the selection of subcontractors, the amount contracted and the type of services to be performed by each subcontractor.

Proposal Submission Requirements.

Deadline for submission. Proposals must be received by August 28, 1992.

Submission Address. Proposals should be sent or delivered to: Bryan Sperry, Executive Director, Center for Rural Health Initiatives, 211 East Seventh, Suite 915, P.O. Drawer 1708, Austin, Texas 78767-1708.

Proposal contents. Proposals must include: cover sheet, project proposal: introduction—briefly describe applicant and applicant's abilities to undertake the project; need for Rural Relief Services—describe relief service needs in the target service area and potential aids and barriers to meeting needs; description of Rural Physician Relief Services Project—describe proposed relief services project, including overall goals and project design as well as roles and involvement of various individuals and agencies; description of project planning process—describe goals of planning process and methods and activities and timelines to be employed in achieving those goals; budget narrative—briefly outline the budget requirements for both phases as indicated on the applicant's attached budget form; completed budget form for both project phases.

Additional instructions. Five unbound copies of each proposal should be submitted. Proposals may be stapled and must not exceed 20 pages, excluding appendixes or additional materials.

Overall quality of proposal and extent to which it meets specifications—25 points.

Understanding of and potential ability to meet needs of rural physicians and communities—20 points.

Extent to which proposal includes a process for active participation by CRHI, rural physicians, and medical institutions in project development—20 points.

Potential ability to include desired elements including obstetrical or emergency room services where necessary, medical education experience for students or residents, and/or continuing medical education components for rural physicians—20 points.

Reasonableness and clarity of budget—15 points

Awards. Selected applicants will be notified by September 15, 1992, of selection by a telephone contact followed by written confirmation. The contracts developed will be based on this Request for Proposal, responses to the request, the Uniform Grant and Management Standards, and the standard Texas Department of Health contract provisions.

Other. The CRHI may choose not to award a contract to any applicant if none of the proposals adequately meet the project's specifications. A contract will not necessarily be

awarded to the applicant offering the lowest price, but to the applicant with the best proposal, as determined by the CRHI's evaluation.

Issued in Austin, Texas, on July 13, 1992.

TRD-9209808 Liberty R. O. Daniels
Executive Assistant
Center for Rural Health Initiatives

Filed: July 13, 1992

For further information, please call: (512) 479-8893



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer ⁽¹⁾/Agricultural/ Commercial ⁽²⁾ thru \$250,000</u>	<u>Commercial⁽²⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/13/92-07/19/92	18.00%	18.00%

⁽¹⁾Credit for personal, family or household use. ⁽²⁾Credit for business, commercial, investment or other similar purpose.

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

TRD-9209437 Al Endsley
Consumer Credit Commissioner

Filed: July 9, 1992

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



Texas Education Agency Consultant Proposal Request-Services for the Deaf

Description. The Texas Education Agency is requesting proposals to assist the agency's Division of Services for the Deaf, which is charged with the responsibility to develop and administer statewide programs of educational services for deaf students, in the refinement and continued implementation of an objective data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf. The system must include the revision or design of data collection instruments which will, when data so collected has been entered on computer, provide ready access to individual and composite pupil profiles. Pupil data to be collected may include, but shall not necessarily be limited to the following: name, sex, date of birth, address, audiological findings, cause of hearing loss, age at onset of hearing loss, additional handicapping conditions, ethnic background, results of standardized achievement tests. A plan for output products and data analyses appropriate to local, regional, state and national levels are to be required.

Continuation of Service Previously Performed. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet University, Washington, D.D. This Agency intends to award a contract to Gallaudet University unless a better offer is submitted.

Procedure For Selecting Consulting. The organization demonstrating the broadest and deepest knowledge of demographic and educational performance data analysis of the deaf will be selected for cost and contract negotiations.

Dates of Contract: The beginning date of the contract is September 1, 1992.

Amount of Contract Not To Exceed \$40,000. Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Services for the Deaf, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9424.

Deadline. Proposals must be received in the agency no later than August 10, 1992.

Issued in Austin, Texas, on July 8, 1992.

TRD-9209422 Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: July 8, 1992

For further information, please call: (512) 463-9701



Notice of Contract Amendment

This Notice of Contract is filed pursuant to the provisions Texas Civil Statutes, Article 664-4.

Description. The Texas Education Agency has amended its contract with CyberLink Corporation for professional services to aid in the expansion of an integrated telecommunications system for the public school system pursuant to the provisions of Texas Civil Statutes Article 664-4 and the Texas Education Code, §14.043.

This amendment extends activities for evaluating and testing satellite television equipment and developing procedural improvements for contracted television-only-receiving system installations by a third party at 251 school system sites. Also involved are activities to aid the agency in securing satellite transponder time, securing local uplink capabilities, and further improvements to the TEA studio for teleconferencing and satellite uplinking, and preparations for subsequent expansion of the planned system to more public school districts.

Project Amount. The contract was amended from \$155,088 to \$227,832.

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

TRD-9209591 Lionel R. Meno
 Commissioner of Education
 Texas Education Agency

Filed: July 13, 1992

For further information, please call: (512) 463-9701

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Request for Applications-Federal Adult Education

Description. RFA #701-92-044: The Texas Education Agency is accepting applications for federal adult education and literacy programs under the National Literacy Act of 1991. The Request for Application package, RFA #701-92-044, may be obtained from the Document Control Center, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. This request for application is filed in accordance with Federal Public Law 91-230, as amended by the National Literacy Act, Public Law 102-73, and the *Amendments to the Texas State Plan for Federal Adult Education Funding*.

Eligible Applicants. Eligible grant recipients are local education agencies, correctional education agencies, community-based organizations, public or private non-profit agencies, postsecondary educational institutions, institution that serve educationally disadvantaged adults, and any other institutions that has the ability to provide literacy services to adults and families. The state plan requires that applicants must have at least one year of experience in providing adult education and literacy services.

Eligible grant recipients may apply directly to the Texas Education Agency for funding; however, eligible recipients are encouraged to maximize the federal fiscal resources available for service to undereducated adults and avoid unproductive duplication of services and excessive administrative costs by coordinating and by forming consortia or cooperatives as authorized by final federal regulations contained in the state plan amendments.

Eligible applicants can apply to provide services to a school district region, a portion of a school district, to multiply school district regions, to a county, to a portion of a county, or to multiple counties. The application package contains details regarding available funds allocated to those regions.

Dates of Project and Selection Criteria. The closing date of the application period is 5 p.m., August 14, 1992. Applications will be reviewed by Texas Education Agency staff and external reviewers, as appropriate. Review criteria are included in the Request for Application.

The Division of Adult and Community Education will be holding three regional workshops on completing the federal adult education and literacy application. Dates, times, and locations of these workshops are: Tuesday, July 14, 1992, Region IV Education Service Center, Studio A, 7145 West Tidwell, Houston, Texas 77092, 10 a.m. to 4 p.m.; Wednesday, July 15, 1992, Dallas Independent School District Auditorium, 5000 South Oakland Avenue, Dallas, Texas 75215, 10 a.m. to 4 p.m.; and Friday, July 17, 1992, Region XX Education Service Center, 1314 Hines Avenue, San Antonio, Texas 78208, 11 a.m. to 5 p.m.

Further Information. Persons wishing further information and assistance may contact the Division of Adult and Community Education, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9294

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

TRD-9209421 Lionel R. Meno
 Commissioner of Education
 Texas Education Agency

Filed: July 8, 1992

For further information, please call (512) 463-9701

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Employees Retirement System of Texas Communications Consultation Services Contract Amendment

This amendment to The Wyatt Company (Suite 2400, Lock Box 58, 2121 San Jacinto Street, San Jacinto Tower, Dallas, Texas 75210) contract for communications consulting services is being filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c

The amendment provides that the first sentence of Section II of the contract be deleted and replaced by, "The ERS agrees to pay WYATT an amount not to exceed one million three hundred forty-six thousand dollars, which amount includes out-of-pocket expenses as described below, for consulting services and graphic design/production services." All other provisions of the contract remain the same.

Issued in Austin, Texas, on June 30, 1992

TRD-9209440 Charles D. Travis
 Executive Director
 Employees Retirement System of Texas

Filed: July 9, 1992

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

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Fire Fighters' Pension Commission Certified Public Accountant Proposal Request

Notice of Invitation for Proposal. The Fire Fighters' Pension Commission (FFPC) invites firms to submit proposals to provide Certified Public Account (CPA) services for the Statewide Volunteer Fire Fighters' Retirement Fund. The firm shall provide complete CPA services for pension fund accounting using a double entry general ledger accounting system. They will provide services including the selection, implementation and training of a microcomputer-based accounting system. The will set up the 1992 investment accounting on the new system; assist staff in preparation of the 1992 Annual Financial Report (AFR); and maintain accounting functions through May, 1993.

Services Previously Performed. The FFPC accounting services have been previously performed by staff.

Period of Performance. The period of performance is anticipated to being September 1, 1992 to September 1, 1993.

Qualifications Desired by FFPC. To be eligible, the CPA must have pension fund accounting experience, as well as previous experience in selecting and implementing a microcomputer-based general ledger accounting system and training of staff on the selected system.

Deadline for Submission. The response to this invitation for proposal must be received no later than August 20, 1992 at 3 p.m.

General Information. The FFPC reserved the right to reject for any reason any and/or all bids received as a result of this RFP. The bid shall be sealed. This request does not commit the FFPC to pay any costs incurred prior to the execution of a contract. Issuance of this invitation for proposal in no way obligates the FFPC to award a contract or to pay costs incurred in the preparation of a response

Form and Format. Proposals are to be mailed or hand delivered with signature of receipt acknowledgement Helen L. Campbell, Commissioner, Fire Fighters' Pension Commission, 3910 South IH-35, Suite 235, Austin, Texas 78704, no later than the deadline previously specified

Contact Person. For further information please contact Helen L. Campbell, Commissioner, 3910 South IH-35, Suite 235, Austin, Texas 78704, (512) 462-0222.

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

TRD-9209572 Helen L. Campbell
 Commissioner
 Fire Fighters' Pension Commission

Filed: July 13, 1992

For further information, please call: (512) 462-0222

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Office of the Governor

Correction of error

The Office of the Governor submitted appointments that were published in the July 14, 1992, *Texas Register* (17 TexReg 4993).

Due to typesetting and proofreading errors by the *Texas Register* the section listing appointments made by Governor Richards the word term was left out of the appointment of Rojelio Cuevas.

It should read "To be a member of the State Board of Vocational Nurse Examiners for a term to expire September 6, 1997: Rojelio Cuevas, 615 Daffodil, McAllen, Texas 78501. Mr. Cuevas will be replacing Wayne Ogburn of DeSoto whose term expired."

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Texas Department of Health

Notice of Rescission of Order

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following order: Order of Revocation issued March 3, 1992, to Allan P. Koeppel, D.D.S., 917 East Curtis Avenue, Suite 12, Pasadena, Texas 77502, holder of Certificate of Registration Number R07274.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, The Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on July 10, 1992

TRD-9209489 Robert A. MacLean, M.D.
 Deputy Commissioner
 Texas Department of Health

Filed: July 10, 1992

For further information, please call: (512) 834-6688

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Heart of Texas Council of Governments

Request for Proposal

The Heart of Texas Council of Governments (HOTCOG), Waco, will receive sealed proposals to provide technical assistance in support of the computer-based learning program located at approximately 25 sites within the HOTCOG region. This region consists of Bosque, Falls, Freestone, Hill, Limestone, and McLennan Counties. The scope of the technical assistance will include, but is not limited to, installation, set-up and take-down of computer systems (estimated to involve not more than three sites), and provide initial system training and follow-up training of subcontractor staff. Technical assistance will also include on-site semi-annual visits to each lab to ensure that all equipment is operating properly. Following all visits, a written report will be prepared which identifies the purpose of visit, identifies the tasks accomplished during the visit, states whether there is a need to return, describes any upgrading that may be required, describes other repairs that may be required (including a detailed description of such repairs and an estimated time frame for making them). Copies of this report will be forwarded to HOTCOG and to the subcontractor within 10 working days. Additional visits would be made to sites to address software problems as required. IBM compatible and Apple workstations, used in conjunction with Comprehensive Competencies Program (CCP) software and teaching/learning materials, comprise the elements of this computer-based learning program from United States Basics.

Requests for Proposals are available at the Heart of Texas Council of Governments, c/o Director of Administration, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822, on Monday-Friday, 8:30 a.m. to 4:30 p.m.

Responses must be received by HOTCOG no later than 4:30 p.m., Friday July 24, 1992. HOTCOG reserves the right to reject any or all proposals received in response to this RFP.

Issued in Waco, Texas, on July 8, 1992.

TRD-9209481 Leon A. Willhite
 Executive Director
 Heart of Texas Council of Governments

Filed: July 10, 1992

For further information, please call: (817) 756-7822

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Texas Department of Human Services

Notice of Cancellation of Request for Proposal

In accordance with Texas Civil Statutes, Article 6252-11, the Texas Department of Human Services announced an invitation for offers for consultant services in

the July 14, 1992, issue of the *Texas Register* (17 TexReg 5037). This announcement for offers has been canceled. If further information is needed, please contact Bobbie Ann Fisher, Acquisition Analyst, MC W-631, Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030, or by phone at (512) 450-4102.

Issued in Austin, Texas, on July 15, 1992.

TRD-9209697 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: July 15, 1992

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



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 92-13, Amendment Number 352. The amendment continues the payment amounts for nursing facility services as required by §4211(b) of the Omnibus Budget Reconciliation Act (OBRA) of 1987 and §4801(e) of OBRA 1990. The amendment is effective October 1, 1992. If additional information is needed, please contact Kathy Hall, (512) 450-3702.

Issued in Austin, Texas, on July 13, 1992.

TRD-9209562 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: July 13, 1992

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



Public Notice of Closed Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Karnes County, County Number 128, which appeared in the June 26, 1992, issue of the *Texas Register* (17 TexReg 4629),

County Number	County Name	Number of Months Over	Number of Months					
			Dec	Jan	Feb	Mar	Apr	May
230	Upshur	5	89.7	94.0	92.9	93.1	92.1	92.3

Issued in Austin, Texas, on July 13, 1992.

TRD-9209564 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: July 13, 1992

Sutton County, County Number 218, which appeared in the March 6, 1992, issue of the *Texas Register* (17 TexReg 1765), and Bosque County, County Number 018, which appeared in the May 1, 1992, issue of the *Texas Register* (17 TexReg 3185). The solicitation is being closed effective the date of this public notice.

Issued in Austin, Texas, on July 13, 1992.

TRD-9209563 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: July 13, 1992

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



Public Notice Open Solicitation

Pursuant to Title 2, Chapters 22 and 32, of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing an open solicitation period of 30 days, effective the date of this public notice, for the county identified below, where Medicaid contracted nursing facility occupancy rates exceed the threshold (90% occupancy) in each of five months in the continuous December-May, six-month period. Potential contractors seeking to contract for existing beds which are currently licensed as nursing home beds or hospital beds in the county identified in this public notice must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Program Section, Long Term Care Department, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030. The written reply must be received by TDHS by 5 p.m. August 17, 1992, the last day of the open solicitation period. Potential contractors will be placed on a waiting list for the primary selection process in the order in which the Texas Department of Health originally licensed the beds that are being proposed for Medicaid participation. The primary selection process will be completed on August 28, 1992. If there are insufficient available beds after the primary selection to reduce occupancy rates to less than 80%, TDHS will place a public notice in the *Texas Register* announcing an additional open solicitation period for those individuals wishing to construct a facility.

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



Request for Proposal

The Texas Department of Human Services (TDHS) is inviting proposals for nutrition education workshop instructors.

Description of Services: Dietitians are needed to conduct nutrition education workshops and presentations, present exhibits, evaluate materials, attend training sessions, and assist in the development of materials for the Nutrition Education and Training Program. Services will be required on a variable basis depending on the number and type of workshops, presentations, and exhibits planned for each dietitian's area.

Geographical Area: Dietitians are being actively sought for the Austin and San Antonio areas.

Contact Person: For more information, please call or write Brenda Miller (512) 450-3393 or Deborah Simpson (512) 450-4816, NET Program MC W-313, P.O. Box 149030, Austin, Texas 78714-9030. RFP packets are now available.

Closing Date: Proposals must be received by 5 p.m., August 21, 1992.

Term of Contract: The contract period is October 1, 1992, through September 30, 1993.

Procedures of Selection: A screening form will be used to select applicants. Applicants that are considered for selection will be scheduled for an interview.

Issued in Austin, Texas, on July 15, 1992.

TRD-9209698 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: July 15, 1992

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

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**Texas State Library and Archives
Commission**

Local Government Records Committee

Notice is hereby given, pursuant to the Texas Government Code, Chapter 441, Subchapter J, for the purpose of making an appointment to the Local Government Records Committee.

Raynette Boyd, City Secretary, Lubbock, and Oliver Lewis, County Auditor, Bexar County, have been appointment to serve on the committee for terms to expire February 1, 1993.

Ms. Boyd is appointed to fill the vacancy arising from the resignation of Alice Church and Mr. Lewis is appointment to fill the vacancy arising from the registration of Jerry L. Ware.

Issued in Austin, Texas, on July 9, 1992.

TRD-9209611 Raymond Hitt
Assistant State Librarian
Texas State Library and Archives
Commission

Filed: July 13, 1992

For further information, please call. (512) 463-5440

**Lower Rio Grande Valley Development
Council**

Consultant Proposal Request

This request by the Lower Rio Grande Valley Development Council (LRGVDC) for planning and/or engineering consultant service is filed under the provisions of the Texas Civil Statutes, Article 6252-11c. Specifically, the LRGVDC is seeking planning and/or engineering consultant assistance in the development of a Regional Transit Plan for the tri-county area of Hidalgo, Cameron and Willacy counties. The consultant will assist in the design of a Section 9 Operation Program.

Scope of Services. The consultant will perform a comprehensive transportation study fully exploring and providing recommendations for the implementation of a Section 9 urbanized fixed and demand response transit system for the area, which will include full operational and management strategies. The consultant will provide specific, detailed financial options, grant options and local match requirements. An analysis on how existing private sector operations would be affected and how they could be accommodate within the establishment of a Section 9 system.

Contract Award Procedures. Proposals will be screened by the staff of the LRGVDC in accordance with guidelines for firm qualifications, determined by the LRGVDC. A minimum of three firms will be selected to be interviewed by the LRGVDC. Final selection of the consultant firm will be made by the LRGVDC Board of Directors.

Regulations. In accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d-2000d-4, the LRGVDC affirmatively ensures that no firm or individual will be discriminated against on the grounds of their race, color, sex, age or national origin in regards to participation in this request for proposal process no in the consideration of the eventual award of the project.

Submittal of Proposal. Ten copies of the proposals must be delivered no later than 4 o'clock p.m. on the 31st day of August, 1992. Late proposals will not be accepted. Proposals should be mailed to the attention of Richard M. Hinojosa, at the Lower Rio Grande Valley Development Council, 4900, North 23rd Street, McAllen, Texas 78504.

Issued in Austin, Texas, on July 8, 1992

TRD-9209617 Kenneth N Jones
Executive Director
Lower Rio Grande Valley Development
Council

Filed: July 13, 1992

For further information, please call. (512) 682-3481

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**Panhandle Regional Planning
Commission**

Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Panhandle Regional Planning Commission publishes this notice of consultant contract award. The

consultant proposal request first appeared in the March 6, 1992, issue of the *Texas Register* (17 TexReg 1767). The consultant is to provide technical assistance and training to a number of the region's communities, joining together under a joint contract, in incorporating the standards of the Americans With Disabilities Act (ADA) of 1990 (primarily Titles I and II) into local policies and procedures.

The consultant selected to provide this assistance and training is the disability management firm of Workability, 4253 Montgomery Boulevard, N.E., Suite 210, Albuquerque, New Mexico 87109. The contract will be broken into three areas of assistance and training (ADA Employment Training and Job Analysis, ADA Employment Training Only; and ADA Training in Public Access to City Services, Facilities and Programs). Each participating community will determine the extent of their own participation in the various aspects of this contract and pay only for the level of service which they directly receive. The contract amount is based on the declining scale and is dependent upon the number of communities participating in the different areas of this contract. The greater the number of communities participating under each contract area, the less the cost is per community participating in that aspect of the contract. The contract is scheduled to begin on July 8, 1992, and will be completed by the end of August 1992.

Since the contract is broken into three subareas of assistance and training, the training and end products that each of the contract participants receives will vary depending on which area(s) they have participated in. ADA Training and Job Analysis and ADA Training Only participants will be trained to integrate Title I requirements into local policies and procedures and receive manuals to provide on-going guidance after the contract training has been completed. In addition, ADA Training and Job Analysis participants will receive a total of 48 individual ADA compliant job descriptions which can easily be modified to meet local needs and a software package that can be used to modify or create new job descriptions. ADA Training in Public Access to City Services, Facilities and Training participants will receive training which will cover Title II of the Act and manuals to provide further guidance in meeting the accessibility requirements of the Act.

Issued in Amarillo, Texas, on July 6, 1992.

TRD-9209396 John Klehl
Assistant to the Executive Director
Panhandle Regional Planning Commission

Filed: July 8, 1992

For further information, please call (806) 372-3381

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State Pension Review Board

Consultant Contract Award

Under provisions of Texas Civil Statutes, Article 6252-11c, the State Pension Review Board (PRB) has awarded a contract for actuarial services to Milliman & Robertson, Inc. 1301 Fifth Avenue, Suite 3800, Seattle, Washington 98101 following a consultant proposal request published in the March 20, 1992, issue of the *Texas Register* (17 TexReg 2159). The purpose of this contract is twofold: to provide actuarial assistance in conducting an actuarial audit of the El Paso municipal, police, and fire retirement systems, and report to PRB orally and in writing on the findings, and to provide actuarial review of pension legislation when the Texas Legislature is in ses-

sion. The contract is effective June 15, 1992 to August 31, 1993 with a maximum expenditure of \$25,000 for fiscal year 1992 and \$65,000 fiscal year 1993.

Issued in Austin, Texas, on July 14, 1992.

TRD-9209656 Lynda Baker
Administrative Technician II
State Pension Review Board

Filed: July 14, 1992

For further information, please call (512) 463-1736

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Public Utility Commission of Texas

Notices of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on June 23, 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 of Title Number. Application of GTE Southwest Incorporated to Amend Certificate of Convenience and necessity with Red River County, Docket Number 11273, before the Public Utility Commission of Texas.

The Application. In Docket Number 11273, GTE Southwest Incorporated seeks approval of its application to amend the exchange area boundary between its Clarksville exchange and Contel of Texas, Inc.'s Bagwell exchange to allow residential customers to establish telephone service from the Clarksville exchange. In addition, the proposed boundary revision will transfer three grandfathered subscribers to their actual serving areas within the Clarksville exchange.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400, 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 30, 1992.

Issued in Austin, Texas, on July 14, 1992

TRD-9209622 John M. Rentrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 13, 1992

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

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Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 29, 1992, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket of Title Number. Application of Kaufman County Electric Cooperative, Inc., to amend certificate of convenience and necessity for proposed transmission line within Kaufman County, Docket Number 11287 before the Public Utility Commission of Texas.

The Application. In Docket Number 11287, Kaufman County Electric Cooperative, Inc. requests approval of its application to construct approximately nine miles of 138kV transmission line and an associated substation in Kaufman County.

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

Issued in Austin, Texas, on July 13, 1992

TRD-9209621 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 13, 1992

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



Notice of Intent to File Pursuant to PUC Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Orange County, Orange.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval Plexar-Custom Service for Orange County pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 11308.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Orange County. The geographic service market for this specific service is the Orange area.

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

Issued in Austin, Texas, on July 15, 1992

TRD-9209679 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 13, 1992

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



Notice of Petition of Gate City Electric Cooperative, Inc. for Waiver of Substantive Rule 23.3

Notice is given to the public of the filing of an application by Gate City Electric Cooperative, Inc. (Gate City) with Public Utility Commission of Texas for Waiver of PUC Substantive Rule 23.3.

Docket Number of Style. Docket Number 11286. Petition of Gate City Electric Cooperative, Inc. for waiver of Substantive Rules 23.3.

The Application. Gate City filed a petition requesting waiver of the requirement that the test year commence with a calendar quarter.

Person who wish to intervene must do so by filing a motion to intervene and an statement of position by Friday, August 7, 1992, at the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission, Public Information Division at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on July 13, 1992.

TRD-9209680 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: July 14, 1992

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



Texas Low-Level Radioactive Waste Disposal Authority Consultant Proposal Requests

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c

Description. The Texas Low-Level Radioactive Waste Disposal Authority (the Authority) is charged with the responsibility of siting and constructing a facility for the disposal of low-level radioactive waste. In the siting process, the Authority is required to cooperate with local governments and interested parties in appropriate evaluation activities. In particular, the Authority is interested in working with the community of Sierra Blanca, the community nearest the proposed disposal site, to assist them in dealing with potential local socioeconomic impacts. Included among the potential impacts, both positive and negative, is the allocation of substantial payments of money to local political subdivisions. The purpose of this contract is to assist the Authority by working with persons in the community of Sierra Blanca and with residents of Hudspeth County to develop appropriate mechanisms to handle local socioeconomic impacts, if any

Person to Contact. Further information may be obtained from Lawrence R. Jacobi, Jr., P.E., General Manager, at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292

Deadline for Submission of RFP. This RFP will close on Friday, July 31, 1992, at 5 p.m

Services Previously Performed. These services have been previously performed by Program Development Associates, San Antonio. The Authority intends to continue with and to award the contract for consulting services to Program Development Associates for fiscal year 1993 unless a better proposal is submitted in response to this request.

Evaluation Criteria. Proposals received in response to this request will be evaluated according to the following criteria: prior experience of the firm and staff in working with state and local governments and programs, demonstrated competence and qualifications of staff directly related to community development, organization, size and structure of the firm, the firm's understanding of the work

to be performed, and reasonableness of the fee for services.

General Information. The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirement to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired.

The proposal should be for a period of one year, but the Authority will retain the option of extending the contract for an additional year.

Form and Format. Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Community Development Services" addressed to Lawrence R. Jacobi, Jr., P.E., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5 p.m. July 31, 1992. The proposal should be typed, preferably double-spaced and completed on 8 1/2 by 11-inch paper with all pages sequentially numbered and either stapled or bound together.

Issued in Austin, Texas, on July 14, 1992.

TRD-9209695 Lee H. Mathews
Deputy General Manager and General
Counsel
Texas Low-Level Radioactive Waste
Disposal Authority

Filed: July 14, 1992

For further information, please call: (512) 451-5292



This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

Description. The Texas Low-Level Radioactive Waste Disposal Authority (the Authority) is charged with the responsibility of siting and constructing, and operating a facility for the disposal of low-level radioactive waste. In the licensing process, the Authority is required to develop detailed operating plans and procedures. Such procedure relate to waste disposal operations, radiological safety, emergency response, and security. The Authority is interested in securing with a consultant to advise them on the management of low-level radioactive waste operations, with specific attention to compliance with the rules and regulations of the Texas Department of Health and the Texas Water Commission. This consultant will also be responsible for reviewing and commenting on plans and procedures developed by the Authority staff in support of the licensing and operations process.

Person to Contact. Further information may be obtained from Christine Pollard, C.H.P., at the Texas Low-Level Radioactive Waste Disposal Authority, 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, or by calling (512) 451-5292.

Deadline for Submission of RFP. This RFP will close on Friday, July 31, 1992, at 5 p.m.

Services Previously Performed. These services have been previously performed by Hugh Bryan, Austin. The Authority intends to continue with and to award the contract for consulting services to Hugh Bryant for fiscal year 1993 unless a better proposal is submitted in response to this request.

Evaluation Criteria. Proposals received in response to this request will be evaluated according to the following criteria: prior experience in working with state and federal regulations related to the handling and disposal of radioactive waste with specific emphasis on the rules and regulations of the U.S. Nuclear Regulatory Commission, the Texas Department of Health, and the Texas Water Commission; demonstrated competence and qualifications of staff directly related to licensing, procedures development, and radioactive waste processing and storage operations; organization, size, and structure of the firm; the firm's understanding of the work to be performed; and reasonableness of the fee for services.

General Information. The Authority reserves the right to accept or reject any or all proposals submitted. The Authority is under no legal requirement to execute a consultant contract on the basis of this notice. The Authority intends the material herein only as a general description of the services desired.

The proposal should be for a period of one year, but the Authority will retain the option of extending the contract for an additional year.

Form and Format. Three copies of the proposal are requested. They should be sent by mail, or delivered in person marked "Proposal for Radiological Consulting Services" addressed to Christine Pollard, C.H.P., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752. Proposals shall be received at this address not later than 5 p.m. July 31, 1992. The proposal should be typed, preferably double-spaced and completed on 8 1/2 by 11-inch paper with all pages sequentially numbered and either stapled or bound together.

Issued in Austin, Texas, on July 14, 1992.

TRD-9209694 Lee H. Mathews
Deputy General Manager and General
Counsel
Texas Low-Level Radioactive Waste
Disposal Authority

Filed: July 14, 1992

For further information, please call: (512) 451-5292



Texas Water Commission Notice of Applications for Municipal Solid Waste Permits

Attached are Notices of Receipt of Applications and Declaration of Administrative Completeness for municipal solid waste permits issued during the period of July 6, 1992 thru July 10, 1992.

These applications have been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Water Commission. Persons should be advised that these applications are subject to change based on such evaluation.

These notices are issued pursuant to the Texas Health and Safety Code, §361.0665. Any person who may be affected by the facility is entitled to request a hearing from the commission. The commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

Information concerning these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

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

TRD-9209570

Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 13, 1992

For further information, please call: (512) 463-7898

◆ ◆ ◆
**Notice of Application For Waste
Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 6, thru July 10, 1992.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7906

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

The Atchison, Topeka, & Santa Fe Railway Company; a railroad main line fueling facility; The plant site is about 800 feet north of the Hawkins Road Crossing and 3,400 feet north of FM 3117 Crossing, south of the City of Temple in Bell County; renewal; 02545.

Aztec Cove Property Owners Association; the wastewater treatment facilities; is approximately seven miles east of the City of Trinity on the north side of FM 356, approximately 2,000 feet west of the bridge over the White Rock Creek Arm of Lake Livingston in Trinity County; renewal; 11831-01.

Boral Bricks, Inc.; a brick manufacturing facility; the plant site is approximately 250 feet southeast of the intersection of U.S. Highway 259 and State Highway 322, approximately 2-1/4 miles northwest of the courthouse in the City of Henderson in Rusk County; renewal; 01570.

Celanese Engineering Resins, Inc.; the Bishop Plant which manufactures organic chemicals and engineering plastics; the plant site is adjacent to State Highway-Loop 428, approximately one southwest of the City of Bishop in Nueces County; renewal; 00579.

Citgo Refining and Chemicals, Inc.; Corpus Christi Refinery; a petroleum refinery; the plant site is at 1801 Nueces Bay Boulevard in the City of Corpus Christi in Nueces County; renewal; 00467.

Cooper Industries, Inc.; Cooper Oil Tool Division; a oil tool manufacturing plant; the plant site is approximately 10 miles north of the City of Marshall and just west of State Highway 59 approximately one quarter mile south of FM Road 1997 in Harrison County; renewal; 02253.

Explorer Pipeline Company; Greenville Tank Farm, a petroleum products storage and transfer facility; the plant site is approximately one mile north of Interstate Highway 30, and 1/4 mile east of FM 36 near the City of Caddo Mills in Hunt County; renewal; 02395.

Galveston County Fresh Water Supply District Number 6; the wastewater treatment facilities; are on the eastern end of Wilson Point in West Bay in Galveston County; renewal; 10879-01.

James H. Glanville, Trustee; the wastewater treatment facilities; is at the confluence of Greens Bayou and the Houston Ship Channel on the north bank of the Houston Ship Channel and on the west bank of Greens Bayou in Harris County; renewal; 12313-01.

Hunter's Glen Municipal Utility District; the Fox Trial Wastewater Treatment Facilities; the plant site is approximately two miles northwest of the intersection of FM 1960 and Lee Road, approximately 1-3/4 miles northeast of the intersection of FM Road 1960 (Humble-Westfield Road) and Tettar Road in Harris County; renewal; 11618-02.

Lee County Fresh Water Supply District Number 1; the wastewater treatment facilities; is approximately 0.5 of a mile northeast of Dime Box and 3,000 feet east-northeast of the intersection of FM Road 141 and the Southern Pacific Railroad in Lee County; renewal; 12007-01.

City of Lexington; the wastewater treatment facilities; is west of Lexington, approximately one mile south and on-half mile west of the intersection of FM Road 112 and State Highway Spur 123 in Lee County; renewal; 10016-01.

City of Overton; the wastewater treatment facilities; is approximately 2,900 feet east of the intersection of Henderson Street and Linda Lane in Rusk County; renewal; 10242-01.

J. W. Massey; the Oak Hollow Wastewater Treatment Facilities; the plant site is approximately 3/4 miles southeast of the intersection of FM Road 2540 and State Highway 35 in Matagorda County; renewal; 11768-01.

City of Pampa; the wastewater treatment facilities; is on the north bank of Red Deer Creek, at a point 3,400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of U.S. Highway 60 and State Highway 273 in Gray County; renewal; 10358-02.

Town of Prosper; the wastewater treatment facilities; are approximately 300 feet west of the intersection of the St. Louis and San Francisco Railroad and Seventh Street in the City of Prosper in Collin County; renewal; 10915-01.

Renn Road Municipal Utility District; the wastewater treatment facilities; are at 9535 Sugarland-Howell Road; located immediately northeast of the crossing of Sugarland-Howell Road over Keegans Bayou in Fort Bend County; renewal; 12078-01.

City of Spur; wastewater treatment facility; the plant site is south of Seventh Street, approximately 1,600 feet east of FM Road 261 in Dickens County; amendment; 10289-01.

Sterling Chemicals, Inc.; a chemical manufacturing facility that produces organic and inorganic chemicals; the plant site is at the south end of Bay Street, on the west shore of Galveston Bay in the City of Texas City in Galveston County; renewal; 00575.

URI, Inc.; the Rosita Mining Project; is approximately 11 miles northwest of San Diego in Duval County, Texas; WDW-250 is located approximately 2,217.31 feet from the southeast line and approximately 711.53 feet from the southwest line of the H&GN Survey, A-314 (north latitude 27 degrees 49 feet 45 inches, west longitude 98 degrees 24 feet 17 inches); amendment; WDW-250.

URI, Inc. drilling and operation of two non-hazardous waste disposal wells at the Vasquez Mining Project; the Vasquez Mining Project is approximately four miles north of Hebbronville near State Highway 16 in southern Duval County. WDW-308 is to be approximately 18,450 feet from the northeast line and approximately 21,600 feet from the northwest line of the Santa Maria de Los Angeles de Abajo Trinidad Vela, A-612, (north latitude 27 degrees 22 feet 43 inches, west longitude 98 degrees 42 feet 41 inches). WDW-309 is to be approximately 18,450 feet from the northeast line and approximately 21,700 feet from the northwest line of the Santa Maria de Los Angeles de Abajo Trinidad Vela, A-612, (north latitude 27 degrees 22 feet 42 inches, west longitude 98 degrees 42 feet 40 inches); new; WDW-308 and WDW-309.

White Rock Estates Property Owners Civic Association; the wastewater treatment facilities; is approximately seven miles east of the City of Trinity on the south side of FM Road 356, approximately 2,000 feet west of the bridge over the White Rock Creek Arm of Lake Livingston in Trinity County; renewal; 13354-01.

Woodmark Development Corporation; the wastewater treatment facilities; is south of FM Road 346, approximately 3,500 feet east of the intersection of FM Roads 2493 and 346 in Smith County; renewal; 13168-01.

Issued in Austin, Texas, on July 10, 1992

TRD-9209571 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: July 13, 1992

For further information, please call: (512) 463-7906

Texas Water Development Board

Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

City of Midlothian, 235 North Eighth Street, Midlothian, Texas, 76065, received June 1, 1992, application for financial assistance in the amount of \$1,725,000 from the State Water Pollution Control Revolving Fund.

City of Austin, Department of Public Works and Transportation, Project Management Division, 505 Barton Springs Road, Suite 740, Austin, Texas, 78704-1248, received June 1, 1992, application for financial assistance in the amount of \$7,225,000 from the State Water Pollution Control Revolving Fund.

City of Allen, One Butler Circle, Allen, Texas, 75002, received June 1, 1992, application for financial assistance

in the amount of \$1,405,000; \$1,080,000 from the Water Supply Account of the Texas Water Development Fund and \$325,000 from the State Water Pollution Control Revolving Fund.

Park Board of Trustees of the City of Galveston, 2102 Seawall Boulevard, Galveston, Texas 77550, received May 29, 1992, application for financial assistance in the amount of \$2,800,000 from the Flood Control Account of the Texas Water Development Fund.

City of Anahuac, P.O. Drawer 578, Anahuac, Texas 77514-0578, received March 4, 1992, application for a \$240,000 increase in financial assistance from the Water Supply Account of the Texas Water Development Fund.

Hull Fresh Water Supply District, P.O. Box 286, Hull, Texas, 77564, received May 7, 1992, application for financial assistance in the amount of \$450,000 from the State Water Pollution Control Revolving Fund.

City of Idalou, P.O. Box 1277, Idalou, Texas, 79329 received June 24, 1992, application for financial assistance in the amount of \$160,000 from the State Water Pollution Control Revolving Fund.

City of Mineral Wells, 211 Southwest 1st Avenue, Mineral Wells, Texas 76067, received June 17, 1992, application for financial assistance in the amount of \$7,685,000 from the State Water Pollution Control Revolving Fund.

City of Alamo, 423 North Tower Road, Alamo, Texas, 78516, received June 17, 1992, application for financial assistance in an amount not to exceed \$24,000 from the Research and Planning Fund.

Upper Colorado River Authority, P.O. Box 680, Ballinger, Texas 76821, received June 8, 1992, application for grant in the amount of \$83,954 from the Research and Planning Fund.

Additional information concerning this matter may be obtained from Craig D. Pedersen, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on July 8, 1992.

TRD-9209407 Craig D. Pedersen
Executive Administrator
Texas Water Development Board

Filed: July 8, 1992

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

Texas Youth Commission

Notice of a Public Hearing

The Texas Youth Commission (TYC) will conduct a public hearing to receive comments on the agency's proposed amendment to §87.99 concerning suicide alert.

The hearing is held in compliance with Texas Civil Statutes, 6252-13a, §5(c), which grants a public hearing if requested by an association having at least 25 members.

The public hearing will be held on August 26, 1992, at 9 a.m. in the Public Hearing Room, located on the first floor of the Brown-Heatly Building, (4900 North Lamar Boulevard, Austin).

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

TRD-9209438 Ron Jackson
Executive Director
Texas Youth Commission

Filed: July 9, 1992

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



1992 Publication Schedule for the Texas Register

Listed below are the deadline dates for the September-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.
52 Friday, July 10	Monday, July 6	Tuesday, July 7
Tuesday, July 14	Wednesday, July 8	Thursday, July 9
53 Friday, July 17	SECOND QUARTERLY INDEX	
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 Friday, January 1	Monday, December 28	Tuesday, December 29

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 1.9% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

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