

Texas Register

Volume 16, Number 32, April 30, 1991

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Texas Register

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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 6 (1981) is cited as follows: 6 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: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3"

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

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House of Representatives

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Public Utility Commission of Texas

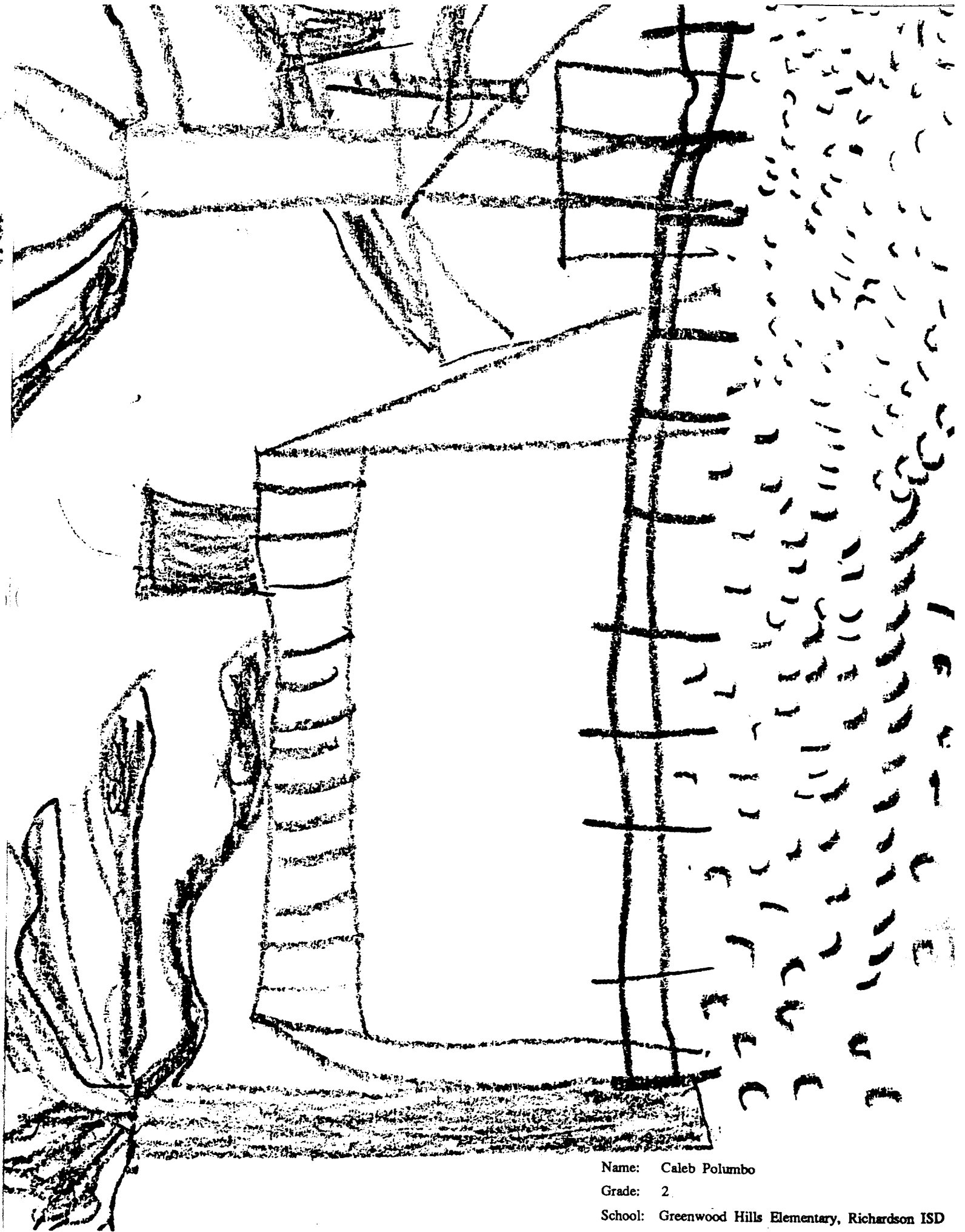
2434–Notice of Intent to File Pursuant to PUC Substantive
Rule 23.27



Name: Ben Owen

Grade: 2

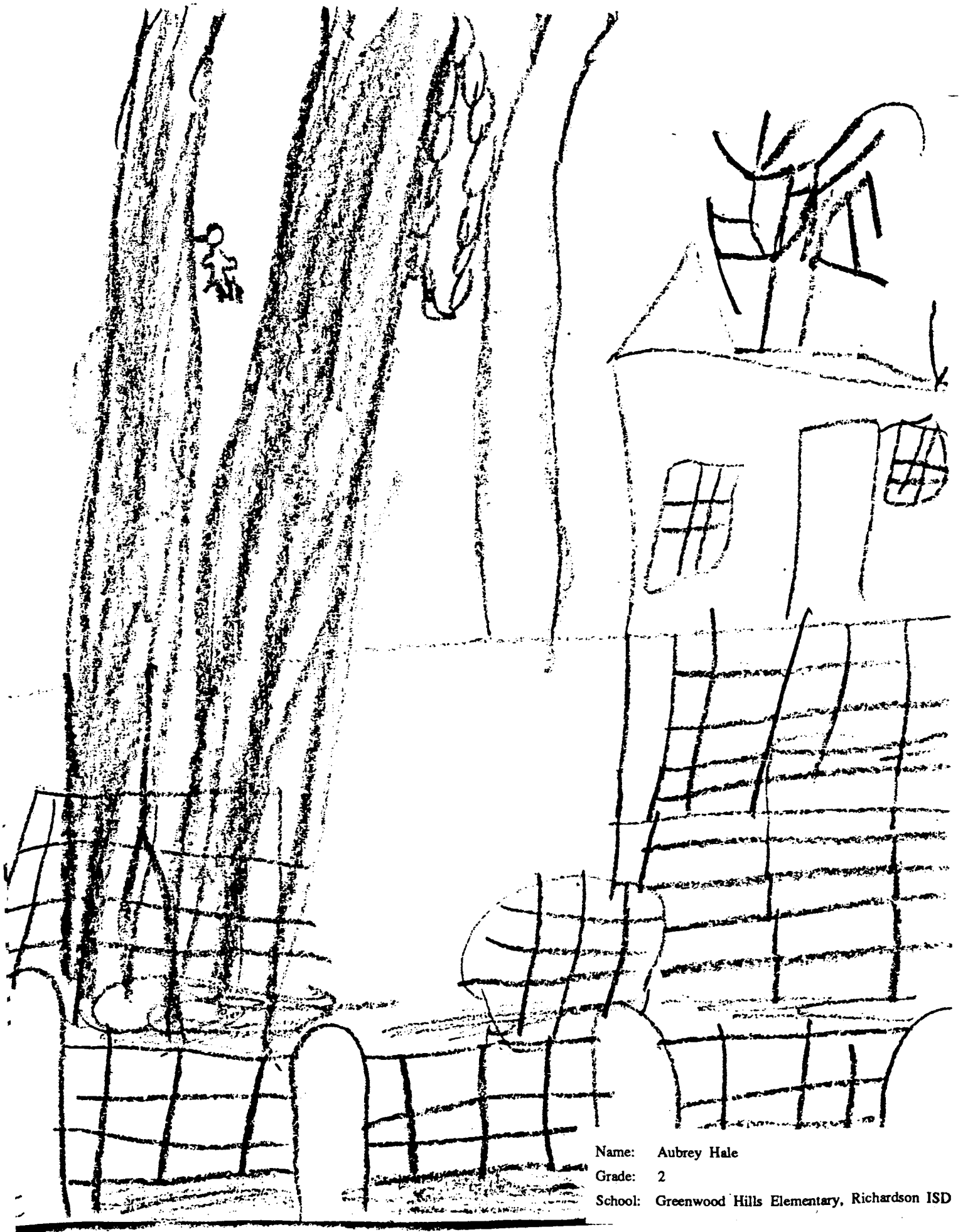
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TAC Titles Affected

TAC Titles Affected—April

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40 TAC §14.204—2356

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40 TAC §175.4—2305

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40 TAC §§189.2, 189.3, 189.5, 189.10—2284

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Part I. State Department of Highways and Public Transportation

43 TAC §21.150—1965

43 TAC §25.91—1965

◆ ◆ ◆

Chris



Name: Chris Morton

Grade: 2

School: Greenwood Hills Elementary, Richardson ISD

Proposed Sections

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

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

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 215. Nurse Education

• 22 TAC §215.17

The Board of Nurse Examiners proposes an amendment to §215.17, concerning clinical resources. The Board of Nurse Examiners is proposing the deletion of subsection (f) relating to a cooperating agency completing an annual report. By deleting this subsection, the institution utilizing the clinical facility would be required to evaluate the clinical resource and complete the report as part of their yearly review.

Louise Waddill, R.N., Ph.D., 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.

Ms. Waddill 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 the cooperating agency utilized as a clinical laboratory will no longer be required to submit an annual report directly to the board; but that the institution utilizing the facility will be required to include an evaluative report when submitting the program's annual summary. 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 Louise Waddill, RN, Ph.D., Executive Director, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

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

§215.17. *Clinical Resources.*

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

[(f) A cooperating agency utilized as a clinical laboratory shall submit an annual report on forms provided by the board.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas, on April 19, 1991.

TRD-9104729

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

Earliest possible date of adoption: May 31, 1991

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

◆ ◆ ◆ Part XIX. Polygraph Examiners Board

Chapter 391. Polygraph Examiner Internship

• 22 TAC §391.3

The Polygraph Examiners Board proposes an amendment to §391.3, concerning internship training schedule. The amendment is proposed for the ultimate benefit of the public by insuring that only qualified polygraph schools will be approved by the board.

Bryan M. Perot, executive officer, 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. Perot, 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 polygraph industry will be more closely regulated in areas that the board determines to be critical. 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 Bryan M. Perot, Polygraph Examiners Board, P.O. Box 4087, Austin, Texas 78773.

The amendment is proposed under Texas Civil Statutes, Article 4413(29cc), which provide the Polygraph Examiners Board with the authority to regulate persons who purport to be able to detect deception or to verify truth of statements through the use of instrumentation.

§391.3. *Internship Training Schedule.* The following internship schedule has been approved and adopted by the board as a minimum type and number of hours of any internship training program to be utilized in a course of supervised instruction of not

less than 32 hours per week:

(1)-(12) (No change.)

(13) Approved polygraph schools include the following:

(A) Backster School of Lie Detection;

(B) United States Army Polygraph School;

(C) GORMAC;

(D) National Training Center of Polygraph Science;

(E)[(F)] Virginia School of Polygraph; [(E)] John E. Reid School;

(F)[(G)] University of Houston, Downtown College, Polygraph Program;

(G)[(H)] Maryland Institute of Criminal Justice;

(H)[(I)] American Institute of Technology and Applied Psychology;

(I)[(J)] Argenbright International Institute of Polygraph;

[(K)] Los Angeles Institute of Polygraph;

(J)[(L)] Arizona School of Polygraph Science;

(K)[(M)] any other polygraph school or institution the board may approve from time to time.

(14)-(16) (No change.)

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

Issued in Austin, Texas, on April 23, 1991.

TRD-9104777

Bryan M. Perot
Executive Officer
Polygraph Examiners
Board

Earliest possible date of adoption: May 31, 1991

For further information, please call: (512) 465-2058

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.28, §7.30

The State Board of Insurance proposes amendments to §7.28 and §7.30, concerning the application of penalty and interest to the quarterly prepayment system and taxpayer election for premium tax overpayment. The amendments were adopted on an emergency basis and became effective on December 11, 1990. Notice of the emergency adoption appeared in the December 18, 1990, issue of the *Texas Register* (15 TexReg 7361). Notice of extension of the effective period of the emergency adoption appeared in the April 16, 1991, issue of the *Texas Register* (16 TexReg 2137). These amendments are necessary to ensure the equitable application to all insurers of the taxpayer election for premium tax overpayment. The amendment to §7.28 clarifies that the section applies to quarterly prepayments under the Insurance Code, Articles 4.10, §6(b); 4.11, §13(a); and 9.59, §3(b), which requires insurers with net tax liability for the previous calendar year in excess of \$1,000 to prepay their current year's taxes on a quarterly basis. Section 7.30 allows taxpayers to elect to apply overpayments of the correctly reported annual tax liability, as reported on the original return, against future quarterly prepayments of the following tax year. The amendment to §7.30 allows taxpayers to also apply overpayments as credit against quarterly prepayments in situations where an amended annual return is subsequently filed.

Phil Ballinger, director of tax administration, 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 the sections, and there will be no impact on local employment or local economy.

Mr. Ballinger 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 equitable application to all insurers of the taxpayer election for premium overpayment. 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 Phil Ballinger, Director of Tax Administration, Mail Code, 009-4, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendments are proposed under the Insurance Code, Articles 4.10, §6(c); 4.11, §13(b); and 9.59, §3(c), which provides the State Board of Insurance with the authority to establish such rules, regulations, minimum standards, or limitations which are fair and reasonable as may be appropriate for the augmentation and implementations of the articles, which relate to payment of premium tax; and under the Insurance Code, Article 4.13 and Article 4.14, which imposes interest and penalties for late payment of taxes.

§7.28. Late Payment of Premium Tax Liability During Any Quarterly Prepayment Tax Period. In each instance involving the late payment of premium tax liability during a quarterly prepayment tax period, pursuant to the Insurance Code, Articles 4.10, §6(c); 4.11, §3(b), and 9.59, §3(c), interest and penalty in accordance with the Insurance Code, Article 4.13 and Article 4.14, will be applied from the time the payment was due until the time it is paid.

§7.30. Taxpayer Election in Instances of Overpayment of Premium Tax Liability.

(a) Whenever an overpayment of the actual annual premium tax liability occurs as determined by the accurate and correct filing of the original or amended annual tax return by the taxpayer with the tax administration [collection] section, the taxpayer may elect to apply the amount of the overpayment to the first and any and all subsequent tax quarter(s) of the following tax year until such overpayment has been exhausted. Once a taxpayer has made the aforementioned election, it cannot be reversed and the Tax Administration [Collection] Section of the State Board of Insurance will continue to apply the existing overpayment to meet quarterly prepayment tax obligations through the fourth quarter or until the overpayment is exhausted. Should a balance remain following the fourth quarterly prepayment, the balance will be refunded at that time by warrant to the taxpayer as allowed by the state comptroller. Overpayment credits may not be applied beyond the fourth quarterly prepayment of a single tax year. [Should the taxpayer file or be required to file an amended annual tax return due to errors on the original filing, any election to apply overpayment credits would be void.] All taxpayers applying overpayments to quarterly prepayments must file a timely quarterly prepayment tax form as required by the Insurance Code, as amended.

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

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

Issued in Austin, Texas, on April 24, 1991.

TRD-9104784

Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: May 31, 1991

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

Part II. Texas Workers' Compensation Commission

Chapter 180. Compliance and Practices-Administrative Violations and Penalties

• 28 TAC §§180.4-180.8

The Texas Workers' Compensation Commission proposes new §§180.4-180.8, concerning review of employer compliance with the Texas Workers' Compensation Act (the Act), Texas Civil Statutes, Article 8308-1.01 et seq; access to compensation-related records; evidence of patterns of conduct for purposes of assessing administrative penalties; the date administrative are deemed to occur; and notice of administrative violation and penalty. The sections clarify the procedures of the compliance and practices division and describe how administrative violations are assessed.

Proposed §180.4 sets out the procedures for a review of an employer's records by the compliance and practices division of the commission. The review may be conducted at the employer's offices, after prior written notice mailed seven days before the review; the notice shall specify the date and time of the review and identify commission staff involved. The section requires the employer to identify a knowledgeable contact to assist the commission reviewer in getting information. The section requires the commission to provide written findings to the employer within 10 days after the review; the employer may file a response which shall identify corrective actions to be taken.

Proposed §180.5 requires a person subject to monitoring by the commission to provide records that are requested, and identified, by the commission. The records must be produced by the specific date stated in the request; failure to provide access to records without good cause is a Class D administrative violation.

Proposed §180.6 defines the occurrences of wrongful acts that will make a pattern of conduct for purposes of enforcing administrative penalties under the Act. According to the section, a pattern of conduct can be established in any of three ways: by the first conviction in court for a criminal offense under the Act; by at least three administrative violations of the same provision of the Act; or by prohibited action following a written warning from the commission.

Proposed §180.7 states that an administrative action is deemed to have occurred on the date anyone of four acts or omissions: when a noncompliant action is taken; when no action is taken by the date required by the Act or commission rule; when the third noncompliant action in a pattern of conduct is taken; or when the third failure to act on a required date, in a pattern of conduct has occurred.

Proposed §180.8 sets out the contents of a notice of administrative violation that will be

issued by the commission when it finds non-compliance with the Act. The notice of violation and penalty is required by the Act, §10.32. The section states that the notice will be issued by the division of compliance and practices, and sent to the charged person. The notice will briefly state the facts that constitute a violation, describe the sanction, and/or amount of penalty assessed, cite the law on which the violation and penalty are based, and briefly state the rights and duties of the charged person relating to responding to the charge or requesting a hearing. The notice will also include information required in hearings rules under Chapter 145, if any. The section gives the charged person no longer than 20 days to file a written answer to the charge; the answer must either agree with the sanction and pay the fine, or request a hearing, according to §145.3. The section requires payment of a fine by cashier's check or money order, paid to the commission. Finally, the section allows the compliance and practices division to postpone civil penalty action until any criminal offense under the Act is prosecuted.

R. Glenn Looney, manager of planning and analysis, 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. There is no anticipated impact on employment, locally or statewide as result of implementing the sections.

Mr. Looney 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 the implementation of the Texas Workers' Compensation Act adopted by recent legislation and clarification of the audit to be used by the division of compliance and practices to monitor compliance by insurance carriers with the Act. There will be no effect on small businesses. There is no anticipated economic costs to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Susan M. Kelley, General Counsel, Texas Workers' Compensation Commission, Southfield Building, 4000 South IH-35, Austin, Texas 78704. Comments will be accepted for 30 days after publication of this proposal in the *Texas Register*.

The new sections are proposed under the Texas Workers' Compensation Act, Texas Civil Statutes, Article 8308-2.09(a), which authorizes the commission to adopt rules necessary to implement and enforce the Act, and Article 8308-7.04(a), which authorizes the division of health and safety of the commission to develop a program to identify "extra-hazardous" employers, as that term is defined therein.

§180.4. Review of Employer Compliance.

(a) A review of the employer's compliance with the Texas Workers' Compensation Act (Act) and rules of the commission may be performed by the division of compliance and practices.

(b) The division may conduct such review at the offices of the employer.

(c) The division shall provide notice in advance of any review at the offices of the employer. That notice shall:

- (1) be in writing;
- (2) be mailed at least seven calendar days before the review is to be performed;
- (3) specify the information that must be made available;
- (4) list the names and phone numbers of commission staff involved in the review; and
- (5) specify the date, time, location, and conditions of the review.

(d) The employer shall designate a contact person to coordinate the review. That contact person shall:

- (1) provide reasonable access to requested information;
- (2) respond to reasonable needs of reviewers on-site or to telephone inquiries by reviewers; and
- (3) be familiar with the record keeping system and procedures regarding claims related information.

(e) Written findings of the review will be provided to the employer at the time of the review or within 10 days after the review is completed.

(f) The employer may prepare and file with the division of compliance and practices a management response to the review findings identifying any proposed corrective actions.

§180.5. Access to Workers' Compensation Related Records.

(a) Upon written request from the commission, any person subject to monitoring or review by the commission shall provide access to all records and information held by that person related to issues being reviewed or investigated.

(b) The request will identify the information or documents to be produced, and will provide a specific reasonable date to produce the information.

(c) Failure, without good cause, to provide access to records and information as specified by this rule is a Class D administrative violation.

§180.6. Evidence of Patterns of Conduct. For purposes of enforcement of the portions of the Texas Workers' Compensation Act (Act) pertaining to wrongful acts, administrative violations and penalties, the following guidelines apply.

(1) A pattern of conduct is established upon the first conviction by a court for a criminal act established by this Act.

(2) A pattern of conduct may be established by at least three administrative violations of the same provision of the Act or commission rule.

(3) A pattern of conduct is established by a person continuing to engage in acts after the commission has issued a written warning of the prohibited nature and consequences of the act.

§180.7. Date Administrative Violation Deemed To Have Occurred. Administrative violations are deemed to have occurred:

(1) on the date a non-compliant action is taken;

(2) on the date required by the Texas Workers' Compensation Act (Act) or rule, when no action is taken by the close of business on that date;

(3) on the date of the third occurrence of an act deemed by the division of compliance and practices to be a pattern of conduct; or

(4) on the date required by the Act or rule of the third occurrence when no action was taken by the close of business on the required date, and the division of compliance and practices has deemed the omission a pattern of conduct.

§180.8. Notice of Administrative Violation and Penalty.

(a) A notice of administrative violation, and penalty, if any, shall be:

(1) issued by the division of compliance and practices;

(2) on a form approved by the commission; and

(3) sent to the charged person as provided by §102.4 and §102.5 of this title (relating to Filing Documents with Claimant's Representative; General Rules for Written Communications to and from the Commission).

(b) The notice will provide the charged person with:

(1) a brief statement of facts constituting the violation;

(2) the statutory authority under which the violation has occurred and the statutory authority for assessing the sanction;

(3) a description of the sanction, including the amount of the penalty, if any;

(4) any other information required by rules under Chapter 145 of this title (relating to Dispute Resolutions-Hearings Under the Administrative Procedure and Texas Register Act); and

(5) information of the rights, obligations, and procedures for the charged person to file a written answer or request a hearing.

(c) The charged person must file a written answer not later than the 20th day after the date the notice is received. The answer must either consent to the proposed

sanction, and remit the amount of the penalty, if any, or request a hearing as provided by §145.3 of this title (relating to Requesting a Hearing). Payment shall be by cashier's check or money order, made payable to the order of the commission.

(d) In an investigation where both an administrative violation and a criminal prosecution are possible, the division may postpone action on the administrative violation until the criminal prosecution is completed.

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 April 24, 1991.

TRD-9104785

Susan M. Kelley
General Counsel
Texas Workers'
Compensation
Commission

Earliest possible date of adoption: May 31, 1991

For further information, please call: (512) 440-3973

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter O. State Sales and Use Tax

• 34 TAC §3.295

The Comptroller of Public Accounts proposes an amendment to §3.295, concerning natural gas and electricity. The amendment restores the exemption for utilities used for lighting directly in the manufacturing area that was dropped in an earlier revision to the section. The amendment also exempts cooling and heating in the manufacturing area. The change is retroactive.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the section is in effect there will be no significant revenue impact on the state or local government. This section is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses.

Mr. Plaut also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in providing for more efficient tax administration. There is no anticipated economic cost to persons who are required to comply with the proposed section.

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

The amendment is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt,

and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.295. *Natural Gas and Electricity.*

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

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

(4) Manufacturing—Every operation commencing with the first stage of production of tangible personal property and ending with the completion of tangible personal property. The first production stage means the first act of production and it does not include acts in preparation for production. For example, a manufacturer gathering, arranging, or sorting raw material or inventory is preparing for production. When production is completed, maintaining the life of tangible personal property or preventing its deterioration is not a part of the manufacturing process. Tangible personal property is complete when it has the physical properties, including packaging, if any, that it has when transferred by the manufacturer to another. For the purposes of this section, direct use of natural gas or electricity in manufacturing, which includes fabricating and processing, and in providing lighting, cooling, and heating in the manufacturing area, will be referred to as noncommercial use. Also see §3.300 of this title (relating to Manufacturing; Custom Manufacturing; Fabricating; Processing).

(5)-(8) (No change.)

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

(d) Predominant use.

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

(3) When determining the predominant use of natural gas or electricity, utilities used to operate production machinery and for lighting, cooling, and heating in the manufacturing area are [may be considered to be] exempt. Gas and electricity used to operate lighting, cooling, and heating in manufacturing support areas are taxable. Manufacturing support areas include but are not limited to, storage, engineering, office and accounting areas, research and development, and break, eating, and restroom facilities. Utilities used in an area open to the public for the purpose of marketing a product ready for sale are taxable. Utilities used to operate [air conditioning and heating for human comfort, and] other nonproduction machinery or equipment[,] are taxable.

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

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

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

Issued in Austin, Texas, on April 23, 1991.

TRD-9104772

Martin Cherry
Assistant General Counsel
Comptroller of Public
Accounts

Earliest possible date of adoption: May 31, 1991

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Texas

Commission on Jail Standards

Chapter 271. Classification and Separation of Inmates

• 37 TAC §271.3

The Texas Commission on Jail Standards proposes an amendment to §271.3, concerning the cell assignment of inmates in county jails. This amendment will allow greater flexibility in the housing of inmates under disciplinary or administrative separation.

Jack E. Crump, 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. Crump also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be greater ability to properly house disciplinary or administrative separation classification of inmates to provide a safe environment for inmates and jail staff. 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 Jack E. Crump, P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation for county jails.

§271.3. *Cell Assignment.*

(a) The number and capacity of cells or rooms in a facility shall be designed and constructed so that the mandatory separation provisions of the Local Government Code, Chapter 351, relating to the operation of county jails and the facility's inmate classification plan can be implemented [complied with].

(b) In addition to disciplinary separation, inmates who require protection or those who require separation to protect the safety and security of the facility may be housed in a separation cell

as defined in Chapter 253 of this title (relating to Definitions).

(c) Inmates placed in administrative separation shall be reviewed at least every 14 days for continuance of status. Inmates housed in administrative separation shall retain all privileges unless the continuance of such privileges would adversely affect the safety and security of the facility.

(d) Single cells may be utilized for disciplinary or administrative separation provided inmates are allowed access to a dayroom for personal hygiene purposes at a minimum of one hour per day.

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 April 15, 1991.

TRD-9104779

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Earliest possible date of adoption: May 31, 1991

For further information, please call: (512) 463-5505

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**Chapter 283. Discipline and
Grievances in County Jails**

• **37 TAC §283.1**

The Texas Commission on Jail standards proposes an amendment to §283.1, concern-

ing inmate discipline in county jails. This amendment will allow for informal discipline of inmates in podular/direct supervision jail by allowing temporary restriction of inmates to their cells.

Jack E. Crump, 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. Crump 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 enhanced ability to manage podular/direct supervision housing units. 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 Jack E. Crump, P.O. Box 12985, Austin, Texas 78711.

The amendment is proposed under the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation for county jails.

§283.1. Inmate Discipline Plan. Every sheriff shall have and implement a written plan, approved by the commission, for inmate disciplinary procedures prescribing rules governing inmate conduct and staff handling of inmate discipline problems. The

plan and rules shall be available for commission review and approval, and shall:

(1) provide for uniform application of disciplinary rules among all inmates and for maintaining as part of the inmate's file a written record of all discipline, investigation, and punishment (except informal verbal handling by staff for [or] minor acts on nonconformance or minor rule violations).

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

(4) provide that minor acts of nonconformance or minor violations of institution rules may be handled informally by a staff member by counseling or advising the inmate of expected conduct. Temporary restriction to cells for a period not to exceed 24 hours may be imposed on inmates by supervisory level staff in podular/direct supervision facilities.

(5) (No change.)

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

Issued in Austin, Texas, on April 15, 1991.

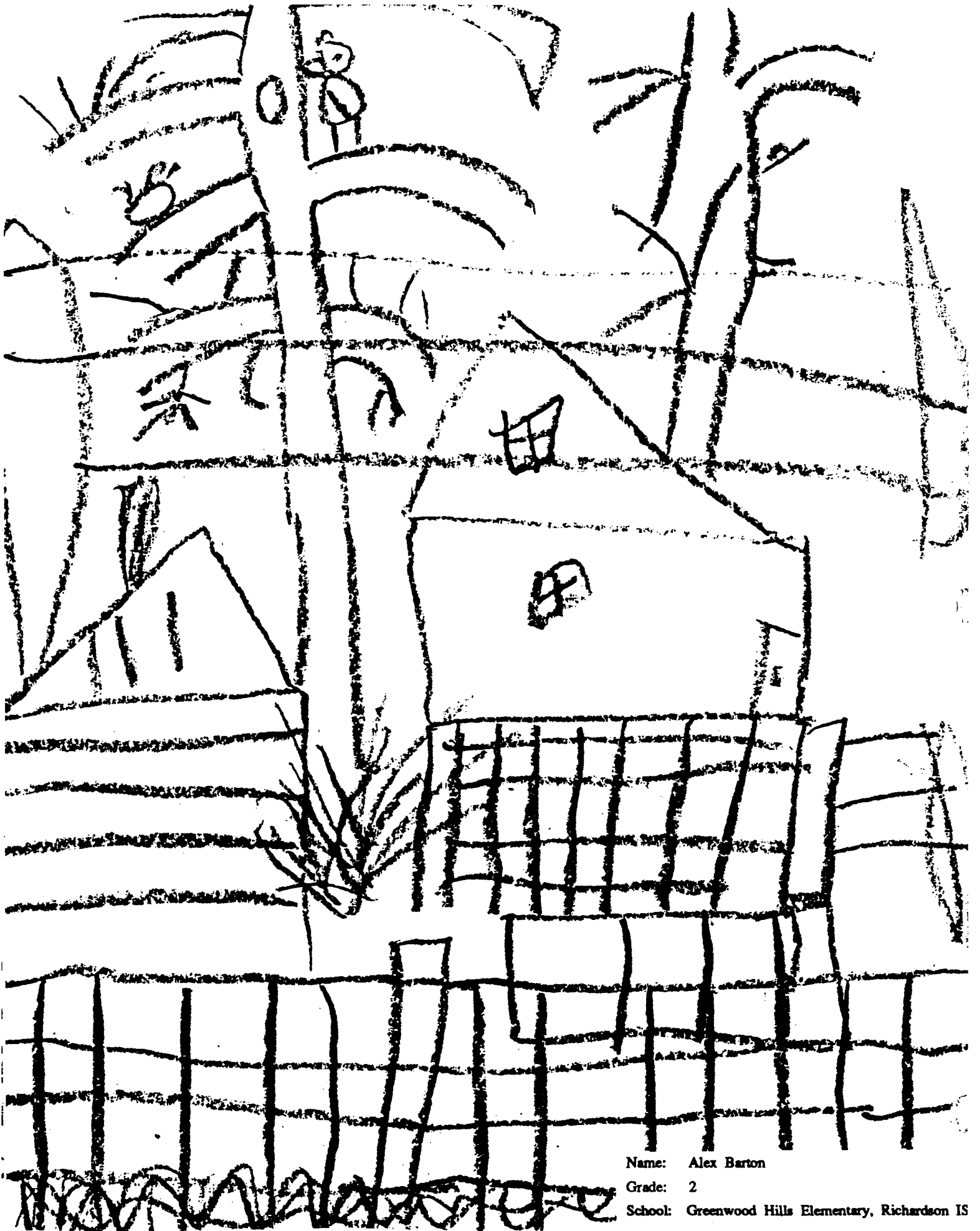
TRD-9104778

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Earliest possible date of adoption: May 31, 1991

For further information, please call: (512) 463-5505

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Name: Alex Barton

Grade: 2

School: Greenwood Hills Elementary, Richardson IS

Adopted Sections

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

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

TITLE 7. BANKING AND SECURITIES

Part II. Banking Department of Texas

Chapter 11. Miscellaneous

Same Powers as National Banks

• 7 TAC §11.83

The Finance Commission of Texas, Banking Section, adopts an amendment to §11.83, without changes to the proposed text as published in the March 5, 1991, issue of the *Texas Register* (16 TexReg 1407).

The amendment is adopted to permit a state bank to retreat its investment in a community development corporation in the same manner as a national bank.

The amendment permits a state bank to charge off its investment in a community development corporation, or carry its investment as an asset under the same circumstances as prescribed for national banks. This will allow state banks to be treated the same as national banks.

The commission received, during the public comment period, one written comment supporting the proposed amendment.

The commentor favoring adoption of the amendment as proposed was the Houston Clearing House Association.

The commission does not disagree with the comment.

The amendment is adopted under Texas Civil Statutes, Article 342-113, which provide the Finance Commission of Texas with the authority to promulgate rules not inconsistent with the Constitution and statutes of this state to define, identify, and determine incidental powers which a state bank may exercise as necessary to its specific powers.

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

Issued in Austin, Texas, on April 12, 1991.

TRD-9104750

Ann Graham
General Counsel
Department of Banking

Effective date: May 14, 1991

Proposal publication date: March 5, 1991

For further information, please call: (512) 479-1200

TITLE 22. EXAMINING BOARDS

Part IX. Texas State Board of Medical Examiners

Chapter 163. Licensure

• 22 TAC §§163.3-163.5, 163.7, 163.8

The Texas State Board of Medical Examiners adopts an amendment to §§163.3-163.5, 163.7, and 163.8, without changes to the proposed text as published in the February 22, 1991, issue of the *Texas Register* (16 TexReg 1128).

The amendment is adopted for clarification of training programs approved by the board and expansion of the state health agency permit to accommodate the needs of state agencies recruiting physicians from other states.

The section will function by clarification of the rules.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 April 22, 1991.

TRD-9104764

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: May 14, 1991

Proposal publication date: February 22, 1991

For further information, please call: (512) 452-1078

Chapter 171. Institutional Permits

• 22 TAC §171.3

The Texas State Board of Medical Examiners adopts an amendment to §171.3, without changes to the proposed text as published in

the February 22, 1991, issue of the *Texas Register* (16 TexReg 1129).

Due to the increasing length of many accredited training programs, this amendment to the institutional permit renewal was felt necessary to allow sufficient time for completion of such programs.

The section will allow an increase in the number of times an institutional permit may be renewed.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 April 22, 1991.

TRD-9104763

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: May 14, 1991

Proposal publication date: February 22, 1991

For further information, please call: (512) 452-1078

Chapter 175. Schedule of Fees and Penalties

• 22 TAC §175.1

The Texas State Board of Medical Examiners adopts an amendment to §175.1, without changes to the proposed text as published in the March 15, 1991, issue of the *Texas Register* (16 TexReg 1535).

Due to the increasing number of applications for licensure by reciprocity received by the board, the increase in fee was felt necessary to facilitate processing.

The amendment will reflect the current and correct fees.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not

inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this 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 April 22, 1991.

TRD-9104762

Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: May 14, 1991

Proposal publication date: March 15, 1991

For further information, please call: (512) 452-1078

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TITLE 28. INSURANCE
Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter C. Maintenance Taxes

• **28 TAC §1.409**

The State Board of Insurance adopts new §1.409, without changes to the proposed text as published in the February 8, 1991, issue of the *Texas Register* (16 TexReg 710).

Section 1.409 concerns assessment of maintenance taxes for payment during 1991. This new section is necessary to record rates of assessment for 1991 for maintenance taxes which the Insurance Code and the Texas Health Maintenance Organization Act require the board to determine annually on various types of insurance and related activities. Timely payment of the taxes is necessary to provide adequate support for the proper functioning of administrative regulation of insurance and related activities in Texas.

New §1.409 assesses and records rates of assessment for maintenance taxes for 1991 on the basis of gross premium receipts for

calendar year 1990 or on some other statutorily designated basis. The new section sets rates of assessment and applies those rates to life, accident, and health insurance; motor vehicle insurance; casualty and fidelity insurance and guaranty and surety bonds; fire and allied lines insurance, including inland marine; workers' compensation insurance; title insurance; health maintenance organizations; third party administrators; and corporations issuing prepaid legal services contracts.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Articles 4.17, 5.12, 5.24, 5.49, 5.68, 9.46, 21.07-6, and 23.08; and the Texas Health Maintenance Organization Act, §33, which provides authorization for the State Board of Insurance to assess maintenance taxes for the lines of insurance and related activities specified in §1.409.

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 April 22, 1991.

TRD-9104752

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: May 14, 1991

Proposal publication date: February 8, 1991

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

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TITLE 34. PUBLIC FINANCE

Part IX. Texas Bond Review Board

Chapter 181. Bond Review Board

Subchapter A. Bond Review Rules

• **34 TAC §181.6**

The Texas Bond Review Board adopts an amendment to 34 TAC, §181.6, without

changes to the proposed text as published in the March 1, 1991, issue of the *Texas Register* (16 TexReg 1355).

The Texas Bond Review Board adopts the proposed section to establish guidelines pertaining to official statements prepared in connection with issuance of bonds approved by the Bond Review Board to conform, to the extent feasible, to the most recent *Disclosure Guidelines for State and Local Government Securities* published by the Government Finance Officers Association.

The amendment facilitates the review process of official statement submitted to the Bond Review Board for approval.

No comments were received regarding adoption of the amendment.

The amendment is adopted under §3, Chapter 1078, Acts of the 70th Legislature, Regular Session, 1987, Texas Civil Statutes, Article 717k-7, which gives the Texas Bond Review Board the authority to adopt rules governing application for review, the review process, and reporting requirements involved in the issuance of state bonds.

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 April 22, 1991.

TRD-9104761

Tom K. Pollard
Executive Director
Texas Bond Review Board

Effective date: May 14, 1991

Proposal publication date: March 1, 1991

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

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*.

State Bar of Texas

Thursday, May 2, 1991, 9 a.m. The Board of Directors of the State Bar of Texas met at the Four Seasons Hotel, Austin. According to the agenda summary, the board will call the meeting to order; take roll call; give invocation; hear reports of chairman of the board, president, president-elect, executive director, general counsel's office, board committees, bar committees/sections/divisions, regarding lawyer referral service, Texas Lawyer's Care, immediate past president, immediate past chair of the board, TYLA president, supreme court liaison, court of criminal appeals liaison, judicial section liaison, and federal judicial liaison.

Contact: Pat Hiller, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1541.

Filed: April 24, 1991, 3:05 p.m.

TRD-9104827

Credit Union Department

Tuesday, April 30, 1991, 10 a.m. The Credit Union Commission of the Credit Union Department will meet at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete emergency revised agenda, the commission will consider proposed repeal of §97.114 and new rule §97.113. The emergency status is necessary due to a typographical error on the original agenda.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: April 23, 1991, 11:36 a.m.

TRD-9104755

Tuesday, April 30, 1991, 10 a.m. The Credit Union Commission of the Credit Union Department will meet at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete emergency revised agenda, the commission will conduct an executive session to consider commissioner evaluation committee report. The emergency status is necessary as this item was inadvertently omitted from original submission.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: April 24, 1991, 11:25 a.m.

TRD-9104805

Texas State Board of Dental Examiners

Friday-Saturday, May 3-4, 1991, 8 a.m. The Texas State Board of Dental Examiners will meet at the San Antonio Convention Center, Room 108, San Antonio. According to the agenda summary, the examiners will approve settlement conference orders; appearances before the board; Dental Hygiene Advisory Committee report; discussion on HIV-AIDS proposed symposium; approval of the transfer of funds to the Texas dental Peer Assistance Program; Texas Dental Peer Assistance Program Report; laboratory certification council report; discussion on board minority opinions; appearances before the board; president's report; board committee reports; Ad Hoc Committee reports; executive director's report; consideration of conscious sedation/anesthesia permit applications; approval of minutes; and on Saturday, adoption of proposed rules; mortality/morbidity committee report.

Contact: C. Thomas Camp, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

Filed: April 24, 1991, 2:24 p.m.

TRD-9104819

Saturday, May 4, 1991, 1 p.m. The Laboratory Certification Council of the Texas State Board of Dental Examiners will meet at the San Antonio Convention Center, Room 108, San Antonio. According to the complete agenda, the council will certify laboratories; hear complaints and comments; discuss legislation; and accept Harry Diddie's resignation.

Contact: C. Thomas Camp, 327 Congress Avenue, Suite 500, Austin, Texas 78701-4037, (512) 477-2985.

Filed: April 24, 1991, 2:27 p.m.

TRD-9104820

Texas Diabetes Council

Friday, May 10, 1991, 10 a.m. The Texas Diabetes Council will meet at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the council will adopt minutes of previous meeting; consider and possibly act on final report on "diabetes day at the capitol"; report on proxy vote for council legislation; report on status of state appropriations bill; ADA government relations meeting report; status reports on council grant sites and CDC grant application; medicare reimbursement for outpatient education; report on diabetes among Native American tribes; update on high risk health insurance; and set meetings for remainder of year.

Contact: Charlene Laramey, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7534.

Filed: April 24, 1991, 2:13 p.m.

TRD-9104817

Texas Education Agency

Friday, April 26, 1991, 8 a.m. The Academic Excellence Indicator Advisory Committee of the Texas Education Agency met at the William B. Travis Building, 1701 North Congress Avenue, Room 2-115, Austin. According to the complete emergency revised agenda, the committee reviewed and approved committee report; made recommendations on graduation rate; recommendations on educational opportunity measure; and future direction of academic excellence indicators. The emergency status was necessary due to urgent public necessity for the agenda to be revised on an emergency basis because of changes in timelines requested by the State Board of Education, in addition to changes that come as a result of the impending arrival of the commissioner of education.

Contact: Leigh Sharpe, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9524.

Filed: April 25, 1991, 9:51 a.m.

TRD-9104844

Texas Department of Health

Thursday, May 2, 1991, 9 a.m. The Children's Speech, Hearing Language Screening Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-652, Austin. According to the complete agenda, the committee will review committee's procedural rules; elect officers; consider overview of speech/language and hearing program (speech/language screening; audiometric laboratory; hearing screening; hearing aid loan program); pending legislation (House Bill 2100); programming for earliest identification of hearing disorders (review, resources and recommendations); programming for earliest identification of speech/language disorders (review, resources and recommendations); and open discussion not requiring any action.

Contact: Doug Ozias, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7420.

Filed: April 24, 1991, 2:12 p.m.

TRD-9104816

Friday, May 17, 1991, 10 a.m. The Dental Technical Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-407, Austin. According to the complete agenda, the committee will approve minutes of previous meeting; recognize new committee member; hear activities report; elect chair and vice chair; hear report, (periodontal survey; county indigent funds; findings relevant to nursing home provider contracts and admitting document); introduction of Doctor Harold Seiler, new EPSDT Coordinator; consider and possibly act on development of guidelines for dental component within primary care program department; pre-K/Head start/day care centers (curriculum development); diabetes program at annual session of Texas Dental Association; grant update and private sector involvement in "assist program" (tobacco use cessation); and set next meeting date.

Contact: Norvell King, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7323.

Filed: April 24, 1991, 2:14 p.m.

TRD-9104818

State Board of Insurance

Wednesday, May 1, 1991, 9:30 a.m. The State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Street, Room 460, Austin. According to the agenda summary, the board will review and

discuss personnel, litigation, and solvency matters.

Contact: Angelia Johnson, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: April 23, 1991, 3:24 p.m.

TRD-9104773

Texas Commission on Law Enforcement Officer Standards and Education

Wednesday, May 8, 1991, 10 a.m. The Law Enforcement Management Institute of the Texas Commission on Law Enforcement Officer Standards and Education will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the complete agenda, the commission will call the meeting to order and recognize visitors; approve minutes of February 13, 1991 meeting; FY 1992 schedule for GMI (September, 1991-August, 1992); proposed topics for special issues (FY 1992); research proposals (FY 1992); staff reports legislation-House Bill 484; GMI; executive issues; special issues; other staff activities; and adjourn.

Contact: Jack L. Ryle, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: April 25, 1991, 8:12 a.m.

TRD-9104842

Monday, May 13, 1991, 2 p.m. The Funding Subcommittee of the Texas Peace Officers' Memorial Advisory Committee of the Texas Commission on Law Enforcement Officer Standards and Education will meet at TCLEOSE Headquarters, 1033 LaPosada, Austin. According to the complete agenda, the subcommittee will call the meeting to order; take roll call of members; recognize guests; approval of the minutes of the January 24, 1991 meeting; report on funding strategy, discussion and action; and adjourn.

Contact: James Ball, 1033 LaPosada, Suite 175, Austin, Texas 78752, (512) 450-0188.

Filed: April 25, 1991, 8:12 a.m.

TRD-9104841

State Preservation Board

Thursday, May 2, 1991, 2 p.m. The Permanent Advisory Committee of the State Preservation Board will meet at the Library and Archives Building, Room 314, Austin. According to the agenda summary, the committee will call the meeting to order; approve minutes; discuss old or unfinished business; new business: consideration of Capitol restoration exterior bid and contract; consideration of Capitol restoration exterior asbestos abatement bid and con-

tract; authorization of change orders; authorization of additional move coordination expenses; project update; furnishings policies; board committees; other business; and adjournment.

Contact: Cynthia Alexander, 201 East 14th Street, Austin, Texas 78711, (512) 463-5495.

Filed: April 24, 1991, 11:54 a.m.

TRD-9104806

Texas State Board of Public Accountancy

Friday, May 3, 1991, 9 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee will review the board's financial statement; status report on the computer conversion; meet in executive session to review of legal matters; reconvene in open meeting to discuss request for reconsideration of reprimand (Bennett); report on the status of major cases; discussion of board member ex parte communications; discussion of board members as panelists/expert witnesses in its own disciplinary proceedings; review of NASBA/AICPA matters; review of sunset and other future legislation; consideration of substantive rules 505.3 (Chairman of the Board); 505.5, (Secretary of the Board); 519.8 (Classification of Parties); 501.40 (Licensing/Registration Requirement); and other matters coming before the committee.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 24, 1991, 2:10 p.m.

TRD-9104814

Friday-Saturday, May 3-4, 1991, 11 a.m. and 10 a.m. respectively. The Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary, the board will approve the minutes of the April 3, 1991 meeting; hear report of the Executive Committee; report of the Licensing Committee; report of the Behavioral Enforcement Committee; report of the Examination Committee; action on substantive rules; ratification of board orders, consent orders and proposals for decision; review of certain board communications; review of future meeting/hearing schedules, review of plans for the May 4, 1991, swearing-in ceremony; and conduction of the swearing-in ceremony.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: April 24, 1991, 2:11 p.m.

TRD-9104815

Public Utility Commission of Texas

Wednesday, May 1, 1991, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets: 8702, et al., 8776, 8778, 8779, 9447, 9874, 7952, 8892, 9229, 9880, 10036, 9837, 9842, P9216, and P9807.

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

Filed: April 23, 1991, 2:58 p.m.

TRD-9104771

Wednesday, May 1, 1991, 9:05 a.m. The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the department will discuss reports; discussion and action on budget and fiscal matters; legislative update; discussion of Mid-America Regulatory Commissioners meeting to be held in Little Rock, Arkansas in June 1991; proposal for evaluation of staff by commissioners; authorization to issue a request for proposals to investigate the prudence of Texas-New Mexico Power's unit two generating facility; UIS system requirements analysis update; adjournment 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 final adjournment.

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

Filed: April 23, 1991, 2:57 p.m.

TRD-9104770

Monday, May 6, 1991, 10 a.m. (rescheduled from April 25, 1991). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10138-application of GTE Southwest, Inc. to provide an additional E911 console for the City of San Angelo's emergency system.

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

Filed: April 24, 1991, 3:33 p.m.

TRD-9104829

Tuesday, May 28, 1991, 2 p.m. (rescheduled from April 25, 1991, 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in

Docket Number 8640-complaint of Compaq Computer Corporation against Southwestern Bell Telephone Company.

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

Filed: April 24, 1991, 2:08 p.m.

TRD-9104812

Friday, May 17, 1991, 9 a.m. (rescheduled from Tuesday, May 14, 1991 at 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9979-petition of the general counsel to inquire into the reasonableness of the rates and services of United Telephone Company of Texas, Inc.

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

Filed: April 23, 1991, 2:57 p.m.

TRD-9104769

Tuesday, May 28, 1991, 9 a.m. (rescheduled from Thursday, May 23, 1991, at 10 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the division will hold a hearing on the merits in Docket Number 10060-application of Brazos River Authority for approval of rates.

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

Filed: April 23, 1991, 2:56 p.m.

TRD-9104767

Tuesday, August 20, 1991, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 10167-application of GTE Southwest, Inc. to revise tariff with regard to the conversion of 59 central offices to process E911 calls and provide automatic number identification.

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

Filed: April 24, 1991, 3:34 p.m.

TRD-9104830

Texas Real Estate Commission

Monday, May 6, 1991, 9 a.m. The Texas Real Estate Appraiser Certification Committee of the Texas Real Estate Commission will meet at the TREC Headquarters,

Conference Room 235, Second Floor, 1101 Camino La Costa, Austin. According to the agenda summary, the committee will call the meeting to order; consideration of minutes of the April 5, 1991 committee meeting; presentations or comments from visitors; staff reports; discussion and possible action to recommend disciplinary orders; review and possible action to approve appraisal related courses; update and possible response to Title XI, Real Estate Appraisal Reform Amendments of 1989, FIRREA; FFIEC Appraisal Subcommittee guidelines and proposals; appraisal foundation, AQB, and ASB guidelines, proposals, and drafts; discussion and possible recommendations concerning proposed legislation; review and possible recommendations concerning application process for appraiser certification; examinations; measuring experience; date and place of subsequent meetings; and adjourn.

Contact: Renil C. Liner, 1101 Camino La Costa, Austin, Texas 78752, (512) 465-3950.

Filed: April 24, 1991, 2:09 p.m.

TRD-9104813

State Securities Board

Monday, May 13, 1991, 10 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will hold a hearing for the purpose of determining whether an order should be issued revoking the registration of Walbridge Securities, Inc. as a dealer in securities in Texas.

Contact: John Morgan, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: April 24, 1991, 3:53 p.m.

TRD-9104831

Tuesday, May 14, 1991, 10 a.m. (rescheduled from April 30, 1991). The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will hold a hearing to determine whether the dealer registration of Gibraltar Energy, Inc. should be revoked or suspended and whether the registration of John Thomas Davis as the designated officer and the registration of Jack Marshall Linder as an agent of Gibraltar Energy, Inc. should be revoked or suspended and whether a cease and desist order should be issued prohibiting the sale of securities issued by Gibraltar Energy, Inc. and prohibiting Gibraltar Energy, Inc., John Thomas Davis and Jack Marshall Linder from dealing in securities.

Contact: John Morgan, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: April 24, 1991, 3:53 p.m.

TRD-9104832

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Senate of the State of Texas

Wednesday, May 1, 1991, 7 p.m. The Senate Committee of the Whole of the Senate of the State of Texas will meet at Beethoven Hall, 420 South Alamo, San Antonio. According to the agenda summary, the committee will take written and oral public testimony on congressional, senatorial, and State Board of Education redistricting, with special emphasis on redistricting in the Central South Texas Region and surrounding counties. This hearing is one of a series of regional outreach hearings being conducted by the regional subgroups of the committee to gather information from around the state to assist the legislature in redistricting.

Contact: Anna Maciel, P.O. Box 12068, Austin, Texas 78711, (512) 463-0964.

Filed: April 23, 1991, 4:03 p.m.

TRD-9104776

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University of Texas Health Center at Tyler

Thursday, May 2, 1991, noon. The Animal Research Committee of the University of Texas Health Center at Tyler will meet at the Chaplain's Conference Room, Highways 155 South and 271 North, University of Texas Health Center, Tyler. According to the complete agenda, the committee will approve minutes from April meeting; hear chairman's report on activities since last meeting-Dr. Peterson; veterinarian's report-Dr. Thedford; discuss old business: review of policy concerning applications and addenda; new protocols: therapeutic effects of ultrasound in rats; and addenda: two addenda to protocol on effects of UV light on mouse skin.

Contact: Dr. Barry Peterson, P.O. Box 2003, Tyler, Texas 75710, (903) 877-7012.

Filed: April 22, 1991, 9:23 a.m.

TRD-9104720

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Texas Water Commission

Wednesday, May 8, 1991, 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 vari-

ous actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: April 24, 1991, 4:03 p.m.

TRD-9104836

Wednesday, May 8, 1991, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the agenda summary, the commission, pursuant to the Texas Health and Safety Code, Chapter 361, the executive director of the commission has alleged that Dean Cambron and Terra Services, Inc. have violated the Texas Solid Waste Disposal Act, the Texas Water Code and Rules of the commission and has recommended in a preliminary report issued on December 28, 1989, that a civil penalty be imposed and that certain actions be taken.

Contact: Joseph O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: April 24, 1991, 4:03 p.m.

TRD-9104834

Wednesday, May 8, 1991, 3 p.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 the entirety or for particular action at a future date or time.

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

Filed: April 24, 1991, 4:03 p.m.

TRD-9104835

Wednesday, May 8, 1991, 3 p.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 the entirety or for particular action at a future date or time.

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

Filed: April 24, 1991, 4:04 p.m.

TRD-9104838

Tuesday, May 14, 1991, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1030, Austin. According to the agenda summary, the commission, pursuant to the Texas Health and Safety Code, Chapter 361, the Executive Director of the commission has alleged that Tyler Pipe Industries, Inc. has violated the Texas Solid Waste Disposal Act, the Texas Water Code and rules of the commission and has recommended in a preliminary report issued on November 7, 1990, that a civil penalty be imposed and that certain actions be taken.

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

Filed: April 24, 1991, 4:02 p.m.

TRD-9104833

Wednesday, May 29, 1991, 3 p.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 adoption of standby fees for Fort Bend County Municipal Utility District Number 50.

Contact: Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: April 24, 1991, 4:04 p.m.

TRD-9104837

Wednesday, June 12, 1991, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will hold a hearing on the Notice of Application to Appropriate Public Waters of the State of Texas by Paktank Corporation-Galena Park Terminal, Application Number 5353, on land owned by the applicant within the Ezekiel Thomas Grant, Abstract Number 73, Harris County, approximately eight miles southeast of the Harris County Courthouse in Houston.

Contact: Mark Evans, P.O. Box 13087, Austin, Texas 78711, (512) 371-6389.

Filed: April 24, 1991, 4:05 p.m.

TRD-9104839

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Legislative Oversight Committee on Workers' Compensation

Monday, April 29, 1991, 3 p.m. The Legislative Oversight Committee on Workers' Compensation held an emergency meeting at the Capitol Building, Senate Chamber, Austin. According to the complete agenda, the committee called the meeting to order; heard a report from the State Board of Insurance; and public testimony. The emer-

gency status was necessary to receive information concerning workers' compensation insurance from the Commissioner of the State Board of Insurance.

Contact: June L. Karp, Room 1005, Sam Houston Building, Austin, Texas 78701, (512) 475-4991.

Filed: April 24, 1991, 10:09 a.m.

TRD-9104786

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Texas Youth Commission

Thursday, May 2, 1991, 10 a.m. The Board of the Texas Youth Commission will meet at 4900 North Lamar Boulevard, Public Hearing Room, Austin. According to the agenda summary, the board will have a presentation by the Texas Education Agency on the accreditation process; institutional custody and supervision rating scale progress report; report on the activities of the 72nd Legislature; statistical summary/report; and report on alleged mistreatment investigations.

Contact: Ron Jackson, P.O. Box 4260, Austin, Texas 78765, (512) 483-5000.

Filed: April 24, 1991, 2:28 p.m.

TRD-9104828

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Regional Meetings

Meetings Filed April 23, 1991

The Central Texas Mental Health and Mental Retardation Center Board of Trustees met at the Janie Clements Industries, Industrial Park, Brownwood, April 29,

1991, at 5 p.m. Information may be obtained from Danny Armstrong, P.O. Box 250, Brownwood, Texas 76801, (915) 646-9574. TRD-9104756.

The Deep East Texas Regional Mental Health and Mental Retardation Services Board of Trustees will meet at the Ward R. Burke Community Room, 4101 South Medford Drive, Lufkin, April 30, 1991, at 3:30 p.m. Information may be obtained from Sandy Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9104765.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees Executive Committee met at the Inn on the Park, Houston, April 26, 1991, at 4 p.m. Information may be obtained from Jackson B. Floyd, 211 East Seventh Street, #300, Austin, Texas 78701, (512) 320-1325. TRD-9104758.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees Finance Committee met at the Inn on the Park, Houston, April 26, 1991, at 4 p.m. Information may be obtained from Jackson B. Floyd, 211 East Seventh Street, #300, Austin, Texas 78701, (512) 320-1325. TRD-9104759.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees Underwriting and Claims Committee met at the Inn on the Park, Houston, April 26, 1991, at 4 p.m. Information may be obtained from Jackson B. Floyd, 211 East Seventh Street, #300, Austin, Texas 78701, (512) 320-1325. TRD-9104760.

The Texas Municipal League Intergovernmental Risk Pool Board of Trustees met at the Inn on the Park, Houston, April 26-27, 1991, at 1:30 p.m. Information may

be obtained from Jackson B. Floyd, 211 East Seventh Street, #300, Austin, Texas 78701, (512) 320-1325. TRD-9104757.

The Texas Panhandle Mental Health Authority Board of Trustees met at 7120 I-40 West Suite 150, Conference Room, Amarillo, April 25, 1991, at 10:30 a.m. The emergency revised agenda was necessary as a piece of property desired for relocation had become available unexpectedly and needed to be considered as soon as possible. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 353-3699. TRD-9104774.

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Meetings Filed April 24, 1991

The Dawson County Central Appraisal District Board of Directors will meet at 920 North Dallas Avenue, Lamesa, May 1, 1991, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9104810.

The Erath County Appraisal District Board of Directors will meet at the Board Room, 1390 Harbin Drive, Stephenville, May 8, 1991, at 9:30 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9104809.

Meetings Filed April 25, 1991

The Jack County Appraisal District Appraisal Review Board will meet at 210 North Church Street, JCAD Conference Room, Jacksboro, May 1, 1991, at 3 p.m. Information may be obtained from Donna Hartzell, 210 North Church Street, Jacksboro, Texas 76056, (817) 567-6301. TRD-9104843.

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Name: Ben Owen

Grade: 2

School: Greenwood Hills Elementary, Richardson ISD

In Addition

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

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

Texas Department of Banking Notice of Hearing

The hearing officer of the Texas Department of Banking will conduct a hearing on May 14, 1991, 9 a.m., before the Banking Board to determine if Baytown State Bank & Trust has denied Bayshore National Bank, N.A. the shared use of an unmanned teller machine on a reasonable, non-discriminatory basis, in violation of the Texas Banking Code, Article 342-903a, and the regulation of the Department of Banking, and to determine appropriate administrative actions, sanctions, penalties, or remedies under the above mentioned article, if it is determined that such violation occurred.

Additional information may be obtained from: James Lee Murphy, III, Assistant General Counsel and Hearing Officer, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705-4294, (512) 479-1200.

Issued in Austin, Texas, on April 22, 1991.

TRD-9104751 James Lee Murphy, III
Assistant General Counsel and Hearing
Officer
Texas Department of Banking

Filed: April 23, 1991

For further information, please call: (512) 479-1200

Texas Department of Commerce Notice of Public Hearing

Notice is hereby given that the Texas Department of Commerce will hold an additional public hearing to solicit comments on the Texas Community Development Program's proposed final statement to the United States Department of Housing and Urban Development (HUD) for program year 1991. Topics to be discussed include the proposed final statement, the purposes and goals of the program, eligible applicants and activities, fund allocations, the application process, project selection criteria, and any proposed procedural changes. In addition, the comprehensive housing affordability strategy, which is required by the Cranston-Gonzalez National Affordable Housing Act of 1990, will also be discussed. Copies of the proposed final statement and any proposed procedural changes will be available at these hearings.

The public hearing will be held at: Bahia Mar Resort, 6300 Padre Boulevard, South Padre Island, Texas 78597, Tuesday, May 14, 1991, 1:30 p.m.—Contact Clara Torres, Texas Community Development Program, (512) 320-9509. Announcement of five other public hearings was made April 12, 1991.

Comments or suggestions may also be presented in person at any of the public hearings or may be submitted in writing to the Texas Department of Commerce, Finance Division-CDBG, P.O. Box 12728, Austin, Texas 78711, by May 15, 1991.

Issued in Austin, Texas, on April 18, 1991.

TRD-9104775 Cathy Bonner
Interim Executive Director
Texas Department of Commerce

Filed: April 23, 1991

For further information, please call: (512) 472-5059

Texas Education Agency Request for Applications

This request for application is filed in accordance with the Elementary and Secondary Education Act (ESEA), Chapter 2 laws and regulations.

Eligible applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-92-007) from school districts, cooperatives of school district (which requires a fiscal agent that can be either a school district or education service center), and other non-profit service providers such as community service agencies for the development of programs to provide supportive learning and enrichment experiences for homeless children and their parents before-school, after-school, on weekends, holidays, and during summers.

Description. The major objective of this project to provide supportive learning and enrichment experiences for homeless school-age children and their families. Educational experiences in this program could include, but are not limited to: tutorials for regularly assigned school work; instruction in math, science, or computer activities; instruction in any of the fine arts; participation in individual or team sports/athletic activities to build esteem and a positive self image; parenting skills for parents of participating students; culturally enriching activities; and language instruction. Supportive experiences might include, but are not limited to: individual counseling, or peer and parent-child counseling support groups. Furthermore, the project must successfully integrate available community resources and serve as a link between the school, the community, the parents, and the child.

Date of project. The Extended School Program for Homeless School-Age Children will be implemented during the 1991-1992 school year. Applicants should plan for a starting date of July 1, 1991, and an ending date of August 31, 1992.

Project amount. Funding will be provided for two projects at a level not to exceed \$100,000 per project. The project will be funded entirely from ESEA Chapter 2 federal funds.

Selection criteria. Applicants will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. TEA reserves the right to select from the highest ranking applications those which establish programs in districts with high numbers of homeless school-age children, and establish programs that are cost effective, replicable, diverse with

respect to the size of the district, and diverse with respect to the type of homeless population served (i.e., family shelters, domestic violence shelters, runaway shelters, urban shelters, rural shelters).

Requesting the application. A copy of the complete request for application (RFA #701-92-007) may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or call (512) 463-9304.

Further information. For clarifying information about this request, contact Francie Smith, Division of Special Programs Planning and Implementation, Texas Education Agency, (512) 463-9067.

Deadline for receipt of applications. The deadline for submitting an application is 5 p.m. Friday, June 7, 1991.

Issued in Austin, Texas, on April 22, 1991.

TRD-9104782 Thomas E. Anderson, Jr.
Interim Commissioner of Education

Filed: April 24, 1991

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



This request for application is filed in accordance with the Elementary and Secondary Education Act (ESEA), Chapter 2 laws and regulations.

Eligible applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-92-005) from school districts for the development of programs to provide a year-rounded elementary school based on an instructional infusion model. Other educational entities may apply on behalf of and in coordination with a school district. During intersessions and/or through extended days for staff, project funds would be used to provide project personnel with intensive staff development related to computer-facilitated instruction, second language utilization, and participatory curriculum planning.

Description. The major objective of this project is to plan and implement a year-round program that includes ongoing and regularly scheduled professional staff development training and instruction. The project is to result in the infusion of computer-facilitated instruction as a tool to gain deeper understanding of subject areas, the infusion of a deeper appreciation of the cultural and language differences of students, and the infusion of a deeper appreciation of the cultural and language differences of students, and the infusion of leadership strategies that promote the participation of staff and parents in curricular decision-making.

Date of project. The year-round elementary school instructional infusion model will be implemented during the 1991-1992 school year. Applicants should plan for a starting date of July 1, 1991, and an ending date of August 31, 1992.

Project amount. Funding will be provided for two projects at a level not to exceed \$100,000 per project. Applicants must select one elementary campus for participation. The project will be funded entirely from ESEA Chapter 2 federal funds.

Selection criteria. Applicants will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. TEA reserves the right to select from the highest ranking applications those applications from districts where more

than 25% of the student body are in at-risk situations at the campus selected for participation.

Requesting the application. A copy of the complete request for application (RFA #701-92-005) may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or call (512) 463-9304.

Further information. For clarifying information about this request, contact Sharon Cooper, Division of Special Programs Planning and Implementation, Texas Education Agency, (512) 463-9067.

Deadline for receipt of applications. The deadline for submitting an application is 5 p.m., Friday, June 7, 1991.

Issued in Austin, Texas, on April 22, 1991.

TRD-9104781 Thomas E. Anderson, Jr.
Interim Commissioner of Education

Filed: April 24, 1991

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



This request for application is filed in accordance with the Elementary and Secondary Education Act (ESEA), Chapter 2 laws and regulations.

Eligible applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-92-008) from school districts for the development of a project that provides academically challenging instructional models at the elementary level for students whose home language dialects and cultures differ from those primarily used in school. Other educational entities may apply on behalf of and in coordination with a school district.

Description. The major objective of this project is to plan and implement research-based innovative programs to meet the educational needs of students at risk of failure in school and of dropping out because they use home dialects of English which differ from those used in the school. Such programs shall be designed for heterogeneously grouped students in public schools and will include strategies for developing basic and higher order thinking skills. Another major objective of this project is to plan and conduct training for district administrative and instructional staff, as well as parents and community representatives on the nature of thinking and memory development, the appropriate use of language, the evolution of dialects, the need for these variations, and the application of this information to increase student achievement for required subjects.

Date of project. The Accessing Comprehensive Academic Achievement for Students with Dialectal and Cultural Differences Program will be implemented during the 1991-1992 school year. Applicants should plan for a starting date of July 1, 1991, and an ending date of August 31, 1992.

Project amount. Funding will be provided for one project at one elementary campus site at a level not to exceed \$50,000. The project will be funded entirely from ESEA Chapter 2 federal funds.

Selection criteria. Applicants will be approved based upon the ability of each applicant to carry out all requirements contained in the request for application. TEA reserves the right to select from the highest ranking applications those applications from districts that have implemented projects with similar goals, objectives, and strategies; those districts that have ethnically diverse popu-

lations; and those districts with high percentages of students in at-risk situations at the campus selected for participation.

Requesting the application. A copy of the complete request for application (RFA #701-92-008) may be obtained by writing or calling the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or call (512) 463-9304.

Further information. For clarifying information about this request, contact Sharon Cooper, Division of Special Programs Planning and Implementation, Texas Education Agency, (512) 463-9067.

Deadline for receipt of applications. The deadline for submitting an application is 5 p.m., Friday, June 7, 1991.

Issued in Austin, Texas, on April 22, 1991.

TRD-9104780 Thomas E. Anderson, Jr.
Interim Commissioner of Education

Filed: April 24, 1991

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

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Heart of Texas Council of Governments
Request for Proposals

The Heart of Texas Council of Governments (HOTCOG), administrative entity for the Job Training Partnership Act for the Heart of Texas Service Delivery Area (HOTSDA), invites proposals for delivery of services in the PY91 Title IIA Adult and Youth Services Program And Title III/Economic Dislocation and Worker Adjustment (EDWAA) Program. The HOTSDA includes Bosque, Falls, Freestone, Hill, Limestone, and McLennan Counties.

Description: Projects to be funded under Title IIA are outreach/recruitment, intake and assessment, basic skills training (including youth competencies), on-the-job training, employer specific customize training, job development, and follow-up services.

Projects to be funded under Title III are outreach/recruitment, intake and assessment, basic skills training, on-the-job training, employer specific customized training, job development, and follow-up services.

Local Match Requirements: None.

Limitations: Contracts awarded for all projects included in this request for proposal will commence no earlier than July 1, 1991, and terminate on June 30, 1992. Proposals must be submitted in the required format as outlined in the request for proposal.

Selection Criteria: A committee of HOTCOG staff and Private Industry Council members will rank and score each proposal. Procedures to be used to evaluate proposals will include evaluation of the following criteria: technical conformance, statement of work, management plan, business proposal, participant planning summary, and previous JTPA experience.

Contact Person: Requests for proposals are available at the Heart of Texas Council of Governments, in care of Marvin Horton, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822, between the hours of 8:30 a.m. and 4:30 p.m., Monday-Friday. A bidders conference will be held at HOTCOG, 320 Franklin Avenue, on Tuesday April 30, 1991, from 1:30 p.m. to 4:30 p.m. Any questions regarding this RFP will be entertained at this bidders conference only.

Closing Date: Responses must be received by HOTCOG no later than the close of business, 5 p.m., Monday, May 13, 1991. HOTCOG reserves the right to reject any or all proposals received in response to the RFP.

Issued in Waco, Texas, on April 19, 1991.

TRD-9104748 H. W. Davis
Executive Director and Chief Executive Officer
Heart of Texas Council of Governments

Filed: April 23, 1991

For further information, please call: (817) 756-7822

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House of Representatives
Notice of Public Hearing

Committee: Redistricting

Time and Date: 8:30 a.m., Monday, April 29, 1991

Place: Reagan 401

Chairman: Representative D. R. "Tom" Uher

This is the last public hearing before the consolidation of previously submitted plans and the preparation of preliminary proposals. Therefore, the committee encourages testimony regarding House, Senate, Congressional, and State Board of Education districts from all regions of the state. This hearing will not be your only chance for input. The Redistricting Committee will conduct public hearings on the preliminary proposals. Time, date, and place for future meetings will be posted in the following weeks.

Issued in Austin, Texas, on April 23, 1991.

TRD-9104768 Debbie McCall
Committee Coordinator
House of Representatives

Filed: April 23, 1991

For further information, please call: (512) 463-0850

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North Central Texas Council of Governments
Request for Proposals

The North Central Texas Council of Governments (NCTCOG) is seeking professional consultant assistance with developing portions of local urban storm water permit applications as required under the federal Water Quality Act. NCTCOG is the areawide water quality management planning agency for the Metroplex as designated by the governor and EPA. Most of the affected cities are funding NCTCOG to provide administrative assistance and Geographic Information System support for the application process. A Regional Urban Storm Water Management Task Force has been meeting regularly for two years to provide direction to this cooperative effort.

The regional task force has expressed interest in engaging a firm(s) to serve as a regional program consultant as part of the cooperative team. Local governments may engage their own local consultants. Several key areas have been identified where a professional consultant could be of particular assistance to the regional program. Consultants will be expected to have the capabilities outlined in the request for qualifications.

To assist interested consultants, a consultant briefing will be held on Wednesday, May 15, 1991, at 10 a.m. in the NCTCOG offices. NCTCOG will review the overall urban

storm water management program and respond to questions concerning the request for qualifications.

The Regional Urban Storm Water Management Task Force will review the RFQ responses and select at least three firms to be invited to submit a response to a request for proposal. Only firms who are so invited may respond to the RFP. The regional task force will review the written responses to the RFP, interview the firms, and rank them. NCTCOG will negotiate a contract, including a fair and reasonable price, with the top-ranked firm. If a satisfactory contract cannot be negotiated, NCTCOG will proceed to the next most highly qualified firm pursuant to the Professional Services Procurement Act, Article 664.4.

It is NCTCOG's intent to engage regional consultant assistance as soon as possible. However, funding for the consultant contract is dependent upon financial contributions from the affected local governments. It is anticipated that the work assignments would be organized into components, each of which would require local government cost-sharing and a specific NCTCOG authorization to proceed. Therefore, NCTCOG reserves the right to terminate the RFQ/RFP process at any time, and enter into any contract.

Those interested in receiving the request for qualifications should contact John Promise, P.E., Director of Environmental Resources, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300. Twenty copies of a written response to this request for qualifications are to be received no later than 3 p.m. on Monday, June 3, 1991, at the NCTCOG offices.

Issued in Austin, Texas, on April 23, 1991.

TRD-9104783 William J. Pistick
Executive Director
North Central Texas Council of
Governments

Filed: April 24, 1991

For further information, please call: (817) 640-3300

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Public Utility Commission of Texas
Notice of Intent To File Pursuant To
Public Utility Commission Substantive
Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to PUC Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for University of Texas, El Paso.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of plexar-customer service for UTEP pursuant to PUC Substantive Rule 23.27(k). Tariff Control Number 10222.

The Application. Southwestern Bell Telephone Company is requesting approval of plexar-customer service for UTEP. The geographic service market for this specific service is the El Paso area.

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

Issued in Austin, Texas, on April 22, 1991.

TRD-9104768 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 23, 1991

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

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1991 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1991 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. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Tuesday, January 1	Friday, December 21	Thursday, December 27
Friday, January 4	NO ISSUE PUBLISHED	
2 Tuesday, January 8	Wednesday, January 2	Thursday, January 3
3 Friday, January 11	Monday, January 7	Tuesday, January
4 Tuesday, January 15	Wednesday, January 9	Thursday, January 10
5 Friday, January 18	Monday, January 14	Tuesday, January 15
6 Tuesday, January 22	Wednesday, January 16	Thursday, January 17
Friday, January 25	1990 ANNUAL INDEX	
7 Tuesday, January 29	Wednesday, January 23	Thursday, January 24
8 Friday, February 1	Monday, January 28	Tuesday, January 29
9 Tuesday, February 5	Wednesday, January 30	Thursday, January 31
10 Friday, February 8	Monday, February 4	Tuesday, February 5
11 Tuesday, February 12	Wednesday, February 6	Thursday, February 7
12 Friday, February 15	Monday, February 11	Tuesday, February 12
13 Tuesday, February 19	Wednesday, February 13	Thursday, February 14
14 *Friday, February 22	Friday, February 15	Tuesday, February 19
15 Tuesday, February 26	Wednesday, February 20	Thursday, February 21
16 Friday, March 1	Monday, February 25	Tuesday, February 26
17 Tuesday, March 5	Wednesday, February 27	Thursday, February 28
18 Friday, March 8	Monday, March 4	Tuesday, March 5
19 Tuesday, March 12	Wednesday, March 6	Thursday, March 7
20 Friday, March 15	Monday, March 11	Tuesday, March 12
21 Tuesday, March 19	Wednesday, March 13	Thursday, March 14
22 Friday, March 22	Monday, March 18	Tuesday, March 19
23 Tuesday, March 26	Wednesday, March 20	Thursday, March 21
24 Friday, March 29	Monday, March 25	Tuesday, March 26
25 Tuesday, April 2	Wednesday, March 27	Thursday, March 28
26 Friday, April 5	Monday, April 1	Tuesday, April 2
27 Tuesday, April 9	Wednesday, April 3	Thursday, April 4
28 Friday, April 12	Monday, April 8	Tuesday, April 9
29 Tuesday, April 16	Wednesday, April 10	Thursday, April 11
*Friday, April 19	FIRST QUARTERLY INDEX	

30 Tuesday, April 23	Wednesday, April 17	Thursday, April 18
31 Friday, April 26	Monday, April 22	Tuesday, April 23
32 Tuesday, April 30	Wednesday, April 24	Thursday, April 25
33 Friday, May 3	Monday, April 29	Tuesday, April 30
34 Tuesday, May 7	Wednesday, May 1	Thursday, May 2
35 Friday, May 10	Monday, May 6	Tuesday, May 7
36 Tuesday, May 14	Wednesday, May 8	Thursday, May 9
37 Friday, May 17	Monday, May 13	Tuesday, May 14
38 Tuesday, May 21	Wednesday, May 15	Thursday, May 16
39 Friday, May 24	Monday, May 20	Tuesday, May 21
40 Tuesday, May 28	Wednesday, May 22	Thursday, May 23
41 *Friday, May 31	Friday, May 24	Tuesday, May 28
42 Tuesday, June 4	Wednesday, May 29	Thursday, May 30
43 Friday, June 7	Monday, June 3	Tuesday, June 4
44 Tuesday, June 11	Wednesday, June 5	Thursday, June 6
45 Friday, June 14	Monday, June 10	Tuesday, June 11
46 Tuesday, June 18	Wednesday, June 12	Thursday, June 13
47 Friday, June 21	Monday, June 17	Tuesday, June 18
48 Tuesday, June 25	Wednesday, June 19	Thursday, June 20
49 Friday, June 28	Monday, June 24	Tuesday, June 25
50 Tuesday, July 2	Wednesday, June 26	Thursday, June 27
51 Friday, July 5	Monday, July 1	Tuesday, July 2
Tuesday, July 9	NO ISSUE PUBLISHED	
52 Friday, July 12	Monday, July 8	Tuesday, July 9
53 Tuesday, July 16	Wednesday, July 10	Thursday, July 11
54 Friday, July 19	Monday, July 15	Tuesday, July 16
Tuesday, July 23	SECOND QUARTERLY INDEX	
55 Friday, July 26	Monday, July 22	Tuesday, July 23
56 Tuesday, July 30	Wednesday, July 24	Thursday, July 25
57 Friday, August 2	Monday, July 29	Tuesday, July 30
58 Tuesday, August 6	Wednesday, July 31	Thursday, August 1
59 Friday, August 9	Monday, August 5	Tuesday, August 6
60 Tuesday, August 13	Wednesday, August 7	Thursday, August 8
61 Friday, August 16	Monday, August 12	Tuesday, August 13
62 Tuesday, August 20	Wednesday, August 14	Thursday, August 15
63 Friday, August 23	Monday, August 19	Tuesday, August 20
64 Tuesday, August 27	Wednesday, August 21	Thursday, August 22
65 Friday, August 30	Monday, August 26	Tuesday, August 27
66 Tuesday, September 3	Wednesday, August 28	Thursday, August 29
Friday, September 6	NO ISSUE PUBLISHED	

67 Tuesday, September 10	Wednesday, September 4	Thursday, September 5
68 Friday, September 13	Monday, September 9	Tuesday, September 10
69 Tuesday, September 17	Wednesday, September 11	Thursday, September 12
70 Friday, September 20	Monday, September 16	Tuesday, September 17
71 Tuesday, September 24	Wednesday, September 18	Thursday, September 19
72 Friday, September 27	Monday, September 23	Tuesday, September 24
73 Tuesday, October 1	Wednesday, September 25	Thursday, September 26
74 Friday, October 4	Monday, September 30	Tuesday, October 1
75 Tuesday, October 8	Wednesday, October 2	Thursday, October 3
76 Friday, October 11	Monday, October 7	Tuesday, October 8
Tuesday, October 15	THIRD QUARTERLY INDEX	
77 Friday, October 18	Monday, October 14	Tuesday, October 15
78 Tuesday, October 22	Wednesday, October 16	Thursday, October 17
79 Friday, October 25	Monday, October 21	Tuesday, October 22
80 Tuesday, October 29	Wednesday, October 23	Thursday, October 24
81 Friday, November 1	Monday, October 28	Tuesday, October 29
82 Tuesday, November 5	Wednesday, October 30	Thursday, October 31
83 Friday, November 8	Monday, November 4	Tuesday, November 5
84 Tuesday, November 12	Wednesday, November 6	Thursday, November 7
85 *Friday, November 15	Friday, November 8	Tuesday, November 12
86 Tuesday, November 19	Wednesday, November 13	Thursday, November 14
87 Friday, November 22	Monday, November 18	Tuesday, November 19
88 Tuesday, November 26	Wednesday, November 20	Thursday, November 21
89 Friday, November 29	Monday, November 25	Tuesday, November 26
Tuesday, December 3	NO ISSUE PUBLISHED	
90 Friday, December 6	Monday, December 2	Tuesday, December 3
91 Tuesday, December 10	Wednesday, December 4	Thursday, December 5
92 Friday, December 13	Monday, December 9	Tuesday, December 10
93 Tuesday, December 17	Wednesday, December 11	Thursday, December 12
94 Friday, December 20	Monday, December 16	Tuesday, December 17
95 Tuesday, December 24	Wednesday, December 18	Thursday, December 19
96 *Friday, December 27	Friday, December 20	Monday, December 23
Tuesday, December 31	NO ISSUE PUBLISHED	
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14

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