

Texas Register

Volume 16, Number 47, June 21, 1991

Pages 3325-3378

In This Issue...

Office of the Governor

Appointments Made June 10, 1991

3335—East Texas State University Board of Regents

3335—Executive Committee of the Office for the Prevention of Developmental Disabilities

3335—Texas Council on Offenders with Mental Impairments

3335—Texas Commission of Licensing and Regulation

3335—Board of Tax Professional Examiners

3335—Texas Municipal Retirement System Board of Trustees

Appointments Made June 11, 1991

3335—Texas State Board of Public Accountancy

Emergency Sections

Texas Education Agency

3337—Proprietary Schools and Veterans Education
State Board of Insurance

3337—Agent's Licensing

Proposed Sections

Texas Department of Licensing and
Regulation

3345—Texas Commission of Licensing and Regulation

3345—Manufactured Housing

3345—Air Conditioning and Refrigeration Contractor License Law

Texas State Board of Registration for
Professional Engineers

3346—Practice and Procedure

Texas Department of Human Services

3346—Family Self-Support Services

3347—Community Care for Aged and Disabled

Texas Department on Aging

3347—Citizen's Advisory Council on Aging

Withdrawn Sections

Texas Workers' Compensation
Commission

3349—Medical Benefits-General Medical Provisions

Adopted Sections

Texas Board of Examiners in the Fitting
and Dispensing of Hearing Aids

3351—Continuing Education

State Board of Insurance

3351—Corporate and Financial Regulation

3351—Insurance Premium Finance

3352—State Fire Marshal

Texas Water Commission

3352—Underground and Aboveground Storage Tanks

Texas Youth Commission

3353—Administrative Provisions

Texas Department of Human Services

3354—Medicaid Eligibility

3355—Child Protective Services

State Board of Insurance

3355—Notification Pursuant to the Texas Insurance Code,
Chapter 5, Subchapter L

CONTENTS CONTINUED INSIDE

Texas Register

The *Texas Register* (ISSN 362-4781) is published semi-weekly 100 times a year except January 4, July 9, September 6, December 3, December 31, 1991. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

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

Governor-Appointments, executive orders, and proclamations

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

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

a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Secretary of State
John Hannah, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janlene Allen

Open Meetings Clerk
Jill S. Dahnert

Production Section Supervisor
Ann Franklin

Production Editor

Typographers
Sherry Rester
Janice Rhea
Carla Carter

Circulation/Marketing

Roberta Knight

TAC Editor
Dana Blanton

TAC Typographer
Madeline Chrisner

Subscriptions-one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

Open Meetings

3359-Texas Department of Agriculture
3359-Battleship Texas Advisory Board
3359-Bond Review Board
3359-Texas State Board of Examiners of Professional Counselors
3360-Texas Commission for the Deaf
3360-Texas Education Agency
3361-Fire Department Emergency Board
3361-Office of the Governor, Criminal Justice Division
3361-Governor's Task Force on Revenue
3361-Texas Department of Health
3361-Texas Health and Human Services Coordinating Council
3361-State Department of Highways and Public Transportation
3362-Texas Department of Human Services
3362-The Department of Information Resources
3362-State Board of Insurance
3363-Board of Law Examiners
3363-Legislative Audit Committee
3363-Texas Department of Licensing and Regulation
3363-State Preservation Board
3363-Public Utility Commission of Texas
3364-State Purchasing and General Services Commission
3364-Railroad Commission of Texas
3365-Interagency Council on Sex Offender Treatment
3365-Texas State University System, Board of Regents
3365-Texas Turnpike Authority
3365-University Interscholastic League
3365-University of Texas Health Science Center at San Antonio
3366-Texas Water Commission
3366-Texas Workers' Compensation Commission
3367-Regional Meetings

In Addition

Texas Department of Aviation
3371-Professional Engineering Services Contract Award
Texas Department of Banking
3371-Notice of Hearing
Texas Department of Commerce
3371-Notice of Amendment to 1990 Final Statement
Texas Comptroller of Public Accounts
and Texas State Treasury Department
3372-Request for Proposal
Office of Consumer Credit Commissioner
3372-Notice of Rate Ceilings
Texas Education Agency
3372-Notice of Public Hearing
Texas Department of Health
3373-Correction of Errors
3373-Designation of Sites Serving Medically Underserved Populations
3373-Permit Application for Municipal Solid Waste Site
Notice of Filing
State Board of Insurance
3374-Company Licensing
Texas State Board of Pharmacy
3374-Correction of Error
Prairie View A&M University
3374-Consultant Contract Award
Texas Southern University
3375-Consultant Contract Award
Texas Comptroller of Public Accounts
and Texas State Treasury Department
3375-Request for Proposal
Texas Water Commission
3375-Invitation for Bids
3377-Meeting Notice
3377-Task Force 21 Advisory Committee
Texas Water Development Board
3377-Applications Received

**Texas Workers' Compensation
Commission**

**3378-Announcement of Public Hearings on Proposed
Rules**

3378-Correction of Errors

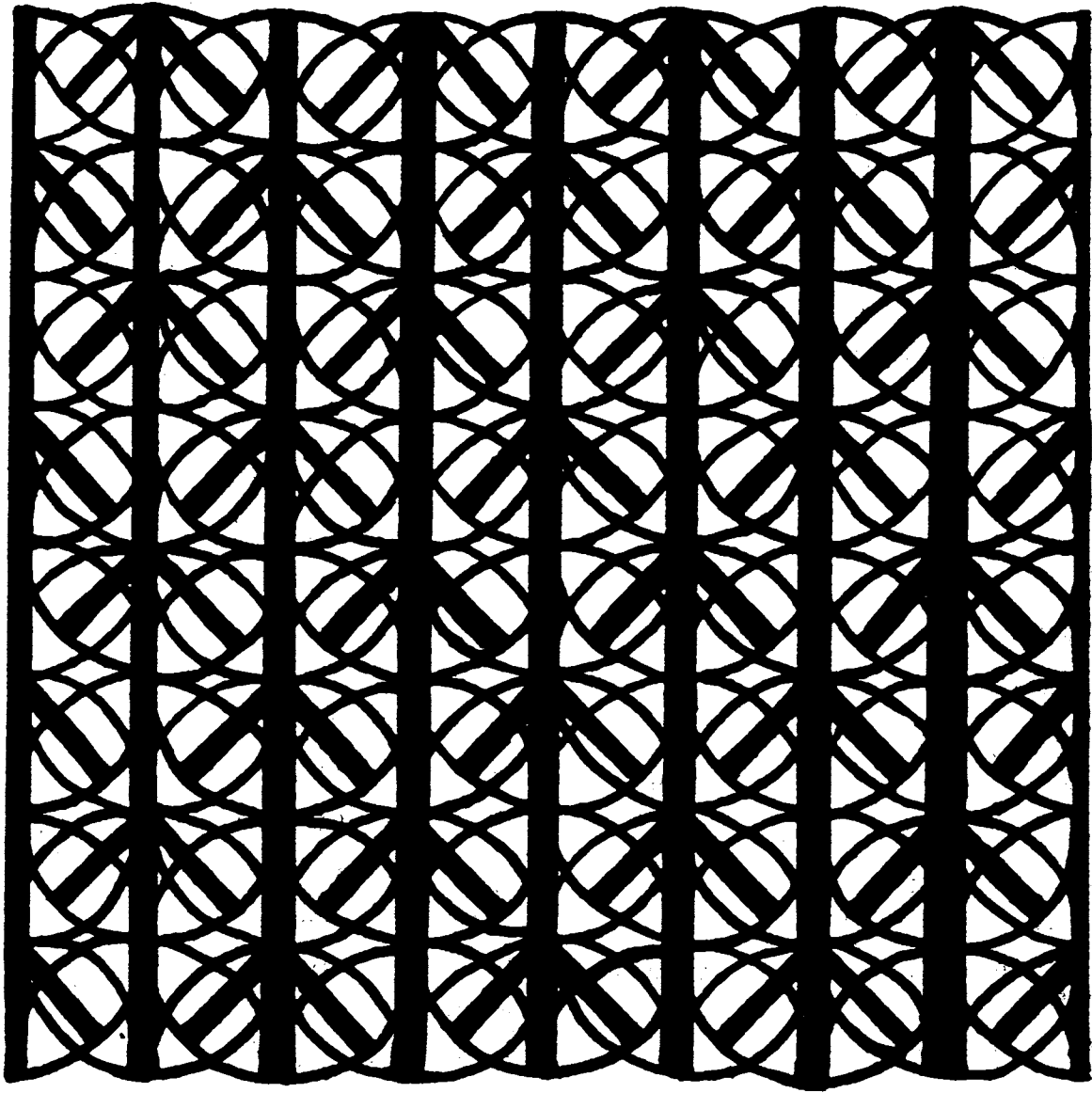
3378-Notice of FSR Examination



Name: Brian Maloney

Grade: 12

School: Plano Senior High School, Plano ISD



Name: Melanie Busey

Grade: 12

School: Plano Senior High School, Plano ISD

TAC Titles Affected

TAC Titles Affected—June

The following is a list of the administrative rules that have been published this month.

TITLE 1. ADMINISTRATION

Part XIII. Texas Incentive and Productivity Commission

1 TAC §§273.1, 273.7, 273.9, 273.15—3295, 3295

1 TAC §289.1—3299

1 TAC §§291.1, 291.3, 291.5—3300, 3299

1 TAC §295.1—3300

1 TAC §§297.1, 297.3, 297.5—3300

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §7.10—3033

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

16 TAC §60.69—3345

16 TAC §69.52—3345

16 TAC §75.20, §75.40—3345

Part VI. Texas Motor Vehicle Commission

16 TAC §101.13—3253

16 TAC §101.13, §101.15—3253

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

19 TAC §§5.370-5.376—3253

19 TAC §§12.21-12.24—3254

19 TAC §§12.41-12.51—3254

19 TAC §§12.71-12.76—3254

19 TAC §§21.21-21.35—3254

19 TAC §§21.21-21.39—3254

19 TAC §21.55, §21.56—3257

Part II. Texas Education Agency

19 TAC §69.1, §69.2—3035

19 TAC §§69.10-69.23—3035

19 TAC §69.101—3035

19 TAC §§69.121-69.129—3035

19 TAC §75.141—3035

19 TAC §§75.311-75.320—3036

19 TAC §§77.21-77.26—3036

19 TAC §77.331—3036

19 TAC §§77.351-77.366, 77.372—3036

19 TAC §§77.391-77.396—3036

19 TAC §77.431—3036

19 TAC §77.451, §77.453—3037

19 TAC §§77.471-77.480—3037

19 TAC §§78.1-78.4—3038

19 TAC §§78.1-78.5—3037

19 TAC §78.10—3038

19 TAC §§78.21-78.25—3027

19 TAC §78.41—3037

19 TAC §§78.61-78.64—3037

19 TAC §78.70—3037

19 TAC §89.1—3038

19 TAC §§89.1-89.16—3040

19 TAC §89.21, §89.22—3039

19 TAC §89.31—3039

19 TAC §89.41, §89.42—3045

19 TAC §89.51, §89.52—3046

19 TAC §§89.51-89.56—3039

19 TAC §§89.71-89.84—3046

19 TAC §§89.71-89.90—3039

19 TAC §§89.111-89.120—3039, 3046

19 TAC §§89.131—3039

19 TAC §89.201, §89.203—3039, 3046

19 TAC §§89.211-89.224, 89.226-89.229, 89.231-89.240, 89.242—3046

19 TAC §§89.211-89.246—3039

19 TAC §§89.250, 89.252-89.254, 89.256, 89.258—3055

19 TAC §§89.250-89.259—3040

19 TAC §§89.291-89.296—3040

19 TAC §89.331—3055

19 TAC §§89.331-89.334—3040

19 TAC §109.61—3055

19 TAC §185.1—3056

19 TAC §185.15—3337

19 TAC §§185.10-185.23—3056

19 TAC §185.101—3064

19 TAC §§185.121-185.129—3064

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

22 TAC §3.144—3077

Part VI. Texas State Board of Registration for Professional Engineers

22 TAC §131.134—3346

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

22 TAC §145.1—3351

Part XI. Board of Nurse Examiners

22 TAC §211.5—3175

22 TAC §213.12, §213.16—3191

22 TAC §213.12, §213.22—3301

22 TAC §215.17—3191

22 TAC §217.1, §217.15—3191

22 TAC §217.10—3175

22 TAC §218.9—3175

22 TAC §222.1-222.4—3195

22 TAC §221.1-221.8—3194

22 TAC §221.1-221.10—3195

Part XV. Texas State Board of Pharmacy

22 TAC §291.36—3107

Part XXIII. Texas Real Estate Commission

22 TAC §535.17—3025

22 TAC §535.51—3077

22 TAC §535.71, 535.72—3078

22 TAC §535.91—3025

22 TAC §535.92—3080

22 TAC §535.122—3080

22 TAC §539.81—3026

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §1.4—3105, 3124

25 TAC §1.5—3124

25 TAC §31.3—3125

25 TAC §97.22—3176

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §7.28, §7.30—3305

28 TAC §7.59—3305

28 TAC §7.91—3257

28 TAC §7.1009—3351

28 TAC §9.11—3105

28 TAC §9.31—3301

28 TAC §11.802-11.807—3258

28 TAC §11.803, §11.804—3258

28 TAC §§19.1001-19.1012—3337

28 TAC §27.414—3352

28 TAC §25.715—3081, 3351

Part II. Texas Workers' Compensation Commission

28 TAC §42.110—3026, 3033

28 TAC §42.111—3173

28 TAC §110.103—3296, 3302

28 TAC §126.7—3137

28 TAC §133.107—3349

28 TAC §134.400—3028, 3033

28 TAC §134.600—3029

28 TAC §§170.1, 170.2, 170.3—3030

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

31 TAC §53.8, §53.10—3138

31 TAC §59.2, §59.3—3140

31 TAC §59.6—3126

31 TAC §65.72—3126

Part III. Texas Air Control Board

31 TAC §101.1—3128

31 TAC §112.6, §112.20—3128

Part IX. Texas Water Commission

31 TAC §334.481, §334.482—3352

Part X. Texas Water Development Board

31 TAC §355.1—3239

31 TAC §§355.1-355.11—3239

31 TAC §§355.10-355.19—3241

31 TAC §§355.31-355.40—3241

31 TAC §§355.51-355.61—3241

31 TAC §§355.70-355.77—3242

31 TAC §§355.70-355.80—3242

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §1.42—3179

34 TAC §3.9—3023, 3296, 3302

34 TAC §3.285—3244

34 TAC §3.295—3195

34 TAC §3.297—3251

34 TAC §3.313—3195

34 TAC §3.692—3235

34 TAC §3.693—3235

Part VII. State Property Tax Board

34 TAC §§165.73-165.78—3135

Part IX. Texas Bond Review Board

34 TAC §181.11—3196

**TITLE 37. PUBLIC SAFETY AND
CORRECTIONS**

Part I. Texas Department of Public Safety

37 TAC §1.231—3129

Part III. Texas Youth Commission

37 TAC §81.7—3353

Part VI. Texas Department of Criminal Justice

37 TAC §152.3—3179

Part IX. Texas Commission on Jail Standards

37 TAC §271.3—3141

37 TAC §273.5—3105

37 TAC §283.1—3141

37 TAC §297.9—3130

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §4.1006—3186

40 TAC §§10.3411, 10.3412, 10.3414, 10.3415, 10.3424,
10.3433, 10.3453, 10.3454—3247

40 TAC §10.3456—3248

40 TAC §10.3458—3346

40 TAC §§10.3460-10.3465—3248

40 TAC §14.204—

40 TAC §15.435—3354

40 TAC §15.460—3354

40 TAC §15.466—3354

40 TAC §15.501—3355, 3355

40 TAC §24.102—3033

40 TAC §24.301—3142

40 TAC §29.610—3189

40 TAC §47.6901—3186

40 TAC §48.2501—3031

40 TAC §48.2906—3197

40 TAC §48.3904—3347

40 TAC §48.9808—3197

40 TAC §§49.1601-49.1603—3131

40 TAC §49.1765—3355, 3355

40 TAC §85.1404—3259

**Part VII. Texas Committee on Purchases of Products
and Services of Blind and Severely Disabled
Persons**

40 TAC §§189.2, 189.3, 189.5, 189.10—3259

Part IX. Texas Department on Aging

40 TAC §§259.2-259.4, 259.6, 259.7—3032

40 TAC §§261.1, 261.3, 261.5, 261.9, 261.13—3347

TITLE 43. TRANSPORTATION

***Part 1. State Department of Highways and Public
Transportation***

43 TAC §§11.1-11.3—3197

43 TAC §§11.80-11.90—3197

43 TAC §13.8—3259

43 TAC §§21.150—3236, 3251

43 TAC §§25.802, 25.806, 25.807—3260

The Governor

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

Appointments Made June 10, 1991

To be a member of the **East Texas State University Board of Regents** for a term to expire February 15, 1997: Raymond B. Cameron, 301 Lake Terrace, Rockwall, Texas 75087. Mr. Cameron is being reappointed.

To be a member of the **Executive Committee of the Office For the Prevention of Developmental Disabilities** for a term to expire February 1, 1993: Eva T. Salinas, 205 Wenda Way, El Paso, Texas 79915. Ms. Salinas will be replacing Lila Thompson of Richmond whose term expired.

To be a member of the **Texas Council on Offenders With Mental Impairments** for a term to expire February 1, 1997: Judge

Mario E. Ramirez, 722 McKee, Edinburg, Texas 78539. Judge Ramirez will be replacing Elizabeth Mills of Dallas, whose term expired.

To be a member of the **Texas Commission of Licensing and Regulation** for a term to expire February 1, 1997: Carmen Mitchell, 8311 San Leandro, Dallas, Texas 75218. Ms. Mitchell is replacing Manuel Marrufo of El Paso, whose term expired.

To be a member of the **Board of Tax Professional Examiners** for a term to expire March 1, 1997: Ciro Trevino, 1206 South 7th, Edinburg, Texas 78539. Mr. Trevino will be replacing Michael C. Frazier of Houston.

To be a member of the **Texas Municipal Retirement System Board of Trustees** for a term to expire February 1, 1997: Andres Vega, Jr., 2905 Primrose Lane, Browns-

ville, Texas 78521. Mr. Vega will be replacing John Ward of Amarillo, whose term expired.

To be a member of the **Texas Municipal Retirement System Board of Trustees** for a term to expire February 1, 1997: Charles E. Wilson, 27 Buttercup Circle, Waco, Texas 76708. Mr. Wilson is being reappointed.

Appointments Made June 11, 1991

To be a member of the **Texas State Board of Public Accountancy** for a term to expire January 31, 1997: Judy Jade Lee, 4104 Rice Boulevard, Houston, Texas 77005. Ms. Lee will be replacing Nancy Brannon of Lewisville, whose term expired.

Issued in Austin, Texas, on June 14, 1991.

TRD-9107037

Ann W. Richards
Governor of Texas





Name: Aaron Fritz

Grade: 3

School: Rockdale Elementary, Rockdale ISD

Emergency Sections

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

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 185. Proprietary Schools and Veterans Education

Subchapter B. Commercial Driver Training Schools

• 19 TAC §185.15

The Texas Education Agency (TEA) adopts on an emergency basis an amendment to §185.15, concerning teenage driver education. The agency considers there to be an imminent peril to the public health, safety, and welfare and is adopting the amendment on an emergency basis.

Specifically, the agency finds that: many commercial teenage driver education schools have enrolled teenagers into programs on an open enrollment basis rather than requiring all students to proceed in a group from the first to the last unit of instruction; the use of open enrollments is educationally unsound, and produces poorly trained drivers that are an imminent and continuing threat to the public health, safety, and welfare; the majority of teenagers who attend commercial driver training programs begin and complete their training in the summer months. Since this training is the only driver education that many drivers who will begin and complete their training this summer will ever receive, the imminent peril to public safety that would result from permitting open enrollment practices to continue through the summer months of 1991, mandates the emergency adoption of this rule; the enforcement of a prior version of this rule was enjoined due to an alleged defect in its adoption and that delay in the implementation of a rule to require closed enrollments will constitute an imminent and continuing threat to the public health, safety, and welfare; any delay in the adoption of this rule will unnecessarily contribute to vehicle accidents, injuries, and deaths. In order to accommodate students who have already signed contracts that provide for open enrollments, the amendment permits driving schools to honor student enrollment contracts executed prior to the date of the emergency adoption of this amendment, provided that the training is completed by September 1, 1991.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 4413(29c), and the Texas Education Code, §32.22 and §32.33, which provides the Texas Education Agency with the authority to adopt rules relating to commercial driver training schools.

§185.15. Programs of Instruction.

(a) This subchapter contains requirements for driving safety, driver education, and truck driving. For each program, the following curriculum documents and materials are required to be submitted as part of the application for approval. In addition, these programs shall meet all requirements in Subchapter E of this chapter (relating to Minimum Standards for Operation of Texas Proprietary Schools), as well as the following.

- (1) (No change.)
- (2) Teenage driver education.

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

(C) Commercial driver training schools, who desire to instruct persons [between the] ages [of] 14 to 18 years, shall provide classes with uniform beginning and ending dates. Students shall be enrolled prior to the seventh hour of classroom instruction. A student enrollment contract executed prior to the effective date of this rule which does not provide for that student to attend a specific class with a uniform beginning and ending date may be honored by the school, provided that the training pursuant to that contract is completed prior to September 1, 1991.

(i)-(iv) (No change.)

(D)-(H) (No change.)

(3) (No change.)

(b) (No change.)

Issued in Austin, Texas, on June 17, 1991.

TRD-9107124

Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Effective date: June 27, 1991

Expiration date: October 25, 1991

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

◆ ◆ ◆

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 19. Agent's Licensing Subchapter K. Continuing Education Requirements for Agents

• 28 TAC §§19.1001-19.1012

The State Board of Insurance adopts on an emergency basis amendments to §§19.1001-19.1011 and new §19.1012, concerning continuing education for licensees under the provisions of the Insurance Code, Articles 21.07-1, 21.07-3, and 21.14. The amendments and new section are necessary to improve administration of the provisions of Article 21.07-1 and Article 21.14, which direct the State Board of Insurance to certify continuing education programs for certain classes of agents. The amendments and new section also implement amendments by the 71st Legislature to the Article 21.07-3, which directs the board to certify continuing education programs for managing general agents and certain other classes of agents. An imminent peril to the public welfare requires adoption of these amendments and this new section on an emergency basis to implement legislation to improve regulation of insurance agents by strengthening control over educational requirements for agents. The amendment to §19.1001 adds appropriate statutory references to include managing general agents within the scope of the subchapter. The amendment to §19.1002 adds definitions of "certification process" and "credit hours" and changes the definition of "approved course of study," "class hours," "educational coordinator," "licensee," and "provider." The amendment to §19.1003 sets forth the initial education requirement for persons licensed under the Insurance Code, Article 21.07-3, and clarifies existing requirements for other agents. The amendment to §19.1004 establishes the continuing education requirement for managing general agents and clarifies existing requirements for other agents. The amendment to §19.1005 clarifies the consequences of failing to comply with continuing education requirements. The amendment to §19.1006 details the procedure for obtaining approval of courses of study and provides for decertification of courses under certain circumstances. That section 19.1006 also sets out the procedures for approval of course providers and sets forth the respective jurisdiction of the State Board of Insurance and the Texas Education Agency. The amendment to §19.1007 requires licensees to preserve copies of summary reports filed at the time of license

renewal for four years. The amendment to §19.1008 requires that certificate of completion of any educational course must contain the signature of an approved official of the provider. The amendment to §19.1008 also deletes the 30 day period for corrections of discrepancies in the records of a provider. The amendment to §19.1009 sets forth the addition of MGA representation in the membership and the new duties of the Texas Continuing Education Advisory Council. The amendment also clarifies the advisory nature of the council's role. The amendment to §19.1010 removes the requirement for distribution of copies of certain articles of the Insurance Code. The amendment to §19.1011 provides for the adoption of forms by reference; including a new SBI Form LDCE-0012, Conditional Approval Letter. The board has filed copies of SBI Form LDCE-0012 with the Office of the Secretary of State, Texas Register Section. Persons wishing to obtain copies of the form may obtain them from the Educational Coordinator, Agents' Licensing Section, Mail Code 014-3, State Board of Insurance, William P. Hobby State Office Building, 333 Guadalupe Street, P.O. Box 149104, Austin, Texas 78714-9104. New §19.1012 describes the appeals process for providers.

These amendments and new section are adopted on an emergency basis under the Insurance Code, Article 1.04, which authorizes to the State Board of Insurance to determine rules in accordance with the laws of this state, and under the Insurance Code, Articles 21.07-1, §3A; 21.07-3, §6A; and 21.14, §5b, which directs the State Board of Insurance to establish a procedure for certifying, and to certify, continuing education programs for certain classes of insurance agents.

§19.1001. Purpose and Scope. The purpose of this subchapter is to set forth a procedure for certifying continuing education programs for agents licensed under the Insurance Code, Articles [Article] 21.07-1, 21.07-3 and [Article] 21.14, and to establish requirements for implementation of the continuing education programs mandated in the Insurance Code, Articles 21.07-1, §3A; 21.07-3, §6A; and [Article] 21.14, §5b [, and Article 21.07-1, §3A].

§19.1002. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Approved course of study—A course which the educational coordinator of the Agents' Licensing Section of the State Board of Insurance has placed on a list of certified courses for agents pursuant to [been deemed to meet] the requirements in §19.1006 of this title (relating to Approved Courses of Study and Providers); and which has received a Conditional Approval Letter, SBI Form LDCE-0012, as described in §19.1006(e) of this title (relating to Approved Courses of Study and Providers).

Certification process—The process followed in approving or disapproving a proposed continuing education course,

including review of the proposed course and correspondence relating to the proposed course.

Class hours—Actual [Contact] hours of classroom instruction; 50 minutes may be considered an hour [formal class instruction or the equivalent as may be defined and adopted by the advisory council].

Credit hours—Hours of instruction for which continuing education credit may be obtained under §19.1006 of this title (relating to Approved Courses of Study and Providers).

Educational coordinator—The person in the Agents' Licensing Section [Agent's License Division] of the State Board of Insurance who is designated by the deputy commissioner for licensing to work with the advisory council and to administer [in administering] the continuing education program for the State Board of Insurance, and who may be addressed as follows: Educational Coordinator, Continuing Education Unit [Agent's License Division], State Board of Insurance, Mail Code 014-3, 333 Guadalupe, [1110 San Jacinto Boulevard], Austin, Texas 78701-1998.

Licensee—Any holder of a license under the authority of the Insurance Code, Article 21.07-1, 21.07-3, or [Article] 21.14.

Provider—An entity which has complied with the requirements set out in §19.1006 of this title (relating to Approved Courses of Study and Providers). [A statewide agents' association or a professional association, or a local chapter of a statewide agents' association or professional association; an accredited college or university; a proprietary school as defined in the Texas Proprietary School Act (the Education Code, Chapter 32); or an educational publisher; or an insurance company authorized to do business in the State of Texas; or a Texas public school system.]

Staff—Persons employed in the Continuing Education Unit [Agent's License Division] of the State Board of Insurance.

§19.1003. Applicability of Requirements [Requirement].

(a) The continuing education requirements [requirement] imposed under §19.1004 of this title (relating to Continuing Education Requirements) shall apply to all licensees who hold individual licenses [licensees] from January 1, 1988, unless a licensee is directly exempted by a statute or in this subchapter, and unless the licensee makes proper application for such exemption and such exemption is granted. Instructions for applying for an exemption may be obtained from the educational coordinator.

(b) The continuing education requirements [requirement] shall not apply to[:]

(1) an individual licensee [persons] who maintains [maintain] a license under the Insurance Code, Article 21.07-1, solely for the purpose of receiving

residual or renewal commissions and is allowed under the statutes governing that license to hold a license for such a limited purpose. As a condition of renewal of the license, such person [Such persons] must certify [as a condition of renewal of the license]:

(1) that the licensee has [they have] performed none of the acts of an insurance agent as defined in the statute governing such license; [,] and

(2) that the sole reason for maintenance of the license is to receive residuals or renewals.[:]

(c) In addition to the persons described in subsection (b) of this section, continuing education requirements shall not apply to:

(1)(2) licensed or unlicensed persons who share in the profits of a local recording agent under the provisions of the Insurance Code, Article 21.14, §3a;

(2)(3) those persons holding a license under the authority of the Insurance Code, Article 21.07-1, §4A; or

(3) [(4)] nonresident licensees who are subject to continuing education requirements in their home state, provided the residence state recognizes reciprocity with Texas continuing education requirements.

(d)(c) Except to the extent that provisions of this subsection specify requirements different from the requirements under §19.1004, the continuing education [These] requirements under §19.1004 shall apply from January 1, 1990. [January 1, 1988;]

(1) The [except that a licensee's] initial liability for continuing education of a licensee licensed under the Insurance Code, Article 21.07-3, shall be determined in accordance with the provisions of subparagraph (A) and subparagraph (B) of this paragraph [as follows].

[(1) A licensee whose license had an effective issue date or renewal date within 90 days prior to January 1, 1988, shall be liable for the entire requirement.

[(2) Liability for continuing education of all other licensees may be determined by consulting the following subparagraphs of this paragraph.

[(A) If the date the license was first issued or was last renewed is from January 1, 1986, to March 31, 1986, the number of hours of continuing education required before the next renewal is 0.

[(B) If the date the license was first issued or was last renewed is from April 1, 1986, to June 30, 1986, the number of hours of continuing education required before the next renewal is 0.]

(A)(C) If the renewal date of the license under Article 21.07-3 [was first issued or was last renewed] is between [from] September 1, 1990 [July 1, 1986], and [to] December 31, 1990 [September 30, 1986], inclusive, the number of credit hours of continuing education required before the renewal is five [hours].

(B)(D) If the renewal date of such [the] license is after [was first issued or was last renewed is from October 1, 1986, to] December 31, 1990 [1986], the number of credit hours of continuing education required for [before] the next renewal period and for each subsequent renewal period is 15 [10 hours].

(E) If the date the license was first issued or was last renewed is from January 1, 1987, to March 31, 1987, the number of hours of continuing education required before the next renewal is 15 hours.

(F) If the date the license was first issued or was last renewed is from April 1, 1987, to June 30, 1987, the number of hours of continuing education required before the next renewal is 20 hours.

(G) If the date the license was first issued or was last renewed is from July 1, 1987, to September 30, 1987, the number of hours of continuing education required before the next renewal is 25 hours.

(H) If the date the license was first issued or was last renewed is from October 1, 1987, to December 31, 1987, the number of hours of continuing education required before the next renewal is 30 hours.]

(2)(3) All licenses under the Insurance Code, Article 21.07-1 or Article 21.14, issued or renewed on or after October 1, 1989 have [January 1, 1988, carry] a continuing education requirement of 30 credit hours per two-year renewal period unless otherwise exempted. All licenses under the Insurance Code, Article 21.07-3, renewed after January 1, 1991, shall have a continuing education requirement of 15 credit hours per one-year renewal period.

(3)(4) Solicitors for local recording agents must determine their continuing education requirement from subparagraph (A) and subparagraph (B) [subparagraphs] of this paragraph.

(A) The provisions of clauses (i)-(iv) of this subparagraph apply to a solicitor's original license.

(i)(A) If there are six or fewer [from 0-six] months between the is-

sue date of the solicitor's license and the renewal date of the local recording agent's license, the solicitor is not required to successfully complete [solicitor's initial liability for] continuing education credit during the initial period [shall be 0 hours].

(ii)(B) If there are more than six months, but not more than, 12 [from seven-12] months between the issue date of the solicitor's license and the renewal date of the local recording agent's license, the solicitor must successfully complete [earn] 10 continuing education credit hours for that time period.

(iii)(C) If there are more than 12 months, but not more than 18 [from 13-18] months between the issue date of the solicitor's license and the renewal date of the local recording agent's license, the solicitor must successfully complete [earn] 20 continuing education credit hours.

(iv)(D) If there are more than 18 months, but not more than 24 [from 19-24] months between the issue date of the solicitor's license and the renewal date of the local recording agent's license, the solicitor must successfully complete [earn] 30 continuing education credit hours for that time period.

(B) When a solicitor changes appointments from one local recording agent to another, continuing education requirements for that solicitor must be calculated in accordance with subparagraph (A) of this paragraph, but details must be furnished in writing to the Agents' Licensing Section of the State Board of Insurance along with the solicitor's renewal.

§19.1004. Continuing Education Requirements.

(a) A [The] licensee under the Insurance Code, Article 21.07-1 or Article 21.14, must successfully complete not less than 30 class hours of continuing education in each 24-month period beginning on the issue date or last renewal date of the license and ending on the expiration date of the license or of the renewed license except that in the two years prior to the first renewal of a Texas local recording agents license, if the licensee has spent the first year of that period as a temporary local recording agent under the authority of Insurance Code, Article 21.14, §5a; and the licensee does not hold a license under the Insurance Code, Article 21.07-1, the licensee shall be required to complete only 15 credit hours [as follows].

(1) A licensee under the Insurance Code, Article 21.07-1, in the licensee's first year of licensure shall provide certification upon the first renewal of that license to the board of successful completion of at least 15 class hours done within the first

year following the issuance of the license and 15 additional class hours.

(2) A Texas local recording agent who does not hold a license under the Insurance Code, Article 21.07-1, must provide certification to the board that 15 class hours have been successfully completed during the year immediately prior to the first renewal of that license. After the first renewal, the local recording agent is subject to the full requirement as described in this subchapter.]

(b) If individual licenses are held both under the Insurance Code, Article 21.07-1, and under the Insurance Code, Article 21.14, only 30 credit [class] hours must be completed in each 24-month period, and these may be taken entirely from the list of courses approved for either license [or may be divided between the lists in any way]. The intent of this subchapter [chapter that will be enforced] is that each licensee receive at least 30 hours of continuing education in each 24-month period.

(c) A licensee under the Insurance Code, Article 21.07-3, must successfully complete not less than 15 credit hours in each 12-month period preceding the expiration date of the license.

§19.1005. Licensees' Failure to Comply. A licensee must [Failure of a licensee to] provide satisfactory evidence of successful completion of the required [number of] credit hours of continuing education at the time of license renewal, in the absence of a valid exemption under the Insurance Code, Article 21.07-1, §3A, or [and] Article 21.14, §5b, or as set forth in this subchapter. Licensees who do not comply with the continuing education requirement may be subject to disciplinary action in accordance with the Insurance Code, Article 1.10, §7, and Articles 21.07-1, §12; 21.07-3, §12; and/or 21.14, §16. [is a ground for refusing renewal of the license in accordance with the provisions of the Insurance Code, Article 21.07-1, §12, or Article 21.14, §16. No extensions of time will be granted. A licensee whose license renewal is refused shall not be entitled to file another application of the same type within one year from the effective date of the refusal.]

§19.1006. Approved Courses of Study and Providers.

(a) An approved course of study is one that has been submitted to the board for approval on SBI Form LDCE-002, has been reviewed and approved by staff, and has been placed on the list of approved courses [except that the council shall determine the hours of credit to be given for the several national examination certification programs]. National examination [These] programs include, but are not limited to, AAI, AU, [CIC,] CLU, AAM, CEBS, CFCU, AIC, CFP, FLMI, ALCM, ChFC, [and]

LUTC, APA, CIC, RHU, INS, ARM, and AMIM, and successful completion of the examination for any part of these programs is approved for 15 hours of continuing education credit without the necessity for further action on the part of the staff or provider [and no further action on the part of staff or provider shall be required for approval of these courses]. Further, any insurance course that is part of the degree curriculum of an accredited college or university shall be awarded 15 hours of continuing education credit for each semester hour earned during the renewal period for which each credit is claimed.

(b) (No change.)

(c) To be placed on the list of approved courses, a [considered for approval, the] course of study must meet the following requirements, which apply to all courses, whether lecture-seminar, correspondence, video, audio, computer-based, or any other method of presentation.

(1) The content of the course must be designed [intended] to increase a [the] licensee's knowledge and understanding of insurance principles and coverages; applicable laws; rules and regulations promulgated by the board; recent and prospective changes in coverages, law, regulation, and practice; management of the licensee's insurance business; [or] the duties and responsibilities of the licensee [agent.]; or consumer protection, and

[(2)] successful [Successful] completion of the course by a licensee must be verifiable to the satisfaction of staff as described in Subsection (h)(1) of this section.

(2) Prior to the beginning of the course, the provider must furnish students with a written copy of the latest course outline on file with the Continuing Education Unit of the State Board of Insurance. This outline shall bear the statement "Report any deviation from this outline to the State Board of Insurance, Agents' Licensing Section 014-3, CE Unit, 333 Guadalupe Street, Austin, Texas 78701-1998; (512) 322-3517."

(3) At the time a student pays for a course, or no later than the start time of the course, the provider must furnish each student with a written statement of all the requirements the student must meet in order to receive credit for a course. This statement shall not be at variance with the stated method of completion listed on the application for course approval, SBI Form LDCE-002. This statement shall include the wording: "Report any deviation from these requirements to the State Board of Insurance, Agents' Licensing Section 014-3, CE Unit, 333 Guadalupe Street, Austin, Texas 78701-1998; (512) 322-3517."

(4) Providers of any course, whether it be lecture, seminar, corre-

spondence, video, audio, computer-based, or any other method of presentation or instruction, shall not read from a prepared script of text or allow such reading as the primary method of instruction; nor shall a provider play a video or audio recording featuring such reading as the primary method of instruction during the instruction of any course.

(5) At the time a student pays for a course, or no later than the start time of the course, the provider shall furnish the student with all written material needed to successfully complete the course.

(6) All audio, video, computer-based, or mixed presentation mode courses shall have a previously approved workbook or examination that can be completed only by a student who has gone through the instruction of the course.

(7) In any lecture or seminar course, or in any other presentation with more than 10 attendees, provision must be made for the answering of student questions throughout the course of instruction.

(8) No provider may allow a student to attend more than eight hours of lecture or instruction in any 24-hour period.

(9) Successful completion of the course by a licensee must be verifiable by staff as complying with the following subparagraphs (A)-(C) of this paragraph.

(A) If attendance is the only requirement for completion of a lecture or seminar course, then 90% attendance is required.

(B) A correspondence course must be completed by a formal final examination approved by staff, and administered in accordance with approved guidelines.

(C) A course which contains both classroom and correspondence course elements will not be approved.

(d) The number of credit [class] hours of approvable topics in the outline as determined in accordance with the procedures stated in this section will be set on an hour per hour basis. The provider must indicate the hours per approvable topic in the outline so that the determination of the total number of credit hours of approvable topics can be made. [for a course of study shall be assigned by staff in accordance with guidelines laid down by the advisory council, and any decision as to the number of hours assigned to a particular course by staff may be appealed to the advisory council by the

provider of the course by making a written application to the Chairman, Continuing Education Advisory Council, in care of the State Board of Insurance, Agents' Licensing Division, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.]

(e) Course approval is contingent on the provider's signing and returning to the educational coordinator the conditional approval letter (SBI Form LDCE-0012), and on continued compliance with the other terms under which that course was approved as set forth in the approval letters. The additional terms shall specify additional detailed requirements tailored to the specific needs of the course and shall be in conformance with this rule. If staff determines that a course is not in compliance with those terms or with any of the provisions of Subchapter K of this chapter (relating to Continuing Education Requirements for Agents) the educational coordinator shall decertify the course as provided in Subchapter K.

(1) The educational coordinator shall, by certified letter, return receipt requested, notify the provider of the decertification, and the decertification shall be effective 15 days after the date upon which that letter is received or returned unclaimed.

(2) The letter of decertification shall state the reason for the decertification.

(3) After final action, the course list for agents published by the Agents' Licensing Section of the State Board of Insurance shall have a section entitled, "COURSE DECERTIFIED FOR NONCOMPLIANCE," and in that section shall be listed the courses and the providers of those courses that have been decertified during the four months immediately preceding.

(4) After final action, the educational coordinator shall provide notice of a course decertification to all interested parties and the Texas Education Agency, as soon as the action is effective, and may provide notice to any other person the educational coordinator considers necessary.

(f) Approval of a course is valid for no more than two years from the date the original conditional approval letter was mailed to the provider or other notice of conditional approval delivered. At the end of two years, staff may require that a total resubmission of the course be made or staff may issue a new conditional approval letter, without such resubmission, from the date of which the new conditional approval period starts.

(g) The educational coordinator shall promptly notify the Texas Education Agency, Division of Proprietary Schools, of any complaints received regarding the operation of a proprietary

school that offers any approved course of study and shall promptly notify the Texas Education Agency of any official action taken against a proprietary school. In either case, the educational coordinator shall request that the Texas Education Agency take appropriate action.

(h) [(e)] In order for a course to retain conditional approval [remain on the list of approved courses], the provider must [agree]:

(1) [to] maintain detailed records of attendance and enrollment for a minimum of four years and [to] make these records available at a time and place chosen by staff, which records must clearly indicate the name, address, and phone number of each student; the course taken, the course date, and the number of credit hours earned; the student's attendance which must be verifiable from roll records of the specific class; the student's test grade(s) or other information to support the provider's selected method of determining course completion. Staff may require additional information pertaining to either classroom or correspondence courses [to the board at the time and place of the board's choosing]; [and]

(2) [to] update course material as required by changes in statute, rule, and [or] practice;

(3) cooperate with course monitoring by the educational coordinator or designee;

(4) provide students who meet the requirements of completion as set forth in this section and recorded on the course approval application, SBI Form LDCE-002, with a certificate of completion within 10 days of the completion date;

(5) meet on a continuing basis all other requirements pertaining to courses in Subchapter K of this chapter (relating to Continuing Education Requirements for Agents);

(6) furnish staff with advertising pertaining to an approved course;

(7) furnish staff with all new dates and locations of an approved course at least 10 days prior to the starting date of the class;

(8) furnish staff with a new course approval application, SBI Form LDCE-002, and all attachments, for any change in course content or structure, at least 20 working days in advance of the beginning date of the course; and

(9) provide reasonable accommodations for students with disabilities.

(i)[f] A particular course may not be used by a licensee for continuing education credit for a specific license more than once in any one reporting period for that license.

(j)[g] A licensee who teaches an approved course may receive 100% of the credit hours [class hour credit] toward meeting the continuing education requirement, but this credit may not be used more often than once in any one reporting period.

(k)[h] The following types of courses shall not be considered for approval:

(1) a course that is used or approved for, or is on the outline of courses for the examinations called for in Insurance Code, Article 21.07-1 §5 [, or course based on a text that is used, for pre-license training or qualifying examination preparation];

(2) any course or text used or approved or on the outline of courses for the local recording agents' [agents] educational requirement under the Insurance Code, Article 21.14, §5a;

(3) courses teaching general accounting or other general business skills, speed reading, sales or selling, or computer use;

(4) courses in motivation, goal-setting, time management, or communication;

(5) (No change.)

(6) training relating to the product or marketing practices of a specific company unless such course is provided by an insurance company or agency described in paragraph (1) of this subsection, credit is given only to that entity's appointed agents and employees, no charge is made for the training, and the courses meet all the criteria for approved courses contained in this section.

(l) Courses may only be offered by approved providers. Providers who are licensed by the State Board of Insurance may be approved by that agency under the conditions outlined in paragraph (1) of this subsection. Entities who are not regulated under the Texas Proprietary School Act and do not need to seek approval as a provider from the Texas Education Agency or the State Board of Insurance are listed in paragraph (2) of this subsection. All other entities must either obtain a certificate from the Texas Education Agency under the Texas Proprietary School Act (the Education Code, Chapter 32); or must obtain an exemption from the Texas Education Agency in accordance with the Act.

(1) The State Board of Insurance will approve as providers the following entities: licensed insurance companies holding a certificate of authority in the State of Texas, providing training at no cost to their appointed and licensed agents/employees; and licensed managing general agents providing training at no cost to local recording agents

and/or solicitors appointed by them on behalf of insurance companies.

(2) The following entities who wish to provide courses are not required to be approved as providers: Texas public schools and accredited colleges and universities.

(3) All other entities seeking to become providers must file with the Texas Education Agency to obtain a certificate under or an exemption from the Texas Proprietary School Act. Entities who are approved as providers by any of the means explained in paragraphs (1)-(3) of this subsection, do not need to file their additional courses with the Texas Education Agency after the initial certification process. Those additional courses are filed with the State Board of Insurance for approval in accordance with these rules even if the provider is granted a certificate or an exemption under the Texas Proprietary School Act.

§19.1007. Licensee's Responsibility for Record Keeping. Licensees are responsible for maintaining their own continuing education records. This includes preserving [for four years] copies of certain documents for four years. The documents to be preserved are: copies of all [the] certifications (SBI Form LDCE-001) received from providers as evidence of course completion; [upon completion of an approved course.] and copies of all summary reports (SBI Form LDCE-003), filed as part of the license renewal process. The accuracy of a licensee's records is subject to verification at any time, as more particularly set forth in §19.1008 of this title (relating to Records and Audit).

§19.1008. Records and Audit.

(a) The provider shall furnish to each licensee who successfully completes an approved course a certificate of completion, SBI Form LDCE-001, and [shall make available] a blank SBI Form LDCE-003, Licensee's Continuing Education Summary Report. The certificate of completion shall include the following information: the licensee's full name, address, State Board of Insurance file number and license type, the course provider's name and the State Board of Insurance course number, the date of successful completion, the number of course hours credit being requested, and the signature of an approved [approval] official of the provider.

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

[(d) If such records are audited or reviewed and are suspected of being falsified, incomplete, or in any way questionable, the licensee or provider shall have 30 days in which to correct the discrepancies or submit new documentation.

[(e) If compliance has not been made within the 30-day period, the license

may be revoked or not renewed, and if the license is revoked or not renewed, the licensee shall not be entitled to file another application for a license of the same type within one year from the effective date of the revocation or non-renewal.

[(f) In the case of a provider, if the required corrections have not been taken by the end of the 30-day period, approval may be withdrawn for any courses administered by the provider and that provider may be prevented from resubmitting or submitting any courses for approval for a period of 180 days.]

§19.1009. Texas Continuing Education Advisory Council.

(a) The board shall create an advisory council to furnish the board with information and assistance in the conduct of the continuing education program for agents licensed under the Insurance Code, Article 21.07-1, 21.07-3, or [under the Insurance Code, Article] 21.14.

(b) The council shall be appointed by the board for a period of two years, and its members serve [serves] at the board's pleasure. The board may, from time to time, make additional appointments to replace members who have resigned, are deceased, no longer serve at the board's pleasure, or have become ineligible for membership because the member no longer represents the element of the composition of the council from which such person was selected.

(c) The composition of the council shall be as follows: representatives of the several segments of the insurance community including, but not limited to, members of home office and agency force of legal reserve life insurance companies and companies writing property and casualty insurance, [and] educators and/or educational administrators, and managing general agents. The educational coordinator or another person designated by the educational coordinator shall be an ex officio member of the council, participating fully, but unable to vote.

(d) The primary role of the council shall be advisory. [, and it shall offer advice as to the following:

- (1) method of course approval;
- (2) qualifications of course instructors/graders; and
- (3) method of establishing hourly equivalents for courses not involving class attendance].

(e) The council shall meet [at least quarterly during the first year after adoption of this subchapter, and] at least semi-annually [thereafter]. [At the first meeting of the advisory council, the council shall do the following:

(1) elect a chairman and any other officers it desires and establish rules

as to internal procedure;

[(2) develop a set of guidelines for use by the educational coordinator in approving courses and assigning credit hours to courses;

[(3) assign credit hours to LUTC, CIC, CLU, and CPCU course parts leading to certification; and

[(4) at that time or later designate any type of course that shall not receive approval in addition to those excluded by these sections.]

(f) [At a subsequent meeting] The chair [the chairman] of the council may, in the chair's [chairman's] sole discretion, divide the council into such subcommittees as the chair [chairman] deems may be required.

(g) The council may from time to time provide advice on matters relating to continuing education. [amend its guidelines as it sees fit. All rules and guidelines that this council passes shall be deemed procedural guidelines, not rules binding on the State Board of Insurance.]

(h) [At all meetings after the first,] The [the] council will function in the informal appellate process as described in §19.1012 of this title (relating to Appeals). [hear appeals from providers who are not satisfied with the hours assigned to their courses, and when possible, settle these appeals at the time of hearing them, or at least within 30 days, providing the educational coordinator with a written decision which shall be transmitted promptly to the provider.]

(i) The council will serve without pay, but a reasonable per diem and travel allowance will be made available to each member of the council to the extent permitted by the continuing education unit's budget, in order that the widest possible cross section of the insurance community be represented on the council.

§19.1010. Distribution of Rules and Attachments.

[(a)] A copy of this subchapter as promulgated by the State Board of Insurance shall be given to any interested person upon request made to the educational coordinator.

[(b)] A copy of the Insurance Code, Article 21.07-1, §3A, and Article 21.14, §5b, shall be distributed with every copy of this subchapter.]

§19.1011. Forms Adopted by Reference. The State Board of Insurance adopts by reference certain forms to be used in conjunction with the administration of this subchapter. These forms are published by the State Board of Insurance and copies of the forms may be obtained from the Educational Coordinator, Agents' Licensing Sec-

tion [Agent's License Division], State Board of Insurance, Mall Code 014-3, 333 Guadalupe Street, [1110 San Jacinto Boulevard,] Austin, Texas 78701-1998. Licensees and providers shall use such forms as are required by the provisions of this subchapter. The forms adopted by reference are specifically identified as follows:

- (1) (No change.)
- (2) SBI Form LDCE-002, Request for Approval of Continuing Education Course; [and]
- (3) SBI Form LDCE-003, Licensee's Continuing Education Summary Report; and[.]
- (4) SBI Form LDCE-0012, Conditional Approval Letter.

§19.1012. Appeals. Informal and formal appeals processes exist for the use of providers who are dissatisfied with the staff's action in decertifying the course or approving the course with a lesser number of hours than sought by the provider. If the provider does not wish to utilize either of the informal processes for appeal, the provider must, within 30 days of the staff's action, ask for a final decision by the associate commissioner for license and investigations. That decision may then be appealed in accordance with paragraph two of this section.

(1) Informal appeal process. If any provider wishes to contest the decertification of a course or the number of hours assigned to the course, the provider may, within 30 days:

(A) seek review of the disapproval or number of hours assigned by a committee composed of two members of the advisory council and the manager of continuing education (who is not involved in the initial course approval), and, where feasible, an expert in the appropriate line of insurance nominated by the chair of the advisory council from membership of the advisory council, staff of the State Board of Insurance, or any other source from which an expert willing to serve without pay may be selected in the discretion of the chair of the advisory council. After their review, the committee will write an informal report setting forth the results of their review and their recommendations, if any, within 30 days from receipt of the request for review; or

(B) seek the advice or recommendation of the advisory council on the matter. The advisory council will write an informal report on the results of their review, including their advice and recommendations, if any. Following the informal review, the matter will be referred back to staff. The decertification or approval of hours and the results of the informal review and the staff's recommendation for final

action will then be forwarded to the associate commissioner for licensing and investigations for a final decision on the matter based on the materials furnished. That decision will be considered to be a final action on the matter by the Commissioner of Insurance.

(2) Formal appeal. The final decision on decertification and/or approval of the number of hours will be subject to a formal appeal in accordance with Insurance Code, Article 1.04(d) and the regulations of the board with reference to appeals from decisions of the commissioner of insurance.

Issued in Austin, Texas, on June 10, 1991.

TRD-9106833

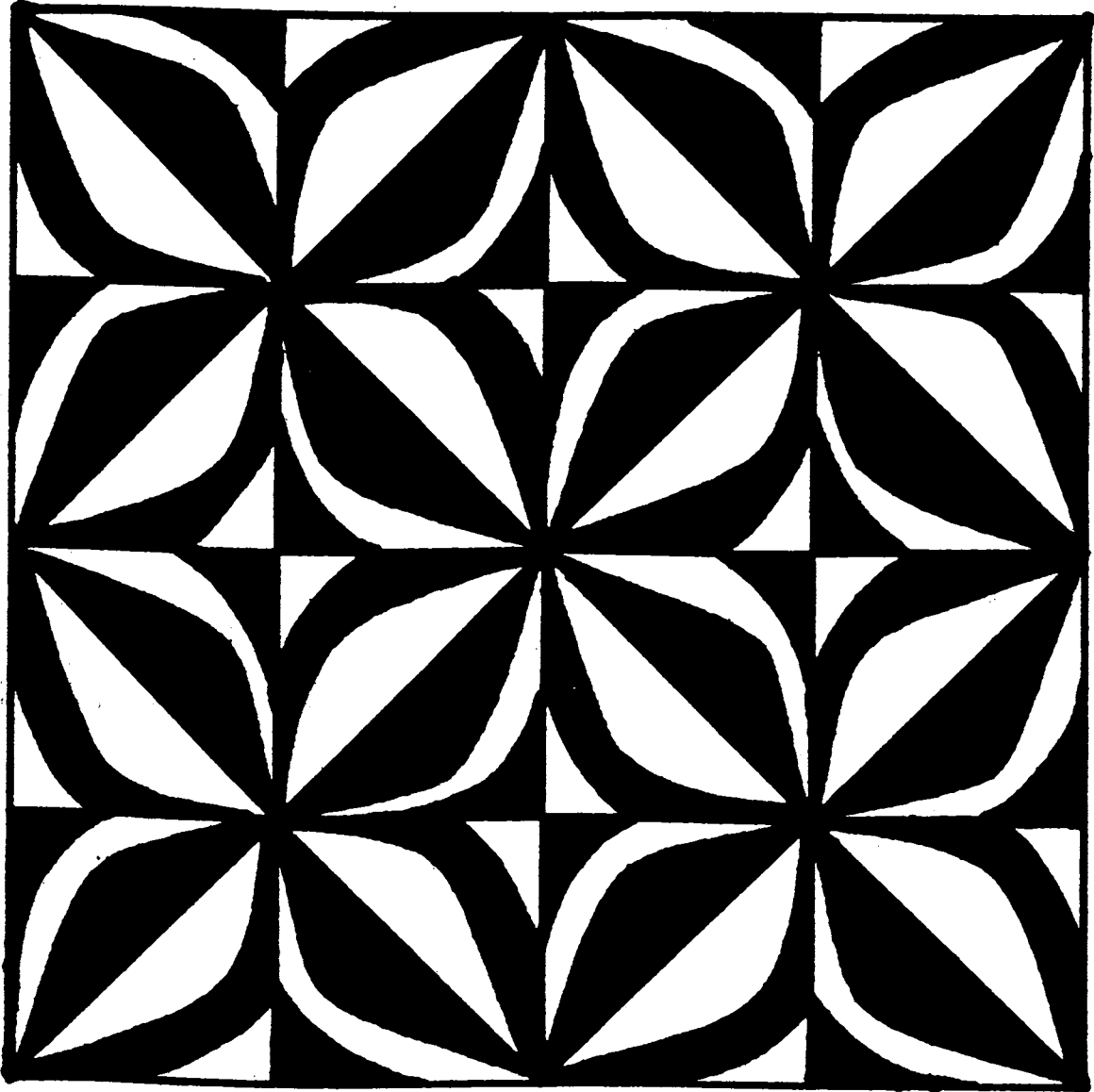
Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 10, 1991

Expiration date: October 8, 1991

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

◆ ◆ ◆



Name: Amanda Evans

Grade: 12

School: Plano Senior High School, Plano ISD

Proposed Sections

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

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

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 60. Texas Commission of Licensing and Regulation

Subchapter C. Fees

• 16 TAC §60.69

The Texas Department of Licensing and Regulation proposes an amendment to §60.69, concerning manufactured housing division fees. The proposed amendment deletes the fee for a delinquent title. The amendment would allow more effective enforcement of the requirement of the seller to forward to the department properly completed documents for the transfer of title within 30 days after the date the transfer of ownership is effective.

Jimmy G. Martin, director of programs, manufactured housing/industrialized housing and buildings, 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. Martin 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 it assures consumers that they will receive their title in a more timely manner. 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 Jimmy G. Martin, Director of Programs, Manufactured Housing/Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 9100, which provide the Texas Commission of Licensing and Regulation with the authority to adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

§60.69. *Manufactured Housing Division Fees.*

(a)-(o) (No change.)

(p) Title transaction fees are as set out in paragraphs (1)-(5) of this subsection.

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

(5) There shall be a fee of \$50 for a delinquent title if received more than 30 days after the transfer or sale date.]

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107076

Larry E. Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: July 22, 1991.

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

Chapter 69. Manufactured Housing

Standards and Requirements

• 16 TAC §69.52

The Texas Department of Licensing and Regulation proposes an amendment to §69.52, concerning the definition of a permanent foundation. The amendment allows the consumer/mortgagor and the lender/mortgagee to certify, in a real estate loan transaction, that the home has been permanently affixed to the real estate.

Jimmy G. Martin, director of programs, manufactured housing/industrialized housing and buildings, 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. Martin 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 it allows the mortgagee to obtain a real estate loan without having to place the home on a permanent foundation. 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 Jimmy G. Martin, Director of Programs, Manufactured Housing/Industrialized Housing and Buildings, P.O. Box 12157, Austin, Texas 78711.

The amendment is proposed under Texas Civil Statutes, Article 5221f, which provide the commissioner of the Texas Department of Licensing and Regulation with the authority to

adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available.

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

Permanent foundation—A system of supports, including piers, either partially or entirely below grade which is:

(A)-(F) (No change.)

(G) designed in accordance with accepted engineering practice to resist damage due to decay, insects, and condensation. A licensed engineer or architect shall stamp and sign each foundation drawing. The foundation drawings shall contain the statement, "This foundation drawing describes a permanent foundation."; or

(H) which is certified by the consumer/mortgagor and the lender/mortgagee in a real estate loan transaction as having permanently affixed the structure to the real estate.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107078

Larry E. Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: July 22, 1991

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

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

• 16 TAC §75.20, §75.40

The Texas Department of Licensing and Regulation proposes amendments to §75.20, §75.40, concerning licensing and insurance requirements.

Section 75.20 allows a licensed contractor to work simultaneously for more than one com-

pany so long as only one of those companies is using that contractor's license. Section 75.40 deletes a provision to accept certificates of insurance from only authorized agents designated by insurance companies.

Pauline Denson, air conditioning and refrigeration program coordinator, 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.

Meryl Vaughan, administrative assistant, boiler section, 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 agency's ability to administer the air conditioning and refrigeration rules more efficiently. 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 Elvis Schulze, General Counsel, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

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

§75.20. Licensing Requirements.

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

(c) Licenses.

(1)-(13) (No change.)

(14) Licensed air conditioning and refrigeration contractors shall not be simultaneously employed by, or work for, more than one business entity for which he holds the license.

(15)-(17) (No change.)

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

§75.40. Insurance Requirement.

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

[(f) Certificates of insurance will be accepted only when signed by those officers or agents of an insurance company empowered to sign such certificates by the insurance company. The department will obtain the names of such officers or agents from the insurance companies.]

[(f)(g)] The commissioner may waive the insurance requirements for license applicant or holder not contracting with the general public. All requests to waive the insurance requirements shall be submitted in writing to the program manager and shall contain a detailed explanation of the conditions on which the license applicant or holder is requesting the waiver.

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

adopt.

Issued in Austin, Texas, on June 4, 1991.

TRD-9107077

Larry E. Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Earliest possible date of adoption: July 22, 1991

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

TITLE 22. EXAMINING BOARDS

Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

Registration

• 22 TAC §131.134

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.134, concerning expirations and renewals.

The amendment changes the effective date of the license renewal fee, which is set annually by the board, from the beginning of each calendar year to the beginning of the state's fiscal year.

Charles E. Nemir, P.E., 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. Nemir 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 funds generated from the renewal fee will be consistent with funds required by the agency's appropriation pattern. 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 Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.134. Expirations and Renewals. The certificate of registration is a license to practice engineering under the provisions of the Texas Engineering Practice Act (the Act) and must be renewed by the registrant annually; otherwise, such license shall become invalid until the date the board received the registrant's renewal and penalty

fee. Each registrant shall advise the board in writing of each change of mailing address as it occurs. The board will mail a renewal notice to the last recorded address of each registrant in compliance with the Act, §16(a). However, it is the sole responsibility of the registrant to pay the required renewal fee together with any applicable penalty at the time of payment, regardless of whether the renewal notice is received late. Stipulations with reference to expirations and renewals of certificates of registration are set out in the Act, §16 and §16.1. The following will apply to renewals.

(1) (No change.)

(2) The amount of the annual renewal fee is set by the board and by law may vary from year to year. Board action to change the renewal fee will become effective for [at the beginning of] the fiscal [calendar] year following such action.

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

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

Issued in Austin, Texas, on June 11, 1991.

TRD-9106906

Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Earliest proposed date of adoption: July 30, 1991

For further information, please call: (512) 440-7723

TITLE 40. SOCIAL SER- VICES AND ASSIS- TANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self- support Services

Child Care Management Ser- vices Statewide Implementa- tion

• 40 TAC §10.3458

The Texas Department of Human Services (DHS) proposes new §10.3458, concerning child care management services (CCMS) vendor payments, in its family self-support services chapter. The purpose of the new section is to require CCMS contractors to reimburse vendors according to time frames specified by DHS in the CCMS contract.

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

Mr. Raiford 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 continuity of child care from vendors who are assured of reimbursement on a consistent basis. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of this proposal may be directed to Charlotte Brantley at (512) 450-4179 in DHS's Child Care Services Section. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-149, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 60 days of publication in the *Texas Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

§10.3458. Child Care Management Services (CCMS) Vendor Payments The CCMS contractor must reimburse child care vendors for services provided and according to the time frames specified by the Texas Department of Human Services in the CCMS contract.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107049 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: October 1, 1991

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

Chapter 48. Community Care for Aged and Disabled

Case Management

• 40 TAC §48.3904

The Texas Department of Human Services (DHS) proposes an amendment to §48.3904, concerning case management, in its community care for aged and disabled chapter. The purpose of the amendment is to increase the daily rate for Adult Foster Care from \$10.63 to \$11.75.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$91,249 in fiscal year (FY) 1991; \$218,996 in FY 1992; \$218,996 in FY 1993; \$218,996 in FY 1994; and \$218,996 in FY 1995. There is no anticipated effect on local government as a result of enforcing or administering the section.

Mr. Raiford 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 adult foster care clients will continue receiving quality care in DHS adult foster homes. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Carl Giles at (512) 450-3156 in DHS's Long Term Care Section. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-156, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§48.3904. Special Casework Procedures for Adult Foster Care.

(a) To receive payment, each adult foster care provider must send a completed purchase voucher for adult foster care providers form to DHS for each month the foster care client lives in the home. [Effective April 1990, the] The daily rate paid to adult foster care providers is \$11.75, effective April 1, 1991 [\$10.63].

(b)-(g) (No change.)

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107050 Nancy Murphy
Agency liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1991

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

Part IX. Texas Department on Aging

Chapter 261. Citizen's Advisory Council on Aging

Policies and Procedures

• 40 TAC §§261.1, 261.3, 261.5, 261.9, 261.13

The Texas Department on Aging proposes amendments to §§261.1, 261.3, 261.5, 261.9, and 261.13, concerning citizen's advisory council on aging policies and procedures. These amendments change the advisory council's composition numbers, terms of office, and the duties and responsibilities of the council.

Charles Hubbard, director of finance and administration, has determined that for the first

five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Hubbard 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 clarification of the procedures used by the Texas Board on Aging to select state advisory council members. 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 Diane Lang, Program Operations Coordinator, Box 12786, Austin, Texas 78711.

The amendments are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§261.1. Function. The Citizen's Advisory Council shall advise and make recommendations to the Texas Board on Aging and the Department on Aging on matters pertaining to the planning and coordination of services to the elderly throughout the State of Texas. The council shall assist and advise on developing and implementing the state plan; and review and comment on other state plans, budgets, and policies which affect older persons. The council may perform such other functions as are assigned by the Board on Aging or the executive director on aging.

(1) **Recommendations.** The council will be responsible for making recommendations to the board toward enhancement of all programs for the elderly, for program priorities, and towards development of the state plan for a comprehensive and coordinated delivery system.

(2) **Communications.** The council should promote positive communications between the elderly at the grass roots and the Department on Aging.

(3) **Advocacy.** The council shall serve as an advocate on behalf of the elderly and as a source of education to the Texas Board on Aging.

(4) **Forum.** The council shall serve as a public forum for discussing problems of the elderly.

(5) **Budget.** The council shall provide recommendations to the board regarding legislative budget requests and make recommendations to the board with respect to pending legislation.

(6) **Reauthorization.** The council shall make recommendations to the board pertaining to reauthorization of the Older Americans Act by the United States Congress as and when appropriate.

§261.3. Composition. The Board on Aging shall appoint the members to the Citizens Advisory Council using the following criteria:

(1) the board will select one of three nominees recommended by the local advisory council of each area agency on aging. Each nominee must be a member of the local advisory council. Recommendations from the Citizen's Advisory Council members should be sent to the Texas Department on Aging board chair prior to the meeting when the appointments are to be made. [one member shall be nominated from each designated area agency on aging. This member shall also be a member of the local area agency on aging's Advisory Council and the nominee must be approved by the local advisory council.] Termination of local advisory council membership will result in termination of membership on the state advisory council.

(2)-(6) (No change.)

§261.5. Terms of Office. Council member shall serve for staggered terms of three years with the terms of one-third of the membership expiring on January 31 of each year. [A member may be reappointed to the council.] Reappointment to the Advisory Council is as follows.

(1) A member may be reappointed to the council for one additional consecutive term.

(2) A member serving an unexpired term of more than one year, may be reappointed as long as the term doesn't exceed a total of seven years.

(3) Those members serving terms which exceed those specified in the rule, at the time that this provision is enacted, will be allowed to serve until their current term expires.

§261.9. Presiding Officer of the Citizen's Advisory Council. The Board on Aging shall appoint a chair and a vice chair of the Citizen's Advisory Council who shall serve in their respective capacities at the pleasure of the board. Recommendations from the Citizen's Advisory Council's members

should be sent to the Texas Department on Aging board chair prior to the meeting when the appointments are to be made. The chair of the advisory council shall preside at all meetings. In the event the chair of the Citizen's Advisory Council is unable to preside at a scheduled meeting, the vice-chair will preside.

§271.13. Amendments. The council may propose amendments to the Texas board on Aging on these rules at any regular or special meeting [, provided a]. A copy of the proposed amendments are to be furnished each council member 21 days prior to the date of the meeting at which the amendments are to be considered. The proposed amendments must then go through the Texas Board on Aging and the rule-making process as provided by the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 10, 1991.

TRD-9106913

Polly Sowell
Executive Director
Texas Department on
Aging

Earliest possible date of adoption: July 22, 1991

For further information, please call: (512) 444-2727

◆ ◆ ◆

Withdrawn Sections

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

TITLE 28. INSURANCE

Part II. Texas Workers' Compensation Commission

Chapter 133. Medical Benefits- General Medical Provisions

Subchapter B. Required Re- ports

• 28 TAC §133.107

The Texas Workers' Compensation Commission has withdrawn from consideration for permanent adoption proposed new §133.107 which appeared in the April 16, 1991, issue of the *Texas Register* (16 TexReg 2185). The effective date of this withdrawal is April 16, 1991.

Issued in Austin, Texas, on June 14, 1991.

TRD-9107095 Susan M. Kelley
 General Counsel
 Texas Workers'
 Compensation
 Commission

Effective date: June 14, 1991

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





Name: Deborah Harris

Grade: 12

School: Plano Senior High School, Plano ISD

Adopted Sections

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

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

TITLE 22. EXAMINING BOARDS

Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Chapter 145. Continuing Education

• 22 TAC §145.1

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids adopts an amendment to §145.1, without changes to the proposed text as published in the May 3, 1991, issue of the *Texas Register* (16 TexReg 2460).

The amendment is adopted to allow continuing education credit for published articles.

Five hours of continuing education credit for published articles will be provided to licensees meeting this requirement.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4566, §1.04(i), which provide the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids with the authority to promulgate rules on the requirements for continuing education.

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

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

TRD-9106912

Wanda F. Stewart
Executive Director
Texas Board of Examiners
in the Fitting and
Dispensing of Hearings
Aids

Effective date: July 3, 1991

Proposal publication date: May 3, 1991

For further information, please call: (512) 459-1489



TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 7. Corporate and Financial Regulation

Subchapter J. Examination Ex- penses and Assessments

• 28 TAC §7.1009

The State Board of Insurance adopts new §7.1009, concerning rates of assessments and charges to meet the expenses of examining insurance companies in 1991, without changes to the proposed text as published in the February 8, 1991, issue of the *Texas Register* (16 TexReg 712).

Section 7.1009 concerns rates of assessments and charges to meet the expenses of examining insurance companies in 1991. This new section is necessary to provide rates of assessment and charges sufficient to meet the expenses of performing the board's statutory responsibilities for examining insurance companies and for administering the laws relating to examinations.

Under new §7.1009, the board levies rates of assessment and collects from each domestic insurance company on the basis of admitted assets and gross premium receipts for the 1990 calendar year, and from each foreign insurance company under examination during the 1991 calendar year on the basis of a percentage of the gross salary the board paid to an examiner for each month or part of a month during the examination. The expenses and charges assessed under authority of this section are additional to and not in lieu of any other charge which may be made under law, including the Insurance Code, Article 1.16. The commissioner of insurance has certified the rates of assessment and charges set out in this section to be just and reasonable.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Article 1.16, which authorizes and requires the State Board of Insurance to make assessments and charges to meet all expenses and disbursements required by law and necessary to comply with the provisions of the Insurance Code, Articles 1.16-1.18, relating to the examination of insurance companies.

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

Issued in Austin, Texas, on June 13, 1991.

TRD-9107006

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 4, 1991

Proposal publication date: February 8, 1991

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



Chapter 25. Insurance Premium Finance

Subchapter H. Annual Reports, Examinations, and Assess- ments

• 28 TAC §25.715

The State Board of Insurance adopts new §25.715, concerning general administrative expense assessment, 1991, without changes to the proposed text as published in the February 8, 1991, issue of the *Texas Register* (16 TexReg 712).

Section 25.715 concerns assessment of insurance premium finance companies in 1991. The new §25.715 is necessary to provide a rate of assessment sufficient to meet the expenses of performing the board's statutory responsibilities for examining, investigating, and regulating insurance premium finance companies.

Under new §25.715, the board levies a rate of assessment for 1991 to cover general administrative expense and collects from each insurance premium finance company on the basis of a percentage of total loan dollar volume for the 1990 calendar year.

No comments were received regarding adoption of the new section.

The new section is adopted under the Insurance Code, Article 24.06(c) and Article 24.09. Article 24.06(c) provides that each insurance premium finance company licensed by the board shall pay an amount assessed by the board to cover the direct and indirect cost of examinations and investigations and a proportionate share of general expense attributable to regulation of insurance premium finance companies. Article 24.09 authorizes the State Board of Insurance to adopt and enforce rules necessary to carry out provisions of the Insurance Code concerning the regulation of insurance premium finance companies.

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

Issued in Austin, Texas, on June 13, 1991.

TRD-9107008

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 4, 1991

Proposal publication date: February 8, 1991

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

◆ ◆ ◆
Chapter 27. State Fire Marshal
Subchapter D. Storage and
Sale of Fireworks

• 28 TAC §27.414

The State Board of Insurance adopts an amendment to §27.414, concerning fees, without changes to the proposed text as published in the February 8, 1991, issue of the *Texas Register* (16 TexReg 713).

Section 27.414 concerns license fees for firms and individuals engaged in the sale, distribution, and use of certain fireworks. The amendment is necessary to increase fees because the current fees are generating revenue far less than the cost of administration and enforcement necessary for the licensing program.

The amendment increases initial and renewal fees for all types of licenses and permits.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to adopt rules in accordance with the laws of this state, and under the Insurance Code, Article 5.43-4, §5 and §16, which authorizes the board to adopt rules necessary for the protection, safety, and preservation of life and property in controlling the issuance of licenses and permits to persons engaged in manufacturing, selling, storing, possessing, or transporting fireworks in this state.

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

Issued in Austin, Texas, on June 13, 1991.

TRD-9107010

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 4, 1991

Proposal publication date: February 8, 1991

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 334. Underground and Aboveground Storage Tanks

Subchapter K. Petroleum Substance Waste

• 31 TAC §334.481, §334.482

The Texas Water Commission (TWC) adopts new §334.481 and §334.482, concerning the disposal of petroleum substance waste, with changes to the proposed text as published in the March 22, 1991, issue of the *Texas Register* (16 TexReg 1744).

The sections will replace the existing Subchapter K rules which were adopted on an emergency basis by the TWC on January 10, 1991, and published in the January 18, 1991, issue of the *Texas Register* (16 TexReg 289) and renewed for an additional 60 days as published in the March 22, 1991, issue of the *Texas Register* (16 TexReg 1673).

The TWC has made two changes to §334.481. The first change is to the definition of petroleum substance waste to reflect the fact that aboveground storage tanks may generate petroleum substance waste as a result of petroleum product releases. The second change to §334.481 is the addition of the term "authorized" to the list of definitions. This term is defined as approval issued in writing, by interim registration, by order, by permit, by license, or by rule. Until final, comprehensive authorization rules are adopted by the TWC in Subchapter K, authorization for storage, treatment, and disposal activities can be obtained by submitting an administratively complete TWC Petroleum Storage Tank Division interim registration form. The petroleum substance waste management activities will be approved by the TWC in writing once the TWC determines that the interim registration form has been properly completed. Section 334.482 has been changed by the deletion of paragraph (4) which had stated that concurrent authorization is required from the Texas Department of Health (TDH) and the TWC in cases where industrial solid waste is disposed at a TDH permitted facility.

Entities which submitted written comments to the proposed sections were Lloyd, Gosselink, Fowler, Blevins & Mathews, P.C.; Ford, Ferraro, Fritz, & Byrne; Baker & Botts; El Paso Natural Gas Company; TU Services; Star Enterprises; Pennzoil Company; and Houston Lighting and Power.

The TWC received several comments to both sections. One comment was made in regard to only §334.481. This commenter requested a clarification of the term "storage" as proposed in §334.481 to make clear that this provision does not apply to temporary on-site storage of non-hazardous, petroleum substance waste. The commenter additionally requested that the storage definition be amended to allow the on-site storage of petroleum substance waste for up to 90 days. The TWC intends that the term "storage" ap-

ply in fact to the temporary on-site storage of non-hazardous, petroleum substance waste. Authorization for this storage is required pursuant to §334.482. This authorization is intended to be obtained in writing from the TWC prior to beginning any storage activities. The authorization could be obtained, for example, by submitting an administratively complete interim registration form at the time tank removal notification is given to the TWC.

One commenter sought clarification of whether the TWC intends that the disposal of petroleum substance waste which is industrial solid waste be authorized either by executive director approval or by §334.482(4). The TWC intends to adopt §334.481 without paragraph (4). The TWC is aware that paragraph (4) has caused some confusion as to whether or not petroleum substance waste is categorized as either municipal or industrial waste pursuant to the Texas Solid Waste Disposal Act (TSWDA), Chapter 331, Texas Health and Safety Code. The TWC believes that petroleum substance wastes are a special waste category not subject to the municipal and industrial classifications of the TSWDA. While the TWC agrees that petroleum substance wastes are solid wastes and, therefore, under the umbrella of the TSWDA, the TWC does not believe that the classifications should apply to petroleum substance wastes. Both the Environmental Protection Agency and the State of Texas have regulated underground storage tanks under a program distinct from the hazardous and solid waste program. The TWC believes that 31 TAC §335.2 allows for other means of authorizing solid waste management. Therefore, treating petroleum substance wastes as special wastes allows the Subchapter K provisions to coexist with the TSWDA and provides a consistent result with the governmental intent to regulate storage tanks under an independent program. This commenter also asked whether the provisions of 31 TAC §335.6, which requires 90-day notification of intent to treat, store, or dispose of industrial solid waste without a permit, would apply to petroleum substance waste. The TWC is not requiring the 90-day notification requirements of 31 TAC §335.6 to apply to Subchapter K provisions. The commenter additionally requested that the TWC issue §334.482 authorization orally. The TWC believes that written authorization is the best method for avoiding confusion regarding the conditions and limitations of any authorization issued. The TWC does not believe that obtaining authorization will be difficult as these rules state that a person may obtain authorization for petroleum substance waste management activities by submitting an administratively complete interim registration form to the TWC. If the TWC determines that the form is complete, written authorization will be issued by the TWC. The final point raised by this commenter concerned how these Subchapter K rules relate to §334.85. Section 334.85 addresses the management of regulated substance wastes, whereas, the Subchapter K rules address the management of only petroleum substance wastes. Therefore, these Subchapter K rules are more specific and do not conflict with §334.85.

One commenter stated that §334.382(4) allows permitting by both the Texas Department of Health (TDH) and the Texas Water Commission in the case of industrial solid

waste disposal. The commenter stated that only the TWC has jurisdiction over the disposal of industrial solid waste pursuant to the TSWDA. Paragraph (4) states that only comment authorization is required from the TDH and the TWC in cases where the industrial solid waste is disposed of at a TDH permitted facility. It does not require permitting from both agencies. This explanation is intended only as a clarification as the TWC intends to adopt §334.482 without paragraph (4) as stated previously. The commenter also stated that paragraph (2) appears to require permitting for the on-site storage, treatment, or disposal of non-hazardous industrial solid waste. As stated in paragraph (2), if an entity wishes to store, treat, or dispose of petroleum substance waste at a TWC permitted facility then authorization as defined herein from the TWC is required.

One commenter sought clarification of whether the definition of storage encompassed the immediate removal of any quantity of petroleum substance waste. As stated previously, the TWC intends that such on-site holding constitutes storage and, therefore, requires authorization. The commenter also asked whether these Subchapter K rules require authorization for wastes which contain any detectable concentration of petroleum substance. The TWC considers any detectable concentrations of petroleum substance contaminants to be a waste. The commenter also stated that small volumes of petroleum substance waste should not be subject to the authorization requirement. The TWC believes that these storage requirements should apply regardless of the waste quantity. The TWC requires that the storage, treatment, and disposal of wastes be documented and such documents be submitted to the TWC.

One commenter recommended that §334.482(4) be deleted because it caused unnecessary confusion in the regulation of petroleum substance waste. The TWC agrees and as stated previously, intends to adopt §334.481 without paragraph (4). The commenter also requested that the TWC state whether authorization will be issued in writing. As indicated earlier, the TWC intends that authorizations be issued in writing. The TWC believes that obtaining authorization should not be difficult as the rules allow for the submittal of an administratively complete interim registration form. The commenter was concerned that according to §334.482, no remedial action can be taken until authorization is granted. The TWC requires authorization for treatment of petroleum substance waste under Subchapter D of Chapter 334 which requires an entity to, at a minimum, notify the TWC prior to beginning any remedial activity and to submit information on the activities in a remedial action plan. The remedial action plan is subject to the approval of the TWC.

One commenter noted that the Subchapter K rules apply to those petroleum substance wastes which emanate from aboveground storage tanks. The commenter pointed out that aboveground storage tanks by definition contain petroleum product. Petroleum product is a narrower category within the term petroleum substance. The TWC agrees that aboveground storage tanks can contain only petroleum product. Therefore, this will be reflected in the definition of petroleum substance waste.

One commenter asked when the act of storage begins and ends. The TWC believes that the initial act of removing wastes constitutes storage. The definition of storage indicates that storage ends when the waste is either treated, disposed of, recycled, or stored at another site. The commenter additionally asked how and when authorization is obtained. Authorization is necessary prior to beginning any act which constitutes storage, treatment, or disposal. The definition of authorization allows a person to obtain authorization under these rules by submitting an administratively complete interim registration form for the TWC's written approval. However, those who are engaged in petroleum substance waste management before the effective date of these rules will be allowed 30 days from the effective date of these rules to submit an administratively complete interim registration form to the TWC for its written approval. The commenter asked whether waste classification of petroleum substance waste through the TWC's Waste Classification Unit is necessary. Because the petroleum substance waste will be treated as a special waste, the waste will not be classified by the Waste Classification Unit but rather by the PST Division.

The final commenter proposed four rules relating to the recycling of petroleum substance waste. Pursuant to the Administrative Procedure and Texas Register Act, Article 6252-13(a), Texas Civil Statutes (Vernon), the commenter's rulemaking petition will be addressed at a separate commission proceeding.

The new sections are adopted under the Texas Water Code, §§26.341-26.359, as enacted by Senate Bill 779, 70th Legislature, 1987, and as amended by House Bill 1588, 71st Legislature, 1989, which authorizes the TWC to establish a program to regulate underground storage tanks and aboveground storage tanks, and under the Texas Water Code, §§5.103 and 5.105, which authorizes the TWC to adopt any sections necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

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

Authorized—Allowed in writing, by interim registration, by order, by permit, by license, or by rule.

Hazardous waste—Any solid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency pursuant to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 United States Code, §6901 et seq, as amended.

Petroleum substance—As defined in §334.2 of this title (relating to Definitions).

Petroleum substance waste—Any waste, excluding hazardous waste, which is generated as a result of a release of a petroleum substance from an underground storage tank or a petroleum product from an

aboveground storage tank regulated by the commission pursuant to the Texas Water Code, Chapter 26, Subchapter I.

Release—As defined in §334.2.

Storage—The holding of petroleum substance waste for a temporary period, at the end of which time the waste is treated, disposed of, recycled, or stored elsewhere.

Treatment—Methods which are designed to change, by physical, chemical, or biological means, the levels of contamination of the petroleum substance waste in order to render the petroleum substance waste suitable for reuse or disposal.

§334.482. Petroleum Substance Waste Storage, Treatment, and Disposal. No person shall store, treat, or dispose of any petroleum substance waste resulting from an underground or aboveground storage tank release except as authorized by the executive director or:

(1) as authorized by the Texas Department of Health at a facility permitted by the Texas Department of Health; or

(2) as authorized by the commission at a facility permitted by the commission; or

(3) as authorized by both the Texas Railroad Commission and the commission at a facility permitted by the Texas Railroad Commission.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107113

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: July 5, 1991

Proposal publication date: March 22, 1991

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

◆ ◆ ◆
TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 81. Administrative Provisions

General

• 37 TAC §81.7

The Texas Youth Commission (TYC) adopts new §81.7, with changes to the proposed text as published in the January 11, 1991, issue of the *Texas Register* (16 TexReg 161).

The section requires TYC staff to notify elected officials prior to the opening or relocating of a TYC operated residential facility. The changes to the rule add or revise a catch line to clarify sections.

No comments were received regarding adoption of the new section.

The new section is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to the proper accomplishment of its functions.

§81.7. Notification of a Facility Opening or Relocating.

(a) Policy. The Texas Youth Commission ensures notification to elected officials prior to the opening or relocating of a Texas Youth Commission (TYC) operated residential facility and a contracted residential program meeting specific criteria.

(b) Rules.

(1) The executive assistant, in cooperation with the regional director, is responsible for assuring that TYC staff notify elected officials prior to opening or relocating residential programs. The contract administrator, in cooperation with the regional director, is responsible for assuring that contract providers notify elected officials prior to opening or relocating residential programs.

(2) Notification is provided at each stage in the site selection process, e.g., decision to locate program, bid award of request for proposal, selection of site, planned date of program opening.

(3) Notification is provided on the following programs:

(A) TYC residential programs; and

(B) private sector residential programs that serve six or more youth and contract exclusively with TYC.

(4) Elected officials to be notified include:

(A) city council members;

(B) the county commissioners' court;

(C) the state representative and senator who represent the area in which the proposed program is to be located.

(5) Upon request by one of the elected officials stated in paragraph (4) of this subsection, TYC or the residential contract program will hold a public meeting in order to provide information to the general public regarding the nature of the program, and impact on the community.

(6) Notice of the public meeting must be published in a newspaper of general circulation before the 30th day before the date of the meeting.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel

and found to be a valid exercise of the agency's legal authority.

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

TRD-9107036

Ron Jackson
Executive Director
Texas Youth Commission

Effective date: July 5, 1991

Proposal publication date: January 11, 1991

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter D. Resources

The Texas Department of Human Services adopts amendments to §15.435 and §15.460, concerning payments from the Radiation Exposure Compensation Act, in its Medicaid Eligibility chapter. The amendments are a result of Public Law 101-246, which excludes from income and resources compensation for injuries resulting from exposure to radiation from nuclear testing and uranium mining.

The amendments are justified because a few more people will be able to keep their SSI and Medicaid benefits.

The amendments will function by excluding from income and resources compensation for injuries resulting from exposure to radiation from nuclear testing and uranium mining.

• 40 TAC §15.435

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs. To comply with federal requirements, the amendment is adopted to be effective October 15, 1990.

§15.435. Liquid Resources.

(a)-(j) (No change.)

(k) Payments from the Radiation Exposure Compensation Act. Public Law 101-246 excludes compensation for injuries resulting from exposure to radiation from nuclear testing and uranium mining.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107051

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

Effective date: October 15, 1990

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

Subchapter E. Income

• 40 TAC §15.460

The amendment is adopted under the Human Resources Code, Title 2, chapters 22 and 32, which authorizes the department to administer public and medical assistance programs. To comply with federal requirements, the amendment is adopted to be effect October 15, 1990.

§15.460. Income Exemptions.

(a) (No change.)

(b) The department exempts income that a client receives from any of the following sources:

(1)-(33) (No change.)

(34) compensation received under the Radiation Exposure Compensation Act for injuries resulting from exposure to radiation from nuclear testing and uranium mining.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107052

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

Effective date: October 15, 1990

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

Subchapter E. Income

• 40 TAC §15.466

The Texas Department of Human Services adopts an amendment to §15.466, concerning special income exclusion, in its Medicaid Eligibility chapter. The amendment is a result of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90).

The amendment is justified because a few more people will have their Medicaid benefits extended after SSI denial.

The amendment will function by creating a new Medicaid coverage group. States must continue Medicaid coverage for SSI clients who lose SSI eligibility because of increased disabled widow's or widower's benefits as a result of the relaxing of disability criteria. Medicaid continues until the person is entitled to Medicare.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs. To comply with federal requirements, this amendment is adopted to be effective January 1, 1991.

§15.466. Special Income Exclusions.

- (a) (No change.)
- (b) Type Program 22.

(1) Disabled individuals 60 and older who were denied SSI benefits because of entitlement to early aged widow's or widower's benefits may be eligible for Medicaid if they would meet all current SSI eligibility criteria in the absence of those early aged widow's and widower's benefits. Eligible individuals are entitled to the exclusion of subsequent increases in these benefits. They may continue to receive Medicaid until they are eligible for Medicare. Medicaid benefits under Type Program 22 cannot begin before July 1, 1988, regardless of when an individual became eligible for or was denied SSI.

(2) Disabled individuals who were denied SSI benefits because of an increase in widow's or widower's disability benefits as a result of the relaxing of disability criteria may be eligible for Medicaid if they meet all SSI eligibility criteria in the absence of those widow's or widower's disability benefits. Eligible individuals are also entitled to the exclusion of subsequent increases in these benefits. They continue to receive Medicaid until they are entitled to Medicare. Medicaid benefits under this coverage group does not begin before January 1, 1991, regardless of when an individual became eligible for or was denied SSI.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107053 Nancy Murphy
 Agency liaison, Policy and
 Document Support
 Texas Department of
 Human Services

Effective date: January 1, 1991

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



Subchapter F. Budgets and Payment Plans

• 40 TAC §15.501

The Texas Department of Human Services adopts an amendment to §15.501, concerning individual and couple cases, in its Medicaid Eligibility chapter. The amendment is a result of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90).

The amendment is justified because it complies with federal law.

The amendment will function by allowing certain clients to keep more money each month for personal needs.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs. To comply with federal requirements, this amendment is adopted to be effective November 5, 1990.

§15.501. Vendor Living Arrangements.

- (a)-(k) (No change.)

(1) Clients whose VA benefits are capped at \$90 per month retain the full \$90 as a personal needs allowance.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107054 Nancy Murphy
 Agency liaison, Policy and
 Document Support
 Texas Department of
 Human Services

Effective date: November 5, 1990

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



Chapter 49. Child Protective Services

Subchapter Q. Purchased Protective Services

• 40 TAC §49.1765

The Texas Department of Human Services (DHS) adopts an amendment to §49.1765 concerning postadoption services, without changes to the proposed text as published in the April 26, 1991, issue of the *Texas Register* (16 TexReg 2357).

The amendment is justified because special-needs adoptions will be promoted and strengthened by the expansion of respite-care services, which help adoptive families cope with the stresses of caring for children with special needs.

The amendment will function by extending eligibility for postadoption respite-care services to adoptive families needing respite care to relieve the stresses associated with parenting special-needs children. The amendment will also function by increasing the number of days of respite-care services per family per year and by authorizing the director of DHS's Protective Services for Families and Children Department to approve additional days of service when necessary.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs, and Chapter 47, which authorizes the department to administer programs that promote the adoption of hard-to-place children.

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

Issued in Austin, Texas, on June 13, 1991.

TRD-9107009 Nancy Murphy
 Agency liaison, Policy and
 Document Support
 Texas Department of
 Human Services

Effective date: July 15, 1991

Proposal publication date: April 26, 1991

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



State Board of Insurance Exempt Filing

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

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.)

These actions become effective 60 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*.

The board has adopted physical damage rating symbols for certain 1991 model private

passenger automobiles and adjusted 1991 model private passenger automobiles. The symbols adopted were developed from manufacturer list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual* for 1990 models and subsequent models. The amendments are to be effective on the 60th day after notice of this action is published in the adopted rules section of the *Texas Register*.

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

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

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

TRD-9107003 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: August 20, 1991

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



The State Board of Insurance has adopted amendments to the *Texas Automobile Manual*.

The board has adopted physical damage rating symbols for certain 1991 model private passenger automobiles and adjusted 1991 model private passenger automobiles. The symbols adopted were developed from manufacturer list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual* for 1990 models and subsequent models. The amendments are to be effective on the 60th day after notice of this action is published in the adopted rule section of the *Texas Register*.

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

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

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

TRD-9107004 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: August 20, 1991

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





Name: Christine Walsh

Grade: 12

School: Plano Senior High School, Plano ISD



Name: Craig Stewort

Grade: 12

School: Plano Senior High School, Plano ISD

Open Meetings

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

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

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

Texas Department of Agriculture

Tuesday, June 25, 1991, 11 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Ninth Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to show cause for denial of renewal application for licensure as a commission merchant as filed by Joe Mahan and E. C. Mahan doing business as Tex Sandia, Inc.

Contact: Alana Marie Holmes, P.O. Box 12847, Austin, Texas 78711, (512) 475-1634.

Filed: June 14, 1991, 2:06 p.m.

TRD-9107067

Tuesday, July 2, 1991, 6 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at the Miles Co-operative Gin, 1 1/2 Miles Northwest of Miles, On FM 1692, Miles. According to the agenda summary, the board will read and approve minutes; hear treasurer's report; report of activities; committee reports; reports from special guests with discussion and action on proposals; and discuss old and new business.

Contact: Sid Long, P.O. Box 30036, San Angelo, Texas 76903, (915) 453-2383.

Filed: June 13, 1991, 2:17 p.m.

TRD-9107005

Tuesday, July 9, 1991, 1 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at the Lowake Steak House, Route One, Lawake. According to the agenda summary, the board will read and discuss approval of minutes; hear treasurer's report; report of activities; committee reports; reports from special guests with discussion and action on proposals; and discuss old and new business.

Contact: Sid Long, P.O. Box 30036, San Angelo, Texas 76903, (915) 453-2383.

Filed: June 14, 1991, 10:03 a.m.

TRD-9107033

Battleship Texas Advisory Board

Saturday, June 22, 1991, 10 a.m. The Battleship Texas Advisory Board will meet at the Captain's Quarters aboard the Battleship Texas, San Jacinto Battleground State Park, LaPorte. According to the agenda summary, the board will review and discuss various items with respect to the Battleship Texas restoration.

Contact: Robert D. Miller, 3200 Texas Commerce Tower, Houston, Texas 77002; (713) 226-1186.

Filed: June 14, 1991, 10:05 a.m.

TRD-9107035

Bond Review Board

Thursday, June 20, 1991, 10 a.m. The Bond Review Board met at the State Capitol, Sergeant's Committee Room, Austin. According to the emergency revised agenda summary, the board called the meeting to order; approved minutes; considered proposed issues (added agenda item F); discussed other business; and adjourned. The emergency status was necessary to allow timely consideration of additional proposed issue not previously posted.

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

Filed: June 13, 1991, 4:56 p.m.

TRD-9107023

Texas State Board of Examiners of Professional Counselors

Friday, June 21, 1991, 8:30 a.m. The Complaints Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Bou-

levard, Austin. According to the complete agenda, the committee will consider action on orders to accept surrender of licenses of C.L.B. and I.D.F.; orders to suspend licenses of G.W.G., N.S.G., K.D.T., L.G.T.; complaint policy and procedures; prepare report on complaints, investigations, and pending hearings. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107101

Friday, June 21, 1991, 10 a.m. The Rules and Specialties Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will consider and possibly act on amendments to board rules; presenter credit for ethics presentations; and proposed rules concerning projective techniques. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107103

Friday, June 21, 1991, 10:30 a.m. The Public and Professional Relations Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will prepare report on press releases concerning disciplinary actions; consider action on next newsletter, new columns and other public relations projects. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107102

Friday, June 21, 1991, 11 a.m. The Personnel and Administration Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will consider and possibly act on extending temporary staff positions; status of administrative actions; and counselor demographics survey. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:03 p.m.

TRD-9107104

Friday, June 21, 1991, 11:30 a.m. The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will consider and possibly act on financial reports through April 30, 1991; and discuss expenditures. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:03 p.m.

TRD-9107105

Friday, June 21, 1991, 1:30 p.m. The TACD Ad Hoc Liaison Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will report on legislative actions. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:03 p.m.

TRD-9107106

Friday, June 21, 1991, 2 p.m. The Testing and Continuing Education Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will consider and possibly act on report by Ad Hoc Examination Committee; examination dates; field exam by Morag Harris; and continuing education appeals by William Flynn, James D. Vick, and R. David Couch. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:03 p.m.

TRD-9107107

Friday, June 21, 1991, 3 p.m. The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will hold an emergency meeting at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the complete agenda, the committee will consider and possibly act on applications of Lonnie Albert Beadles, David W. Edwards, Lee R. Elliott, Bonnie C. Fails, Robert B. Farrar, Alison McCaul Gravely, Thomas A. Greiner, Morag Harris, Karen E. Hudson, Sue Huston, Gloria Keese, Cecelia J. Kovacs, Gail Lucel Morton, Cheryl Kliefoth Ossenfort, A. Yvonne Russell, Johnny C. Thomas, Judith H. Walter and others; hear appeals; and review renewals. The emergency status is necessary due to unforeseeable circumstances.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:03 p.m.

TRD-9107108

Saturday, June 22, 1991, 8:30 a.m. The Texas State Board of Examiners of Professional Counselors will meet at the Board Offices, 4200 North Lamar Boulevard, Austin. According to the agenda summary, the board will approve minutes of previous meeting; consider and possibly act on applications; appeals; renewals; surrender of licenses; suspension of licenses; complaint policy and procedures; complaints; investigations; pending hearings; ad hoc examination committee report; examination dates; request for field exam; continuing education appeals; Texas Sunset Commission staff presentation; amendments to board rules; presenter credit for ethics presentations; proposed rule on projective techniques; legislation; press releases on disciplinary actions; next newsletter, new columns and other public relations projects; financial reports; expenditures; extension of temporary staff position; administrative actions; counselor demographics survey; CLEAR conference; hear public comments; and consider other matters not requiring action.

Contact: Don F. Rettberg, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2900.

Filed: June 14, 1991, 4:03 p.m.

TRD-9107109

Texas Commission for the Deaf

Friday, June 14, 1991, 5 p.m. The Board for Evaluation of Interpreters (BEI) of the

Texas Commission for the Deaf held an emergency meeting at the Texas Commission for the Deaf, Conference Room, 1524 South IH-35, Petroleum Building, Suite 200, Austin. According to the complete agenda, the board will hear public comments; address certificate recommendations; revocations; reviews and recommendations for new board member; election of chairperson; final open session board recommendations from the executive session; discuss old business; new business; and calendar and reports. The emergency status was necessary due to nature of certificate recommendations.

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

Filed: June 14, 1991, 1 p.m.

TRD-9107058

Texas Education Agency

Sunday-Monday, June 23-24, 1991, 3 p.m. and 8:30 a.m. respectively. The Software Advisory Committee of the Texas Education Agency will meet at the Radisson Hotel, 300 North Shoreline, Corpus Christi. According to the agenda summary, the committee will welcome and introduce new members; status of the membership into the States Consortium for improving software selection; discussion of products available through the membership from Educational Products Information Exchange (EPIE) Institute; planning for the training, distribution, and use of the EPIE products; planning for the dissemination of information about the consortium membership and the EPIE products; completion of the Software Advisory Committee's software selection guidebook; and discussion of future milestones and meeting dates.

Contact: Karen Kahan, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9087.

Filed: June 14, 1991, 4:20 p.m.

TRD-9107111

Monday, July 8, 1991, 9 a.m. The Task Force of Various State Agencies that Regulate Proprietary Schools of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the task force, comprised of staff from the Texas Education Agency, Texas Guaranteed Student Loan Corporation, and other state agencies that regulate proprietary schools will discuss the agencies' actions to improve program quality and reduce default rates. The task force will then summarize the meeting and discuss the next meeting of the task force.

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

Filed: June 14, 1991, 4:20 p.m.

TRD-9107110

Fire Department Emergency Board

Friday, June 21, 1991, 9 a.m. The Board of Directors of the Fire Department Emergency Board will meet at 1106 Clayton Lane, Suite 220E, Austin. According to the revised agenda summary, the board will meet in executive session to consider and make recommendations on investigation of executive director; executive director authority and/or duties; consideration of and recommendations on board budget for FY 1991, 1992 and 1993; Application Review Committee will consider and make recommendations on applications received no later than 5 p.m., June 14, 1991; Legislative Committee will consider and make recommendations on House Bill 708, House Bill 10 and any other legislation affecting FDEB; consideration of and recommendations on guidelines relative to board involvement in legislative matters; Board of Directors will take roll call; read and approve minutes for April 5, 1991; report of committees; report of executive director; reading of communications and board action thereon; unfinished business, presentation of rules revisions previously approved by the board at the April 5, 1991 meetings; consideration and action on new business, discussion and possible request for Attorney General opinion regarding the role of the Fire Marshall vis-a-vis the board; and adjournment. (The personnel portion of the executive committee is to be regarded as an executive session).

Contact: Barney Oldham, Route 2, P.O. Box 69, Bertram, Texas 78605, (512) 472-0512.

Filed: June 13, 1991, 10:21 a.m.

TRD-9106991

Office of the Governor, Criminal Justice Division

Friday, June 21, 1991, 9 a.m. The Criminal Justice Division Subcommittee on Minorities in the Juvenile Justice System of the Office of the Governor will meet at the Texas Law Center, Room 101, Austin. According to the complete agenda, the subcommittee will call the meeting to order; approve minutes; make opening remarks; hear report on group's progress and update on staff activities; report on state and national data compiled; task groups meet (prevention and diversion and alternatives and aftercare); and adjourn.

Contact: Jim Kester, P.O. Box 12428, Austin, Texas 78711, (512) 463-1919.

Filed: June 13, 1991, 11:07 a.m.

TRD-9106997

Governor's Task Force on Revenue

Saturday, June 22, 1991, 9 a.m. The Governor's Task Force on Revenue will meet at the State Capitol, Senate Chamber, Austin. According to the complete revised agenda, the task force will consider final recommendations; and adopt final recommendations.

Contact: Terrell Blodgett, P.O. Box 12068, Austin, Texas 78711, (512) 463-3004.

Filed: June 14, 1991, 3:37 p.m.

TRD-9107096

Texas Department of Health

Wednesday, June 26, 1991, 1:30 p.m. The Hospital Data 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 approve minutes of previous meeting; consider and approve report titled, "Reporting and Collection Systems for Hospitals, Texas, 1989" consider: report of chief, Bureau of State Health Data and Policy Analysis; status of 1990 annual survey of hospitals by department, Texas Hospital Association, American Hospital Association; reports titled, "Medicare Hospital Discharge Data, Texas 1988", and "Medicaid Hospital Discharge Data, Texas 1989"; report on additional data collection and analysis activities.

Contact: Carol Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107097

Friday, June 28, 1991, 2:30 p.m. The Texas Radiation Advisory Board, Executive Committee of the Texas Department of Health will meet at 1212 East Anderson Lane, Austin. According to the complete agenda, the committee will consider and possibly act on low-level radioactive waste disposal update; interaction with the department's Standards Branch; revision of rules of procedures; definition of legislative committee mission; Nuclear Regulatory Commission request for nominees for the medical advisory committee; and legislative/budget information.

Contact: L. Don Thurman, 1100 West 49th Street, Austin, Texas 78756, (512) 835-7000.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107098

Monday, July 1, 1991, 10 a.m. The Advisory Council on Massage Therapy of the

Texas Department of Health will meet at the Texas Department of Health, 4200 North Lamar Boulevard, Conference Room, Austin. According to the complete agenda, the council will approve minutes of previous meeting; consider and possibly act on proposed amendment to massage therapy rules, §§141.1-141.21, to implement House Bill 2420; adoption of proposed amendments to §§141.1-141.21; 72nd Legislature, 1991; and consider other matters not requiring council action.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 459-2950.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107099

Wednesday, July 10, 1991, 1 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room M-739, Austin. According to the complete agenda, the committee will review the Emergency Medical Services Trauma Systems rules.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: June 14, 1991, 4:02 p.m.

TRD-9107100

Texas Health and Human Services Coordinating Council

Friday, June 21, 1991, 8:30 a.m. The Commission on Children, Youth, and Family Services of the Texas Health and Human Services Coordinating Council will meet at the THHSCC, Conference Room, Suite 216, 9101 Burnet Road, Austin. According to the complete agenda, the commission will call the meeting to order; review and approve minutes; review of commission report; discuss old business; new business; and adjourn.

Contact: Rick Reynolds, 9101 Burnet Road, Suite 216, Austin, Texas 78758, (512) 873-2400.

Filed: June 13, 1991, 11:07 a.m.

TRD-9106995

State Department of Highways and Public Transportation

Tuesday, June 25, 1991, 1:30 p.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet at 5011 Westheimer Road, Westin Oaks Hotel, Consort Ballroom II, Houston.

According to the agenda summary, the commission will approve minutes; execute contract awards, rejections, defaults and/or assignments; routine minutes orders; authorize eminent domain proceedings; traffic management projects; multiple use agreement; construction; revision of width restrictions on various roads; park and ride facilities; consider public transportation program and Texas Traffic Safety Program; receive/discuss Houston area reports and staff reports; meet in executive session with legal counsel on litigation; real property transactions; and staff conference to receive information.

Contact: Myrna Klipple, State Department of Highway and Public Transportation, Dewitt C. Greer Building, Room 203, Austin, Texas 78701, (512) 463-8576.

Filed: June 14, 1991, 1:56 p.m.

TRD-9107061

Wednesday, June 26, 1991, 9 a.m. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet at 2027 Airway Boulevard, El Paso Airport Hilton and Convention Center, El Paso. According to the agenda summary, the commission will hear briefing/discussion by El Paso Chamber of Commerce and public officials; helicopter tour of El Paso and Juarez areas; authorize the advancement of a section of FM 76 (North Loop Drive); consider prior public hearing matters; applaud and encourage departmental efforts regarding master planning along Mexican Border; and receive and discuss staff reports.

Contact: Myrna Klipple, State Department of Highways and Public Transportation, Dewitt C. Greer Building, Room 203, Austin, Texas 78701, (512) 463-8576.

Filed: June 14, 1991, 2:23 p.m.

TRD-9107074

Texas Department of Human Services

Wednesday, June 26, 1991, 9:30 a.m. The Physician Payment Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the committee will make opening comments; hear deputy commissioner's comments; medicaid overview; define the medicaid population foreseeable eligibility changes; summary of expenditures for selected CPT codes; status report on RBRVS analysis; regional data on availability of physicians, "participating physicians," specialties, codes, rural/urban; the Arkansas experience; open discussion; and next meeting/adjournment.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: June 14, 1991, 4:52 p.m.

TRD-9107114

The Department of Information Resources

Thursday, June 20, 1991, 9 a.m. The Board of the The Department of Information Resources held an emergency meeting at One Capitol Square, Suite 1300, 300 West 15th Street, Austin. According to the complete agenda, the board called the meeting to order; took roll call and witnessed registration; approval of minutes; heard executive director's report; discussed and voted on information services division issues; discussed and voted on technical evaluation event policy; discussed and made final adoption of rules concerning amendments to definitions and implementation of approved plans; and discussed future board dates. The emergency status was necessary as agenda items needed to be discussed and voted on.

Contact: Debra Williams, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 371-1120.

Filed: June 13, 1991, 12:33 p.m.

TRD-9106999

State Board of Insurance

Tuesday, June 25, 1991, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Billy Douglas Springfield, also known as James William Biles, of Bonham, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Group II Insurance Agent's license. Docket Number 11215.

Contact: Lisa Lyons, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 17, 1991, 4:22 p.m.

TRD-9107202

Tuesday, June 25, 1991, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Stanley James Branscum, Whitney, who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11194.

Contact: James W. Norman, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 17, 1991, 4:22 p.m.

TRD-9107203

Tuesday, June 25, 1991, 1:30 p.m. The State Board of Insurance will hold an emergency meeting at the John H. Reagan Building, 105 West 15th Street, Room 101, Austin. According to the complete agenda, the board will hold a public hearing to consider an application by Ralph Patrick Fern for review of Commissioner's Order Number 91-0171, concerning disciplinary action against Ralph Patrick Fern who holds licenses as a Group II and Legal Reserve Life Insurance Agent. The emergency status is necessary for the protection of public health and safety by providing earliest possible resolution of issues concerning continuing licenses of an agent for marketing insurance to the public.

Contact: Angelia Johnson, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 463-6328.

Filed: June 18, 1991, 9:45 a.m.

TRD-9107215

Wednesday, June 26, 1991, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Ronald Jeffery Abrams, San Antonio, who holds a Local Recording Agent's license. Docket Number 11214.

Contact: Wendy L. Ingham, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 17, 1991, 4:23 p.m.

TRD-9107204

Wednesday, June 26, 1991, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against David Wesley Callaman, Cisco, who holds a Group I, Legal Reserve Life Insurance Agent's license, Group II Insurance Agent's license and a Local Recording Agent's license. Docket Number 11205.

Contact: Earl A. Corbitt, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 17, 1991, 4:23 p.m.

TRD-9107205

Monday, July 1, 1991, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Louis Herchel Geigerman,

Houston, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Variable Contract Agent's license. Docket Number 11182.

Contact: Earl A. Corbitt, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 17, 1991, 4:23 p.m.

TRD-9107206

Board of Law Examiners

Tuesday-Wednesday, June 25-30, 1991, 1 a.m. and 8 a.m. respectively. The Board of Law Examiners will meet Tuesday-Friday at the Texas Law Center, 1414 Colorado Street, Saturday at the BLE Office, 510 South Congress Avenue, Suite 116, and Sunday at the Hyatt-Regency Hotel, 208 Barton Springs Road, Austin. According to the complete agenda, the board will approve minutes of April 1991 meeting; discuss budget-review FY 1991-review proposed FY 1992; discuss impact of legislation on supreme court rules; consider admission of Garza Law School students; questions of eligibility and special requests; hearings on moral character and fitness; Rule VII (i) formal reviews; discuss July 1991 bar exam; and prepare questions.

Contact: Wayne E. Denton, 510 South Congress Avenue, Suite 116, Austin, Texas 78704, (512) 463-1621.

Filed: June 17, 1991, 11:51 a.m.

TRD-9107136

Legislative Audit Committee

Monday, June 24, 1991, 10 a.m. The Legislative Audit Committee will meet at the State Capitol, Old Supreme Court Room, Austin. According to the complete agenda, the committee will review and discuss investigative report on West Texas State University; statewide financial audit highlights; recent performance audits; and discuss other items.

Contact: Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 479-4900.

Filed: June 13, 1991, 3:50 p.m.

TRD-9107015

Monday, July 8, 1991, 3 p.m. (rescheduled from June 24, 1991, 10 a.m.) The Legislative Audit Committee will meet at the State Capitol, Old Supreme Court Room, Austin. According to the complete agenda, the committee will review and discuss investigative report on West Texas State University; statewide financial audit highlights; recent performance audits; and discuss other items.

Contact: Lawrence F. Alwin, P.O. Box 12067, Austin, Texas 78711, (512) 479-4900.

Filed: June 17, 1991, 9:59 a.m.

TRD-9107130

Texas Department of Licensing and Regulation

Thursday, June 27, 1991, 11 a.m. (rescheduled from June 27, 1991, 9 a.m.) . The Business and Occupational Programs, Talent Agencies of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, Room 1012, 920 Colorado Street, Austin. According to the complete revised agenda, the department will consider "Motion to Compel Discovery" for documents requested from Phoenix Texas Publishing, Inc., doing business as Faces International, Dockets Number 9000-0231 and 9000-0232.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 18, 1991, 9:40 a.m.

TRD-9107213

State Preservation Board

Thursday, June 20, 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; discuss new business: approval of SPB rule additions and modifications; approval of construction documents for the Texas Capitol Interior Preservation Project and to take bids; approval of construction documents for the Texas Capitol Interior Asbestos Abatement Project and to take bids; approval of preliminary project and administrative budgets; listing and approval of change orders; consulting contracts; update on the furnishings plan; selection of PAC exhibit subcommittee members; new appointments to the collections review committee; PAC approval of additions to capitol collections.

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

Filed: June 12, 1991, 5:01 p.m.

TRD-9106978

Public Utility Commission of Texas

Tuesday, June 18, 1991, 9 a.m. The Public Utility Commission of Texas held an emergency meeting at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the commission also considered the appeal of

Examiner's Order Number 16 in Docket Number 9667-application of GTE Southwest, Inc. to modify 911 service tariff and to add over 200 new service offerings; and the Nunc Pro Tunc of Commission Order of June 3, 1991 of Centel's appeal of Examiner's Order Number 11, in Docket Number 9981-petition of General Counsel to inquire into the reasonableness of the rates and services of Central Telephone Company of Texas. The emergency status was necessary as prompt commission action was necessary to preserve jurisdiction over the subject matter of the appeals.

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

Filed: June 14, 1991, 3:03 p.m.

TRD-9107081

Tuesday, June 18, 1991, 9:05 a.m. The Administrative Division of the Public Utility Commission of Texas held an emergency meeting at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the emergency revised agenda, the commission considered for discussion and possible action, FCC Docket 91-35, Policies and rules concerning operator service access and pay telephone compensation. The emergency status was necessary as the FCC would meet to consider adoption of an operator services rule before the PUC's next scheduled meeting, the PUC had to take appropriate action on an emergency basis to protect the integrity of the PUC's operator services rule.

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

Filed: June 13, 1991, 3:22 p.m.

TRD-9107011

Monday, June 24, 1991, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10400-application of Texas Utilities Electric Company for approval of its notice of intent.

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

Filed: June 13, 1991, 3:22 p.m.

TRD-9107012

Wednesday, June 26, 1991, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10302-complaint of Donald Wilcox against Greentree Village North-Garrett Brothers.

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

Filed: June 14, 1991, 3:04 p.m.

TRD-9107082

Monday, July 1, 1991, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10007-application of Contel of Texas, Inc. to revise tariff.

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

Filed: June 14, 1991, 3:03 p.m.

TRD-9107080

Wednesday, July 10, 1991, 10 a.m. (re-scheduled from June 18, 1991). The Hearings Division of the Public Utility Commission 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 10064-application of Southwestern Bell Telephone Company to approve account maintenance, a new intrastate access service.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: June 17, 1991, 3:15 p.m.

TRD-9107156

Monday, September 30, 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 10076-application of Southwestern Bell Telephone Company for approval of a customer-specific contract for billing and collections services for MCL.

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

Filed: June 14, 1991, 3:02 p.m.

TRD-9107079

Monday, February 10, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 9982-petition of the General Counsel to inquire into the reasonableness of the rates and services of Cap Rock Telephone Company, Inc.

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

Filed: June 13, 1991, 3:23 p.m.

TRD-9107013

Monday, March 16, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 9984-petition of the General Counsel to inquire into the reasonableness of the rates and services of Big Bend Telephone Company, Inc.

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

Filed: June 13, 1991, 3:23 p.m.

TRD-9107014

State Purchasing and General Services Commission

Tuesday, June 25, 1991, 9:30 a.m. The State Purchasing and General Services Commission will meet at the Central Services Building, 1711 San Jacinto Street, Conference Room 402, Austin. According to the agenda summary, the commission will make final adoption of new section §113.17 regarding information resources technology; final adoption of amendments to §§113.13, 113.47 and new §§113.21-113.25, 125.61-125.67 regarding alternative fuel vehicles; proposed amendments to §113.10 regarding delegated purchases; delegating leasing authority to University of North Texas; status of Sunset legislation; consideration of §2.08, Senate Bill 831 relating to crediting service of executive director for law enforcement retirement supplement; job posting for Chief of Capitol Security; 3.09 report; construction report; budget report; activity report; meet in executive session regarding purchase of real property; executive session discuss pending litigation; and consider personnel matters.

Contact: Judith M. Porras, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3446.

Filed: June 14, 1991, 2:47 p.m.

TRD-9107075

Tuesday, June 25, 1991, 9:30 a.m. The State Purchasing and General Services Commission will meet at the Central Services Building, 1711 San Jacinto Street, Conference Room 402, Austin. According to the complete revised agenda, the commission will reconsider damage assessment against Reflex Glass Bead Co.

Contact: Judith M. Porras, 1711 San Jacinto Street, Austin, Texas 78701, (512) 463-3446.

Filed: June 17, 1991, 4:57 p.m.

TRD-9107208

Railroad Commission of Texas

Monday, June 24, 1991, 9 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room, Austin. Agendas follow.

According to the revised agenda, the commission will consider application of Mo-Vac Service Company of Alice, 6 1/2 miles north McColl Road, P.O. Box 2677, McAllen, 78502 to amend SMC Certificate Number 5168 to authorize the transportation of commodities: liquid hazardous wastes; territory: from all points on or west of US Highway 77 from the Oklahoma border to its junction with US Highway 87, Victoria, thence to Port Lavaca to all points in Texas and vice versa. Restricted to the use of vacuum equipment; to shipments moving from or to disposal, treatment, storage, reclamation or recycling facilities approved by appropriate governmental authority. (Consideration of final order).

Contact: Linda Sorrells, P.O. Box 12967, Austin, Texas 78701, (512) 463-7096.

Filed: June 14, 1991, 3:14 p.m.

TRD-9107083

The commission will consider and act on the administrative services division director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711, (512) 463-7257.

Filed: June 14, 1991, 11:04 a.m.

TRD-9107040

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions and personnel matters.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78711, (512) 463-7251.

Filed: June 14, 1991, 11:04 a.m.

TRD-9107041

The commission will consider and act on the Personnel Division Director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-6828.

Filed: June 14, 1991, 11:05 a.m.

TRD-9107042

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Box 12967, Austin, Texas 78711, (512) 463-6828.

Filed: June 14, 1991, 11:05 a.m.

TRD-9107043

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6710.

Filed: June 14, 1991, 11:05 a.m.

TRD-9107044

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; commission chairmanship; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel, and pending litigation.

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

Filed: June 14, 1991, 11:06 a.m.

TRD-9107045

The commission will consider category determinations under §§102(c)(1)(B), 102(c)(1)(C), 103, 107 and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: June 14, 1991, 11:06 a.m.

TRD-9107046

The commission will consider various matters within the 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 action, including, but not limited to scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act, including to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue Boykin, P.O. Box 12967, Austin, Texas 78701, (512) 463-7033.

Filed: June 14, 1991, 11:07 a.m.

TRD-9107047

The commission will consider Docket Number 0004760ASL, application of Texas Tex-Pack Express, Inc., 13221 Laurelwood Lane, P.O. Box 515565, Dallas 75251 to lease common carrier Certificate Number 4760 to Bryce Delivery Service, Inc., P. O. Box 60250, A.M.F., Houston.

Contact: Charles Maddox, P.O. Box 12967, Austin, Texas 78711, (512) 463-6762.

Filed: June 14, 1991, 11:04 a.m.

TRD-9107039

Interagency Council on Sex Offender Treatment

Friday, June 28, 1991, 1 p.m. The Board of the Interagency Council on Sex Offender Treatment will meet at 4900 North Lamar Boulevard, MIS Conference Room, Austin. According to the complete agenda, the board will approve minutes of March 22, 1991; hear report by executive director; discuss and approve the report to the Governor, Lieutenant Governor and Speaker of the House; discussion of bylaws; educational seminars; discussion of an in-house recidivism study; discussion of SOTP registry criteria; discussion of a cost-benefit study; discussion of 1992-1993 budgets; and hear public comment.

Contact: Bill W. Bownds, 9111 Jollyville Road, #202, Austin, Texas 78759, (512) 343-8520.

Filed: June 13, 1991, 10:30 a.m.

TRD-9106993

Texas State University System, Board of Regents

Wednesday, June 19, 1991, 9 a.m. The Texas State University System Board of Regents held an emergency meeting via telephone conference call by speakerphone in Room 505, Sam Houston State Building, Austin. According to the complete agenda, the board considered the release and settlement agreement with Robert and Mary Hardesty regarding their lawsuit against the system; considered granting Robert Hardesty the title of President Emeritus; and purchase of the StarSouth Property by Sam Houston State University in Huntsville. The emergency status was necessary because of the availability of the board members and the need to consider the above agenda items.

Contact: Lamar Urbanovsky, 505 Sam Houston Building, Austin, Texas 78701, (512) 463-1808.

Filed: June 17, 1991, 2:53 p.m.

TRD-9107152

Texas Turnpike Authority

Friday, June 21, 1991, 9 a.m. The Contract Awards Committee of the Texas Turnpike Authority will hold an emergency meeting at the Texas Turnpike Authority Administration Building, 3015 Raleigh Street, Dallas. According to the complete agenda, the committee will take roll call of directors; consider award of construction of Dallas North Tollway Median Lanes-Keller Springs to Briargrove Lane and at FM 544 and ramp widening-Mockingbird and Wycliff; and adjournment. The members of the Contract Awards Committee Texas Turnpike Authority, reserve the right to discuss any items in executive session whenever legally justified under the Open Meeting Act. Agenda items numbers are assigned for ease of reference only, and do not necessarily reflect the order of their consideration by the Chairman of the Committee. The emergency status is necessary to prevent having to pave temporary shoulders in lieu of a permanent installation which this contract would provide.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: June 17, 1991, 3:54 p.m.

TRD-9107200

University Interscholastic League

Wednesday, June 19, 1991, 9 a.m. The Policy Standing Committee of the University Interscholastic League will meet at the Radisson Plaza Hotel, Eighth and San Jacinto Streets, Austin. According to the agenda summary, the committee will hear proposals for amendments to the University Interscholastic League Constitution and Contest Rules.

Contact: Bonnie Northcutt, 2622 Wichita Street, Austin, Texas 78705, (512) 471-5883.

Filed: June 14, 1991, 11:36 a.m.

TRD-9107055

University of Texas Health Science Center at San Antonio

Wednesday, June 26, 1991, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at the History of Medicine Conference Room, 5.070LIB, 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will approve minutes; proto-

cols for review; hear subcommittee reports; and discuss other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78205, (512) 567-3717.

Filed: June 17, 1991, 3:09 p.m.

TRD-9107155

Texas Water Commission

Friday, June 21, 1991, 10 a.m. The Texas Water Commission held an emergency meeting at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 123, Austin. According to the agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission took various actions, including, but not limited to scheduling an item in the entirety or for particular action at a future date or time. The emergency status was necessary due to reasonably unforeseeable circumstances and expedited setting of this matter was necessary.

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

Filed: June 17, 1991, 3:25 p.m.

TRD-9107196

Monday, June 24, 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 revised agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission, including specifically the adoption of new or amended agency regulations. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: June 14, 1991, 3:27 p.m.

TRD-9107087

Wednesday, July 24, 1991, 9 a.m. (rescheduled from April 18, 1991). The Office of Hearings Examiner of the Texas Water Commission will meet at the Galveston City Hall, Council Chambers, 823 Rosenberg, Galveston. According to the agenda summary, the commission will consider an application by McGinnes Industrial Maintenance Corporation for renewal of Permit Number 01221 authorizing a discharge of sludge supernatant into the Intracoastal Waterway; thence into West

Bay, Segment Number 2424 of the Bays and Estuaries. An issue of law exists between McGinnes Industrial Maintenance Corporation and the executive director of the commission as to whether Hall's Bayou Ranch, Inc. should be named as a co-permittee.

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

Filed: June 14, 1991, 3:27 p.m.

TRD-9107085

Friday, July 26, 1991, 10 a.m. The Texas Water Commission will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 6-101, Austin. According to the agenda summary, the commission will hold a hearing on Harper Water Company's water rate increase.

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

Filed: June 14, 1991, 3:28 p.m.

TRD-9107090

Wednesday, July 24, 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 consideration of a standby fee application by Reid Road Municipal Utility District Number Two.

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

Filed: June 14, 1991, 3:29 p.m.

TRD-9107091

Thursday, July 11, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the agenda summary, the commission will hold a hearing before an Administrative Law Judge on an application to amend Water Certificate of Convenience and Necessity Number 11950 by Timothy M. Bradberry doing business as Bradberry Water Supply, Docket Number 8709-C. The proposed service areas are in Wise and Tarrant Counties.

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

Filed: June 14, 1991, 3:29 p.m.

TRD-9107092

Friday, July 26, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 618, Austin. According to the agenda summary, the commission will hold a hearing on an application by Creedmoor-Maha Water Supply Corporation (Creedmoor-Maha) for an amendment to their Water Certificate of Convenience and Necessity (CCN) Number 11029.

Creedmoor-Maha also proposed decertification of portions of Goforth Water Supply Corporation's CCN Number 11356 and Polonia Water Supply Corporation's CCN Number 10420. The new service areas proposed by Creedmoor-Maha are in portions of Travis, Hays, Caldwell and Bastrop Counties, Docket Number 8871-C.

Contact: Leslie A. Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 14, 1991, 3:29 p.m.

TRD-9107093

Monday, July 29, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 543, Austin. According to the agenda summary, the commission will hold a hearing on a water rate increase by Hood County Utilities, Inc., Docket Number 8959-G.

Contact: William Clay Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 14, 1991, 3:28 p.m.

TRD-9107089

Tuesday, July 30, 1991, 9 a.m. The Office of Hearings Examiner Texas Water Commission will meet at the Wood County Courthouse, Commissioner's Courtroom, On the Square, Quitman. According to the agenda summary, the commission will consider an application by Jelle Jongsma for a permit (Proposed Permit Number 03128) to authorize disposal of waste and wastewater from a dairy which consists of a maximum of 990 head in confinement. The dairy is approximately 1-1/2 miles east of downtown Winnsboro, approximately 1/8 mile north of State Highway 11 on County Road 4310 in Wood County.

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

Filed: June 14, 1991, 3:27 p.m.

TRD-9107086

Texas Workers' Compensation Commission

Friday, June 21, 1991, 9 a.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet at 4000 South IH-35, Southfield Building, Room 910, Austin. According to the complete agenda, the committee will call the meeting to order; review and approve June 14, 1991 minutes; discuss medical fee guideline ground rules and final report; work group input on hospital and ambulatory surgical center fee guideline alternatives; review, discussion, and consideration of hospital fee guideline (continued); discussion of utilization review guidelines; discussion of seminar information presented to providers; establish next meeting agenda; schedule next meeting date; and adjourn.

Contact: Susan M. Kelley, 4000 South IH-35, Austin, Texas 78704, (512) 440-3973.

Filed: June 17, 1991, 4:39 p.m.

TRD-9107207

Regional Meetings

Meetings Filed June 13, 1991

The Archer County Appraisal District Appraisal Review Board Real Estate Hearing was held at the Appraisal District Office, 211 South Center Street, Archer City, June 17, 1991, at 8:30 a.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9107007.

The Burnet County Appraisal District Board of Directors met at 223 South Pierce Street, Burnet, June 20, 1991, at 6:30 p.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9107022.

The Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce Street, Burnet, June 24-26, 1991, at 8 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9107021.

The Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce Street, Burnet, June 27-28, 1991, at 8 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9107020.

The Dallas Area Rapid Transit CBD Transit Master Plan Subcommittee met at 601 Pacific Avenue, Board Conference Room, Dallas, June 18, 1991, at noon. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107019.

The Dallas Area Rapid Transit Budget and Finance Committee met at 601 Pacific Avenue, Board Conference Room, Dallas, June 18, 1991, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107016.

The Dallas Area Rapid Transit Art and Design Committee met at the Dart Office, 601 Pacific Avenue, Executive Conference Room, Dallas, June 18, 1991, at 1:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107018.

The Dallas Area Rapid Transit Planning and Development Committee met at the Dart Office, 601 Pacific Avenue, Board Room, Dallas, June 18, 1991, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas,

Texas 75202, (214) 658-6237. TRD-9107017.

The Jack County Appraisal District Appraisal Review Board met at 210 North Church Street, JCAD Conference Room, Jacksboro, June 19, 1991, at 7 p. m. Information may be obtained from Donna Hartzell, P.O. Box 958, Jacksboro, Texas 76056, (817) 567-6301. TRD-9106995.

The Jack County Appraisal District AG Advisory Committee met at 210 North Church Street, Jacksboro, June 19, 1991, at 7 p.m. Information may be obtained from J. D. Garcia or Donna Hartzell, P.O. Box 958, Jacksboro, Texas 76056, (817) 567-6301. TRD-9106994.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, June 26, 1991, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9107001.

The Region VIII Education Service Center Board of Directors met at the Region VIII ESC, FM 1734, Mt. Pleasant, June 20, 1991, at 7 p.m. Information may be obtained from Scott Ferguson, FM 1734, Mt. Pleasant, Texas 75456, (903) 572-8551. TRD-9107002.

The Region IX Education Service Center Board of Directors will meet at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, June 27, 1991, at 12:30 p.m. Information may be obtained from Dr. Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9106990.

The Trinity River Authority of Texas Utility Services Committee met at 5300 South Collins Street, Arlington, June 19, 1991, at 10:30 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004-0060, (817) 467-4343. TRD-9106992.

Meetings Filed June 14, 1991

The Atascosa County Appraisal District Appraisal Review Board will meet at the Atascosa County Appraisal District Office, Fourth and Avenue J, Poteet, June 24-25, 1991, at 8 a.m. Information may be obtained from Vernon A. Warren, Fourth and Avenue J, Poteet, Texas 778026, (512) 742-3591. TRD-9107027.

The Austin-Travis County Mental Health and Mental Retardation Center Finance and Control Committee met at 1430 Collier Street, Austin, June 19, 1991, at noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9107048.

The Bastrop Central Appraisal District Board of Directors met at the Bastrop Central Appraisal District, 1200 Cedar Street,

Bastrop, June 19, 1991, at 7:30 p.m. Information may be obtained from Dana Ripley, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925. TRD-9107056.

The Brazos River Authority Lake Management Committee met at the Lake Supervisor's Office, Possum Kingdom Lake, June 19, 1991, at 10 a.m. (revised agenda). Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9107059.

The Central Appraisal District of Johnson County Appraisal Review Board will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, June 25-27, July 9-11, 1991, at 9 a.m. Information may be obtained from Jim Hudspeth, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9107071.

The Central Plains Center for Mental Health and Mental Retardation Substance Abuse Board of Trustees will meet at 208 South Columbia, Plainview, June 27, 1991, at 6:30 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9107024.

The Coryell County Appraisal District Appraisal Review Board met at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, June 19, 1991, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9107029.

The Dallas Area Rapid Transit Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, June 18, 1991, at 3 p.m. (revised agenda). Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107084.

The East Texas Council of Governments East Texas Private Industry Council met at the ETCOG Offices, Kilgore, June 20, 1991, at 9:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9107038.

The Gray County Appraisal District Appraisal Review Board will meet at 815 North Sumner, Pampa, June 17, 1991, at 9 a.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9107025.

The Gray County Appraisal District Appraisal Review Board will meet at 815 North Sumner, Pampa, June 18, 1991, at 9 a.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9107026.

The Hunt County Appraisal District Board of Directors met at the Hunt County Appraisal District, Board Room, 4801 King

Street, Greenville, June 19, 1991, at 5 p.m. (rescheduled from Thursday, June 13, 1991). Information may be obtained from Melda Hart or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510. TRD-9107031.

The Leon County Central Appraisal District Appraisal Review Board will meet at the Leon County Central Appraisal District Office, Gresham Building, Centerville, June 19-21, 1991, at 8:30 a.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9107064.

The Limestone County Appraisal District Board of Directors met at the Limestone County Courthouse, Board Room, Second Floor, Groesbeck, June 19, 1991, at 5:10 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9107030.

The Mason County Appraisal District met at 206 Ft. McKavitt Street, Mason, June 19, 1991, at 7 p.m. (revised agenda). Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9107062.

The Mason County Appraisal District met at 206 Ft. McKavitt Street, Mason, June 19, 1991, at 7 p.m. (revised agenda). Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9107065.

The Middle Rio Grande Service Delivery Area Private Industry Council met at the Matthews Student Center, SWTJC, Uvalde, June 19, 1991, at 1 p.m. Information may be obtained from Ramon S. Johnston, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3503. TRD-9107060.

The Mills County Appraisal District Board of Review will meet at the Mills County Courthouse, Goldthwaite, June 24-25, 1991, at 9 a.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9107066.

The Nortex Regional Planning Commission General Membership Committee met at the Wichita Falls Activities Center, Room 215, 10th and Indiana Streets, Wichita Falls, June 20, 1991, at noon. (revised agenda). Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281. TRD-9107028.

The Nortex Regional Planning Commission North Texas Private Industry Council will meet at the Wichita Falls Activities Center, Room 215, 10th and Indiana Streets, Wichita Falls, June 26, 1991, at noon. Information may be obtained from Fritz Taylor, P.O. Box 5144, Wichita Falls, Texas 76309, (817) 322-5281. TRD-9107069.

The Nortex Regional Planning Commission North Texas Private Industry Council will meet at the Wichita Falls Activities

Center, Room 215, 10th and Indiana Streets, Wichita Falls, June 26, 1991, at noon. Information may be obtained from Fritz Taylor, P.O. Box 5144, Wichita Falls, Texas 76309, (817) 322-5281. TRD-9107070.

The Rio Grande Council of Governments Board of Directors will meet at the Main Conference Room, 1014 North Stanton, El Paso, June 21, 1991, at 9:30 a.m. (MST). Information may be obtained from Cecile C. Gamez, 1014 North Stanton, Suite 100, El Paso, Texas 79902, (915) 533-0998. TRD-9107063.

The Tarrant Appraisal District Board of Directors met at 2301 Gravel Street, Fort Worth, June 20, 1991, at 9 a.m. Information may be obtained from Mary McCoy, 2315 Gravel Drive, Fort Worth, Texas 76118, (817) 595-6005. TRD-9107068.

The Upshur County Appraisal District Appraisal Review Board met at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, June 20, 1991, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (903) 843-3041. TRD-9107034.

The Upshur County Appraisal District Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, June 21, 1991, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (903) 843-3041. TRD-9107072.



Meetings Filed June 17, 1991

The Alamo Area Council of Governments Management Committee will meet at the AACOG, 118 Broadway, Suite 400, San Antonio, June 21, 1991, at 1 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9107126.

The Austin-Travis County Mental Health and Mental Retardation Center Operations and Planning Committee will meet at 1430 Collier Street, Conference Room One, Austin, June 21, 1991, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9107153.

The Bandera County Appraisal District Appraisal Review Board met at the Appraisal District Office at the North End of Ninth Street, Bandera, June 19, 1991, at 9 a.m. Information may be obtained from Larry Reagan, P.O. Box 1199, Bandera, Texas 78003, (512) 796-3039. TRD-9107121.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors met at 1124 A Regal Row, Austin, June 20, 1991, at 2 p.m. Information may be ob-

tained from Bill E. Couch, 1124 A Regal Row, Austin, Texas 78748, (512) 282-8441. TRD-9107137.

The Brazos River Authority Water Quality Committee, Board of Directors will meet at the Futures II Room, DFW Hilton Executive Conference Center, 1800 Highway 26 East, Grapevine, June 24, 1991, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9107125.

The Central Texas Mental Health and Mental Retardation Center Board of Trustees will meet at 408 Mulberry Drive, Brownwood, June 24, 1991, at 5 p.m. Information may be obtained from Danny Armstrong, 408 Mulberry Drive, Brownwood, Texas 76801, (915) 646-9574, ext. 102. TRD-9107201.

The Coryell County Appraisal District Board of Directors met at the Coryell County Appraisal District Office, 210 South Second Street, Copperas Cove, June 20, 1991, at 3:30 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9107123.

The Dallas Area Rapid Transit Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, June 18, 1991, at 3 p.m. The emergency status was necessary as it was of the utmost importance that the DART Board of Directors take immediate action upon implementing the DART Service Plan. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107138.

The Erath County Appraisal District Board of Directors held an emergency meeting at 1390 Harbin Drive, Board Room, Stephenville, June 17, 1991, at 5 p.m. (rescheduled from June 12, 1991). The emergency status was necessary as the 1992 proposed budget had to be reviewed and mailed to entities as soon as possible. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9107151.

The Erath County Appraisal District Appraisal Review Board will meet at 1390 Harbin Drive, Board Room, Stephenville, June 25-26, 1991, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9107150.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, June 24, 1991, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (903) 759-0015. TRD-9107119.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer

Road, Longview, June 25, 1991, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (903) 759-0015. TRD-9107118.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, June 26, 1991, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (903) 759-0015. TRD-9107117.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, June 27, 1991, at 9 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (903) 759-0015. TRD-9107116.

The Heart of Texas Council of Governments Executive Committee held an emergency meeting at 300 Franklin Avenue, HOTCOG Board Room, Waco, June 20, 1991, noon. The emergency status was necessary as the committee needed to discuss pending litigation matters with General Counsel. Information may be obtained from Mary McDow, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. TRD-9107154.

The Lee County Appraisal District Board of Directors will meet at 218 East Richmond Street, Giddings, June 26, 1991, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9107120.

The Mason County Appraisal District will meet at 206 Fort McKavitt Street, Mason, June 27, 1991, at 9 a.m. Information may be obtained from Deborah Geistweidt, 206 Fort McKavitt Street, Mason, Texas 76856, (915) 347-5989. TRD-9107149.

The Mason County Appraisal Review Board will meet at 206 Fort McKavitt Street, Mason, June 27-28, July 1-3, 8-10, 1991 and further dates until hearings are finished for 1991, at 10 a.m. Information may be obtained from Deborah Geistweidt, 206 Fort McKavitt Street, Mason, Texas 76856, (915) 347-5989. TRD-9107148.

The Middle Rio Grande Development Foundation, Inc. Board of Directors will meet at the Uvalde Country Club (behind K-Mart), East Main Street, Uvalde, June 26, 1991, at 1 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9107141.

The Middle Rio Grande Development Council Board of Directors will meet at the Uvalde Country Club (behind K-Mart), East Main Street, Uvalde, June 26, 1991, at 2 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9107142.

The Middle Rio Grande Development Council Annual Council Meeting will be held at the Uvalde Country Club (behind K-Mart), East Main Street, Uvalde, June 26, 1991, at 6 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9107143.

The Region V Education Service Center Board of Directors will meet at the ESC Board Room, 2295 Delaware Street, Beaumont, June 26, 1991, at 1:15 p.m. Information may be obtained from Robert E. Nicks, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212. TRD-9107198.

The Trinity River Authority of Texas Legal Committee met at 5300 South Collins Street, Arlington, June 18, 1991, at 1 p.m. The emergency revised agenda was necessary as recent discovery of the City of Red Oak's lack of authority to acquire property necessary for a public works project under construction. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9107127.

The Upper Leon River Municipal Water District Board of Directors will meet at the General Office of the Filter Plant, Proctor Lake, Comanche, June 27, 1991, at 6:30 p.m. Information may be obtained from Gary D. Lacy, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258. TRD-9107147.

The Wise County Appraisal District Appraisal Review Board will meet at 206

South State Street, Decatur, July 2, 1991, at 9 a.m. Information may be obtained from Peggy Price, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9107145.

The Wise County Appraisal District Appraisal Review Board will meet at 206 South State Street, Decatur, July 18, 1991, at 9 a.m. Information may be obtained from Peggy Price, 206 South State Street, Decatur, Texas 76234, (817) 627-3081. TRD-9107146.

◆ ◆ ◆
Meetings Filed June 18, 1991

The Brazos Higher Education Authority, Inc. Board of Directors will meet at the "Mesquite Room", Brazos Club, United Bank Building, Valley Mills and Waco Drive, Waco, June 21, 1991, at 10:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913. TRD-9107212.

The Brazos Student Finance Corporation Board of Directors will meet at the "Mesquite Room", Brazos Club, United Bank Building, Valley Mills and Waco Drive, Waco, June 21, 1991, at 11:30 a.m. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913. TRD-9107214.

The Brazos Higher Education Service Corporation Board of Directors will meet at the "Mesquite Room", Brazos Club, United Bank Building, Valley Mills and Waco Drive, Waco, June 21, 1991, at noon. Information may be obtained from Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913. TRD-9107216.

The Middle Rio Grande Development Council Texas Review and Comment System Committee will meet at the Planning Office, Conference Room, Uvalde, June 26, 1991, at 11 a.m. Information may be obtained from Dora T. Flores, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. TRD-9107209.

◆ ◆ ◆



Name: Darin Murano

Grade: 12

School: Plano Senior High School, Plano 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 Aviation Professional Engineering Services Contract Award

The following consultant proposal request for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants request for professional engineering services was published in the *Texas Register* on December 21, 1990, (15 TexReg 7454).

The consultant proposals will be for professional engineering services for the design and construction administration phases for the following TDA Project: 92/24-2-1 Big Spring McMahon-Wrinkle Airpark.

The engineering firm for these services is: Parkhill, Smith & Cooper, Inc., 4010 Avenue R., Lubbock, Texas 79412.

The total value of the contract is \$56,874 and the contract period starts on June 5, 1991, until the completion of the project.

Issued in Austin, Texas, on June 11, 1991.

TRD-9106942 Lydia Scarborough
Deputy Director, Support and Services
Texas Department of Aviation

Filed: June 12, 1991

For further information, please call: (512) 476-9262

Texas Department of Banking Notice of Hearing

The hearing officer of the Texas Department of Banking will conduct a hearing on alleged violation of Texas Civil Statutes, Article 548b, relating to the Sale of Prepaid Funeral Services or Funeral Merchandise, and alleged violations of 7 T.A.C. Chapter 25 relating to Prepaid Funeral Contracts by Greenwood Funeral Home, Huntsville. The hearing will consider cancellation of permits and seizure of funds of Greenwood Funeral Home. The hearing will be held on July 16, 1991, at 9 a.m. in the hearing room of the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Any interested person wishing to appear must file a written notice of intent to appear including a brief statement of position with the Texas Department of Banking at least 10 days prior to the hearing. All parties appearing at the hearing are requested to provide the Department with two copies of all exhibits received as evidence, excepting poster size exhibits and photographs.

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

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

TRD-9107000

James Lee Murphy, III
Assistant General Counsel
Texas Department of Banking

Filed: June 13, 1991

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

Texas Department of Commerce Notice of Amendment to 1990 Final Statement

The Texas Department of Commerce (Commerce) proposes an amendment to the State of Texas' federal fiscal year 1990 final statement which governs the expenditure of 1990 Texas Community Development Program funds. The final statement will be amended to provide clarification regarding the eligibility of applications in support of prisons and racetracks, to provide direction regarding the recapture of program income for the Governor's Small Business Special Assistance Fund Program, to provide clarification to the term "appropriate" as used in the Texas Capital Fund Program, and to propose the use of an allocation of \$488,000 awarded to the State Community Development Block Grant Program from the United States Department of Housing and Urban Development for Emergency and Urgent Need Grants.

The section entitled "Ineligible Activities" in Part I is amended to read hereafter as follows: Ineligible Activities.

In general, any type of activity not described or referred to in §105(a) of the federal Housing and Community Development Act of 1974, as amended, is ineligible. Specific activities ineligible under the Texas Community Development Program include: construction of buildings and facilities used for the general conduct of government (e.g. city halls, courthouses, etc.); new housing construction, except as described in the Housing Development Fund; the financing of political activities; purchases of construction equipment; income payments, such as housing allowances; and most operation and maintenance expenses. The Texas Capital Fund Program will have a moratorium on all future applications in support of prisons and racetracks until further notice.

The following sentence will be added to Part II, "Distribution of Funds", Program Income: Program income generated through the Governor's Small Business Special Assistance Fund Program may be retained by the local governing body to establish a revolving loan fund for economic development projects, primarily benefiting low and moderate income persons. In order for the unit of local government to access the funds in their Revolving Loan Fund, they must first have a Revolving Loan Fund Plan approved in writing by the TDOC and must also demonstrate that they have the ability to administer the program funds according to Title I of the United States Housing and Community Development Act of 1974 (as amended).

Part IV, "Selection Criteria, Texas Capital Fund" is amended to read hereafter as follows: Applicants are re-

quired to document that the assistance is appropriate if the project involves a loan to a for-profit entity. Appropriate is defined as meeting one of the eligible activities under the Texas Community Development Program as listed in §105(a) of the federal Housing and Community Development Act of 1974, as amended. The credit analysis must ensure that the terms of the assistance do not unduly enrich the for-profit entity taking into consideration the public benefit expected to be derived from the economic development project. Commerce proposes to use the additional allocation of \$488,000 awarded to the Texas Community Development Program from the United States Department of Housing and Urban Development for Emergency and Urgent Need Fund projects.

Written comments concerning these amendments will be accepted through June 26, 1991. Comments should be submitted to Ruth Cedillo, Deputy Division Director, Texas Community Development Program, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

Issued in Austin, Texas, on June 4, 1991.

TRD-9106968 Cathy Bonner
Interim Executive Director
Texas Department of Commerce

Filed: June 12, 1991

For further information, please call: (512) 320-9401

◆ ◆ ◆
**Texas Comptroller of Public Accounts
and Texas State Treasury
Department**

Request for Proposal

The Texas Comptroller of Public Accounts (the Comptroller) and the Texas State Treasury Department (the Treasury) file notice of the submission of a Request for Proposal (RFP) to all interested financial institutions for

the purpose of securing Automated Clearing House (ACH) Origination Services. The origination services shall be provided by the contracting bank for September 1, 1991-August 1, 1994, subject to legislative appropriation.

To obtain an RFP packet contact: Kristen Roberts, Director, Rapid Deposit Program, Texas State Treasury Department, 2028 East Ben White Boulevard, Suite 440, Austin, Texas 78741.

All proposals must be received no later than 10 a.m. on July 2, 1991. Proposal, modifications, or addenda to original proposals received by the Treasury after the deadline will not be considered.

The resulting contract will be awarded to the bank that has the ability to meet requirements of the RFP and can present references which reflect the bank's experience with ACH Origination Services.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107115 Anne L. Schwartz
General Counsel
Texas State Treasury Department

Filed: June 17, 1991

For further information, please call: (512) 463-5971

◆ ◆ ◆
**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/17/91-06/23/91	18.00%	18.00%

(1) Credit for personal, family or household use. (2) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on June 10, 1991.

TRD-9106905 Al Endsley
Consumer Credit Commissioner

Filed: June 12, 1991

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

◆ ◆ ◆
Texas Education Agency
Notice of Public Hearing

The State Board of Education Committee of the Whole will hold a public hearing on Thursday, July 11, 1991, from 10 a.m.-12 p.m. in Room 1-104 of the William B. Travis Building located at 1701 North Congress Avenue in Austin. The purpose of the public hearing is to receive

comments on the Ad Hoc Committee on Middle Grade Education's draft Proposed Policy Statement on Middle Grade Education.

Anyone wishing to testify should register in advance by contacting the Policy Research Clearinghouse, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, at (512) 475-3527 by 5 p.m., Monday, July 8, 1991. Testimony will be heard on a first-come, first-served basis and may be limited to three minutes each in order to accommodate as many speakers as possible within the time limit. Those individuals wishing to give testimony who are unable to pre-register may register on the day of the public hearing. If time permits, these individuals will be allowed to give testimony following those who have pre-registered. Those who wish to submit written testimony in addition to speaking should bring 25 copies to the hearing. Those who wish to submit written testimony

instead of speaking may do so by sending two copies to the Policy Research Clearinghouse at the Texas Education Agency. All written copies of testimony should include the name, address, and affiliation, if applicable, of the testifier. Issued in Austin, Texas, on June 12, 1991.

TRD-9107112 Thomas Anderson, Jr.
Interim Commissioner of Education

Filed: June 14, 1991

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

◆ ◆ ◆
Texas Department of Health
Correction of Errors

The Texas Department of Health submitted proposed 25 TAC §31.3 for publication in the June 7, 1991 *Texas Register* (16 TexReg 3125).

The third paragraph of the preamble, which describes the amendment to the policy concerning sanctions for vendor abuse, contains an inaccurate statement which should be deleted. The inaccurate statement is as follows: "allows the state agency to disqualify a vendor who has been assessed a civil monetary penalty by the Food Stamp Program."

◆ ◆ ◆
The Texas Department of Health submitted proposed 25 TAC §97.63 for publication in the May 10, 1991 *Texas Register* (16 TexReg 2574).

In §97.63 (d)(3)(D)(ii), some language is missing. Clause (ii) should read as follows: "(ii) the requirement for rubella vaccine administered on or after the first birthday will apply if a child's/student's immunization record is updated; a child/student enters a child-care facility or school for the first time; or, a child/student transfers from another state into a Texas school or child-care facility. For further information see §97.65 of this title (relating to pregnancy), and §97.67 of this title (relating to Verification of Measles Illness, Rubella Illness or Mumps Illness)."

In §97.63 (d)(4)(E)(i)(II), the word "which" should be left out. The subclause should read as follows: "(II) at least one dose of measles vaccine administered on or after their first birthday, must be received by students enrolled in health related courses prior to direct patient contact and completion of the measles requirement must be accomplished as rapidly as is medically feasible; or".

◆ ◆ ◆
The Texas Department of Health submitted proposed 25 TAC §1.5 for publication in the June 7, 1991 *Texas Register* (16 TexReg 3125).

Some language was deleted from the preamble to §1.5. The first sentence of the public benefit note should read as follows: "Mr. Seale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as result of enforcing the section is that the language of the section will be appropriately updated."

◆ ◆ ◆
Designation of Sites Serving Medically
Underserved Populations

The Department of Health (department) is required under Texas Civil Statutes, Article 4495b, §3.06, to designate sites serving medically underserved populations. In addi-

tion, the department is required to publish notice of its designations in the *Texas Register* and to provide an opportunity for public comment on the designations.

Accordingly, the department has designated the following as sites serving medically underserved populations: the Diagnostic Clinic of San Antonio, P.A., 4647 Medical Drive, San Antonio, Texas 78284-3100; and the Texas Department of Criminal Justice Prison Units (Michael-Anderson County, Skyview-Cherokee County, Ellis II-Walker County, Lewis-Tyler County, Hobby-Falls County, Hightower-Liberty County, Gatesville-Coryell County, Hughes-Coryell County, Mountainview-Coryell County, Clements-Potter County, Daniels-Scurry County, and Jester I-Fort Bend County).

Oral and written comments on the designations may be directed to Carol Daniels, Chief, Bureau of State Health Data and Policy Analysis, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756; (512) 458-7261. Comments will be accepted for 30 days from the date of this notice.

Issued in Austin, Texas, on June 14, 1991.

TRD-9107073 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: June 14, 1991

For further information, please call: (512) 458-7261.

◆ ◆ ◆
Permit Application for Municipal Solid
Waste Site Notice of Filing

Johnson County Sanitary Landfill, Inc. has filed Application Number 1417-B with the Texas Department of Health for an amendment of permit number 1417-A by adding 135.7 acres to the existing 90 acre Type I municipal solid waste disposal site located 2.5 miles South of Alvarado, West of and Adjacent to the West Service Road of IH-35 W at the Greenfield-Barnsville Exit, Johnson County.

The application covers approximately 225.7 acres of land and seeks to amend a permit to receive solid wastes under the regulatory jurisdiction of the department for disposal or other processing in accordance with the said department's Municipal Solid Waste Management Regulations. A technical review of the application is being made by the department's Bureau of Solid Waste Management and will be made by various State and local agencies which have a jurisdictional interest.

Before the issuance or denial of a permit, an opportunity for a public hearing on the application will be provided pursuant to the Texas Solid Waste Disposal Act (Chapter 361, Health and Safety Code) and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). If a hearing is requested by an affected person having a justiciable interest, or if after completion of the technical review of the application the Bureau of Solid Waste Management determines that a public hearing should be held, notice of such hearing will be published in a newspaper regularly published or circulated in the county in which the site is located at least 30 days prior to the date of such hearing.

Additional information concerning this application should be requested from the above-named applicant or from the Bureau of Solid Waste Management, Texas Department of Health, Austin, Texas; phone (512) 458-7271.

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

Filed: June 12, 1991

For further information, please call: (512) 458-7271.

◆ ◆ ◆

State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for incorporation in Texas for Alamo Workman's Compensation Company, a domestic fire insurance company. The home office is in Fort Worth, Texas.
2. Application for Admission to do business in Texas for First Benefit Corporation, a foreign third party administrator. The home office is in Anderson, Indiana.
3. Application for name change by Harbor Insurance Company, a foreign fire insurance company. The home office is in Los Angeles, California. The proposed new name is Greenwich Insurance Company.
4. Application for name change by Hopkins County Life Insurance Company, a domestic life insurance company. The home office is in Sulpher Springs, Texas. The proposed new name is National Life Insurance Company of Texas.
5. Application for name change by Consolidated Benefit Health Insurance Company, a domestic life insurance company. The home office is in Dallas, Texas. The proposed new name is PTI Life Insurance Company of Texas.
6. Application for incorporation in Texas for Southwestern Insurance Group, Inc. a domestic fire insurance company. The home office is in Houston, Texas.
7. Application for admission to do business in Texas for Usable Life, a foreign life insurance company. The home office is in Little Rock, Arkansas.
8. Application for name change by North Atlantic Casualty and Surety Insurance Company, Inc., a foreign life insurance company. The home office is in Indianapolis, Indiana. The proposed new name is VASA North Atlantic Insurance Company.

Issued in Austin, Texas, on June 14, 1991.

TRD-9107128 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: June 17, 1991

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

◆ ◆ ◆

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for name change by Mission Insurance Company of Texas, a domestic fire insurance company. The home office is in Dallas, Texas. The proposed new name is American Aviation Insurance Company.
2. Application for admission to do business in Texas for Commercial Casualty Insurance Company, a foreign fire insurance company. The home office is in Burbank, California.

3. Application for admission to do business in Texas for K-M Insurance Company, a foreign fire insurance company. The home office is in Oklahoma City, Oklahoma.

4. Application for admission to do business in Texas for Oak Tree Administrators, Inc., a foreign third party administrator. The home office is in Paramount, California.

Issued in Austin, Texas, on June 14, 1991.

TRD-9107129 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: June 17, 1991

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

◆ ◆ ◆

Texas State Board of Pharmacy Correction of Error

The Texas State Board of Pharmacy submitted proposed 22 TAC §291.36 for publication in the June 7, 1991 *Texas Register* (16 TexReg 3108).

Several errors resulted when the proposal was electronically submitted to the *Texas Register*. The proposal also contained several typographical errors.

Typographical errors:

Page 3113, §291.36(d)(7)(B)(iii)(I), use upper case "f" and "c" to correct subclause (I) to read *Facts and Comparisons with current supplements*.

Page 3122, §291.36(e) Triplicate prescription requirements should be (f) Triplicate prescription requirements.

Transmission errors:

Page 3108, §291.36(b)(14) line 2, should be corrected to read "... contrivance, implant, invitro reagent, or other similar or related article..."

Page 3112, §291.36(d)(3)(i)(V), at the top of the page, do not use italics in the phrase "... other source of such information, such as patient information leaflets.."

Page 3113, §291.36(d)(7)(B)(iii)(II), correct line three of subclause (II) to read ... (Drug Information for the Healthcare Provider).

Page 3116, §291.36(e)(2)(D)(i), correct line 4 to read "...agent directly to a pharmacy."

Page 3117, §291.36(e)(2)(F)(ii), correct line five to read "...a new prescription drug order..." Page 3118, §291.36(e)(3)(D)(i), correct line three to read "...Schedules III, IV, or V is permissible.."

Page 3118, §291.36(e)(3)(D)(ii), correct line three to read "...dangerous drugs is permissible between pharmacies..."

◆ ◆ ◆

Prairie View A&M University Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, subsection 1 (1) as enacted by Acts, 1977, 65th Legislature, Chapter 454, the following information is submitted.

The initial notification was published in the January 5, 1991, issue of the *Texas Register* (16 TexReg 685).

The consultant will conduct a campus wide telecommunication study to determine the needs in this area as they relate to voice and data communication for the immediate future and for the next 15 years.

The consultant which will be conducting the study is: OTM ENGINEERING, 2224 Walsh Tarlton Lane, Suite 220, Austin, Texas 78746, (512) 328-8801.

The total value of the contract is \$58,620. The beginning date is June 11, 1991, with an anticipated conclusion on or about October 1, 1991.

The documents and other material related to this contract will be furnished by the contractor at the end of the contract period as indicated previously.

Issued in Prairie View, Texas, on June 13, 1991.

TRD-9107057 Phillip M. Jackson
Purchasing Agent
Prairie View A&M University

Filed: June 14, 1991

For further information, please call: (409) 857-2323

Texas Southern University Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, Texas Southern University has awarded a contract to Steven Klein and Associates to analyze the testing skills of first-year law students at Thurgood Marshall School of Law, Texas Southern University. The consultant proposal request appeared in the January 29, 1991, issue of the *Texas Register* (16 TexReg 515). The scope of the consultant services will be to interpret test scores, compute multiple choice scale scores for each student, and conduct an analysis of the relationship between student performance and faculty testing. The name and address of the consultant is Stephen Klein, 120 Ocean Park Boulevard, #609, Santa Monica, California 90405. The total value of the contract is \$15,000. The dates of the contract are April 30, 1991-August 31, 1991.

Issued in Houston, Texas, on June 11, 1991.

TRD-9107122 William H. Harris
President
Texas Southern University

Filed: June 17, 1991

For further information, please call: (713) 527-7950

Texas Comptroller of Public Accounts and Texas State Treasury Department

Request for Proposal

The Texas Comptroller of Public Accounts (the Comptroller) and the Texas State Treasury Department (the Treasury) file notice of the submission of a Request for Proposal (RFP) to all interested financial institutions for the purpose of securing Automated Clearing House (ACH) Origination Services. The origination services shall be provided by the contracting bank for September 1, 1991-August 1, 1994, subject to legislative appropriation.

To obtain an RFP packet contact: Kristen Roberts, Director, Rapid Deposit Program, Texas State Treasury Department, 2028 East Ben White Boulevard, Suite 440, Austin, Texas 78741.

All proposals must be received no later than 10 a.m. on July 2, 1991. Proposal, modifications, or addenda to original proposals received by the Treasury after the deadline will not be considered.

The resulting contract will be awarded to the bank that has the ability to meet requirements of the RFP and can present references which reflect the bank's experience with ACH Origination Services.

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

Issued in Austin, Texas, on June 14, 1991.

TRD-9107115 Anne L. Schwartz
General Counsel
Texas State Treasury Department

Filed: June 17, 1991

For further information, please call: (512) 463-5971

Texas Water Commission Invitation for Bids

This is a formal notice to bidders of the intention of the Texas Water Commission (TWC) to let a contract for Odessa Chromium I Site Remedial Action Groundwater Remediation.

Sealed bids should be addressed to Steve Wenzel, Project Manager, Superfund and Emergency Response Section, Hazardous and Solid Waste Division. Bids will be received until 2 p.m. local prevailing time, July 24, 1991, and then publicly opened and read aloud. Specified work shall consist of providing all personnel, equipment, and material for the installation, startup, operation, and site closure of the groundwater remediation system.

Plans and specifications, as well as reference documents, may be examined without charge at the Texas Water Commission, Steven F. Austin Building, 1700 North Congress Avenue, Austin, or the Ector County Public Library, 321 West Fifth, Odessa, or may be obtained for the non-refundable purchase price of \$300 each at the following location on or after June 19, 1991: IT Corporation, 2499-B Capital of Texas Highway, South, Austin, Texas 78746, (512) 328-0081.

A pre-bid conference will be held at 10 a.m., at Sherwood Park Community Building, East 49th Street and Everglade, Odessa, on July 9, 1991.

A certified or cashier's check, or an acceptable bid bond in an amount not less than 5.0% of the total bid, shall accompany each bid as a guaranty that, if awarded the contract, the bidder will promptly enter into a contract with the TWC and furnish bonds on the forms provided.

A pre-award survey will be conducted by the TWC to determine if the apparent low bidder satisfies certain minimum requirements described in the instructions to bidders, including successful completion of work similar to that required by this contract.

The successful bidder or bidders will be required to furnish a performance bond and a payment bond.

Time of completion shall be as specified and further defined in the Supplemental Conditions (00800).

Attention to bidders is directed to Texas Civil Statutes, Article 5159a (Vernon 1987), requiring that not less than the general prevailing rates of per diem wages for work of similar character in the locality where the work is performed shall be paid all laborers, workmen, and mechanics employed in the construction of public works. The contract for this project requires the successful bidder to comply with Article 5159a and the Davis-Bacon Act. Also the successful bidder will be required to comply with the

Labor Standards Provisions for Federal and Federally assisted Construction Contracts (EPA Form 5720-4).

Any contract or contracts awarded under this invitation for bids are expected to be 90% funded by a grant from the United States Environmental Protection Agency. The grant currently provides federal funds of \$5,555,556. Neither the United States nor any of its departments, agencies, or employees is or will be a party to the invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 Code of Federal Regulations, Parts 31, 32, and 35.

By signing the bid, a bidder affirms that he has not given, offered to give, nor intended to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid. Failure to sign the bid or signing with a false statement, shall void the submitted bid or any resulting contracts, and the bidder shall be removed from all bid lists (State Purchasing and General Services Commission, 1 Texas Administrative Code, §113.5(0) (July 1, 1988)).

Attention of bidders is further directed to Public Law 101-121, §319, which prohibits the use of federal funds for lobbying the executive and legislative branches of the federal government in connection with the specific contract, grant, or loan, and requires disclosure of such lobbying even where no federal funds are used.

Equal Opportunity in Employment. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. Bidders on this work will be required to comply with the President's Executive Order Number 11246, as amended. The requirements for bidders and contractors under this order are explained in the contract documents.

Address. Texas Water Commission, Superfund and Emergency Response Section, Hazardous and Solid Waste Division, P.O. Box 13087, Austin, Texas 78711, Contact: Steve Wenzel, (512) 463-8540.

Issued in Austin, Texas, on June 17, 1991.

TRD-9107131 Jim Haley
Director, Legal Division
Texas Water Commission

Filed: June 17, 1991

For further information, please call: (512) 463-8540

◆ ◆ ◆
This is a formal notice to bidders of the intention of the Texas Water Commission (TWC) to let a contract for Odessa Chromium II Site South Plume Remedial Action Groundwater Remediation.

Sealed bids should be addressed to Steve Wenzel, Project Manager, Superfund and Emergency Response Section, Hazardous and Solid Waste Division. Bids will be received until 2 p.m. local prevailing time, July 24, 1991, and then publicly opened and read aloud. Specified work shall consist of providing all personnel, equipment, and material for the installation, startup, operation, and site closure of the groundwater remediation system.

Plans and specifications, as well as reference documents, may be examined without charge at the Texas Water Commission, Steven F. Austin Building, 1700 North Congress Avenue, Austin, or the Ector County Public Library, 321 West Fifth, Odessa, or may be obtained for the non-refundable purchase price of \$300 each at the following location on or after June 19, 1991: IT Corporation,

2499-B Capital of Texas Highway, South, Austin, Texas 78746, (512) 328-0081.

A pre-bid conference will be held at 10 a.m. at Sherwood Park Community Building, East 49th Street and Everglade, Odessa, on July 9, 1991.

A certified or cashier's check, or an acceptable bid bond in an amount not less than 5.0% of the total bid, shall accompany each bid as a guaranty that, if awarded the contract, the bidder will promptly enter into a contract with the TWC and furnish bonds on the forms provided.

A pre-award survey will be conducted by the TWC to determine if the apparent low bidder satisfies certain minimum requirements described in the instructions to bidders, including successful completion of work similar to that required by this contract.

The successful bidder or bidders will be required to furnish a performance bond and a payment bond.

Time of completion shall be as specified and further defined in the Supplemental Conditions (00800).

Attention to bidders is directed to Texas Civil Statute, Article 5159a (Vernon 1987), requiring that not less than the general prevailing rates of per diem wages for work of similar character in the locality where the work is performed shall be paid all laborers, workmen, and mechanics employed in the construction of public works. The contract for this project requires the successful bidder to comply with Article 5159a and the Davis-Bacon Act. Also the successful bidder will be required to comply with the Labor Standards Provisions for Federal and Federally assisted Construction Contracts (EPA Form 5720-4).

Any contract or contracts awarded under this invitation for bids are expected to be 90% funded by a grant from the United States Environmental Protection Agency. The grant currently provides federal funds of \$7,777,778. Neither the United States nor any of its departments, agencies, or employees is or will be a party to the invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 Code of Federal Regulation, Parts 31, 32, and 35.

By signing the bid, a bidder affirms that he has not given, offered to give, nor intended to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted bid. Failure to sign the bid or signing with a false statement, shall void the submitted bid or any resulting contracts, and the bidder shall be removed from all bid lists (State Purchasing and General Services Commission, 1 Texas Administration Code, §113.5(0) (July 1, 1988)).

Attention of bidders is further directed to Public Law 101-121, §319, which prohibits the use of federal funds for lobbying the executive and legislative branches of the federal government in connection with the specific contract, grant, or loan, and requires disclosure of such lobbying even where no federal funds are used.

Equal Opportunity in Employment. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. Bidders on this work will be required to comply with the President's Executive Order Number 11246, as amended. The requirements for bidders and contractors under this order are explained in the contract documents.

Address. Texas Water Commission, Superfund and Emergency Response Section, Hazardous and Solid Waste Division, P.O. Box 13087, Austin, Texas 78711, Contact: Steve Wenzel, (512) 463-8540.

Issued in Austin, Texas, on June 17, 1991.

TRD-9107132 Jim Haley
Director, Legal Division
Texas Water Commission

Filed: June 17, 1991

For further information, please call: (512) 463-8540

Meeting Notice

A meeting of the management committee of the Galveston Bay National Estuary Program is scheduled for: Thursday and Friday, June 27-28, 1991, 9 a.m. (June 27), 8 a.m. (June 28), Bayou Building, Forest Room, University of Houston-Clear Lake, Houston.

Following opening remarks and approval of minutes, a summary of GBNEP activities will be presented by the program staff. The committee will then consider a bylaws revision to strengthen conflict of interest provisions. The committee will then hear verbal proposal presentations and will make recommendations for award of the following projects: Investigation of Selected Public Health Issues in Galveston Bay (40K); Survey of Galveston Bay Bottom Sediments and Benthic Community (100K); Trawling By-Catch in the Galveston Bay System (65K); Non-Fishing Human Induced Mortality of Fisheries Resources (15K); Recreational Fishery By-Catch in the Galveston Bay System (10K); Dredge and Fill Impacts to the Galveston Bay System (25K). Beginning 8 a.m. on June 28, the committee will hear verbal proposal presentations and will make recommendations for award of the following projects: Bay-Wide Management Evaluation (175K); and Funding Source Inventory (25K). The committee will then make recommendations for fiscal year 1992 awards from the following projects already underway: Galveston Bay Information Center and Bibliography (60K, Texas A&M University at Galveston); Status and Trends of Oyster Reefs in Galveston Bay (30K, Texas A&M University, Department of Oceanography); Status and trends of Wetland and Aquatic Habitat (50K, Bureau of Economic Geology/USFWS); Status and Trends of Living Resources (40K, Texas Parks and Wildlife Department); Implementation of Coastal Preserves Management Plan (6K fiscal year 1991; 24K fiscal year 1992, Texas Parks and Wildlife Department); Bay Day (f25K, Galveston Bay Foundation); and Citizen's Monitoring (25K, Texas Water Commission). The committee will then consider comments to the Department of Justice concerning a consent decree negotiated between the City of Houston and the United States EPA Region 6, concerning an 800K toxicity study of the Houston Ship Channel. The committee will then consider revision/approval of the document: "Preliminary Guidance for Comprehensive Conservation and Management Plan Development." The committee will then consider the following actions for Citizen's Advisory Steering Committee projects: approval of topic and script for video production; approval of work plan for project entitled: "Information Development for Pollution Reporting System"; and approval for a bay user handbook for citizen actions to reduce non-point source pollution. The committee will then consider the need for a policy for public/media release of reports in the draft stage. The committee will then consider any other business, a date for the next meeting, and will adjourn.

Issued in Houston, Texas, on June 14, 1991.

TRD-9107094 Frank S. Shibley
Director, Galveston Bay National Estuary
Program
Texas Water Commission

Filed: June 14, 1991

For further information, please call: (713) 283-3950

Task Force 21 Advisory Committee

Task Force 21, an advisory committee established by the Texas Water Commission to assist in the development and implementation of policies for hazardous waste management and pollution prevention, will convene an organizational meeting Wednesday, June 19, 1991, 1 p.m., John H. Reagan State Office Building, Room 102, 105 West 15th Street, Austin. Additional formal notice of the committee's meeting schedule will be provided at the conclusion of this meeting. For further information concerning this matter, please contact Ms. Barbara Beaudry, Texas Water Commission, (512) 463-7760.

Issued in Austin, Texas, on June 14, 1991.

TRD-9107088 Douglas A. Kitts
Agenda Coordinator
Texas Water Commission

Filed: June 14, 1991

For further information, please call: (512) 463-7905

Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

Hidalgo County, P.O. Box 1356, Edinburg, Texas, 78540, received June 5, 1991, facility engineering Phase I application in an amount not to exceed \$11,156 from the Research and Planning Fund.

City of Weslaco, 500 South Kansas, Weslaco, Texas, 78596, received May 29, 1991, facility engineering Phase I application in an amount not to exceed \$80,662.50 from the Research and Planning Fund.

City of Edinburg, Texas, 210 West McIntyre, Edinburg, Texas, 78540, received May 3, 1991, application for financial assistance in the amount of \$1,450,000; \$590,000 from the Water Supply Account and \$860,000 from the Water Quality Enhancement Account, both of the Texas Water Development Fund.

Brazos River Authority, P.O. Box 7555, Waco, Texas, 76714-7555, received May 15, 1991, application for financial assistance in the amount of \$12,445,182 from the State Participation Account of the Texas Water Development Fund.

Hill Country Water Supply Corporation, P.O. Box 33280-280, Austin, Texas, 78764, received May 20, 1991, application for financial assistance in the amount of \$3,950,000 from the Water Supply Account of the Texas Water Development Fund.

Roman Forest Public Utility District Number 3, P.O. Box 2666, Conroe, Texas, 77305, received March 8, 1991, application for financial assistance in the amount of \$1,055,000; \$320,000 from the Water Supply Account and \$735,000 from the Water Quality Enhancement Account, both of the Texas Water Development Fund.

City of Whitney, P.O. Box 296, Whitney, Texas, 76692, received June 7, 1991, application requesting to change the security pledge on its \$1,350,000 board commitment.

Additional information concerning this matter may be obtained from G. E. Kretzschmar, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

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

TRD-9106953 G. E. Kretzschmar
Executive Administrator
Texas Water Development Board

Filed: June 12, 1991

For further information, please call: (512) 483-7855

◆ ◆ ◆
**Texas Workers' Compensation
Commission**

**Announcement of Public Hearing on
Proposed Rules**

The Texas Workers' Compensation Commission has re-scheduled the June 19 public hearing on proposed new law rules. The public hearing will be held on Wednesday, June 26, 1991, from 6 p.m. and continuing until oral testimony is completed. The hearing will take place in the Tippy Foster Meeting Room 910, in the Southfield Building at 4000 South IH 35, Austin, Texas 78704.

The hearing on June 26 will cover proposed rules in Chapter 164, the Extra-Hazardous Employer Program. The texts of the proposed rules were published in the April 23, 1991, and May 21, 1991, issues of the *Texas Register*.

Depending upon attendance, a time limitation may be placed on oral testimony. Written summaries of testimony will be accepted and are encouraged.

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

Issued in Austin, Texas, on June 13, 1991.

TRD-9107032 Susan M. Kelley
General Counsel
Texas Workers' Compensation Commission

Filed: June 14, 1991

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

◆ ◆ ◆
Correction of Errors

The Texas Workers' Compensation Commission submitted proposed 28 TAC §141.1 for publication in the February 26, 1991, *Texas Register* (16 TexReg 1272).

The commission omitted fiscal implications to state and local government from the preamble to §141.1.

The fiscal note portion as it appears on page 1272, column 2, line 72, of the preamble for chapter 141 currently reads: "R. Glenn Looney, manager of planning and analysis, 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 sections. There is no anticipated impact on employment, locally or statewide as a result of implementing the section."

It should be corrected as follows: "R. Glenn Looney, manager of planning and analysis, has determined that for the first five year period the proposed sections 141.2, 141.3, 141.4, 141.5, 141.6, and 141.7 are in effect, there

will be no fiscal implications for state or local government as a result of enforcing or administering the sections. For the first five year period proposed section 141.1 is in effect, R. Glenn Looney estimates the following additional cost to the Texas Workers' Compensation Commission for acknowledging unrepresented claimants' requests for a benefit review conference:

1991-\$78,000

1992-\$78,000

1993-\$69,000

1994-\$69,000

1995-\$69,000

It is estimated that at least fifty percent of projected benefit review conference requests will be unrepresented. There will be no anticipated fiscal implication for local government for proposed section 141.1. There is no anticipated impact on employment, locally or statewide as a result of implementing the section."

◆ ◆ ◆
The Texas Workers' Compensation Commission submitted proposed 28 TAC §134.400 and §42.110 for publication in the June 4, 1991 *Texas Register* (16 TexReg 3026,3028).

The commission has indicated that additional information is available to detail costs to persons affected by the proposed sections. The additional information is as follows:

"In addition to all the costs listed above, there will be additional economic costs to state and local governments who act as self-insureds, to small businesses who are insurance carriers, or who act as agents of insurance carriers for purposes of adjusting medical bills, and to persons required to comply with the fee guideline incorporated in the proposed section. These anticipated economic costs relate to purchase and installation of software necessary to perform calculation of allowable costs using the Diagnosis Related Group (DRG) method. The software is Health Care Financing Administration's Medicare "Group" 8.0 Public Domain version software. The estimated cost to persons who acquire the software is estimated to be between \$2,000 and \$3,000 per program per year."

◆ ◆ ◆
Notice of FSR Examination

The Texas Workers' Compensation Field Safety Representative Examination will be given on August 21, 1991. Individuals must have been enrolled in an intern program prior to January 1, 1991, to be eligible to take this examination. For more information contact Sharron M. Wallace no later than June 28, 1991, at the Texas Workers' Compensation Commission, Southfield Building, 4000 South IH-35, Austin, Texas 78704, (512) 440-3865.

Issued in Austin, Texas, on June 13, 1991.

TRD-9106988 Susan M. Kelley
General Counsel
Texas Workers' Compensation Commission

Filed: June 13, 1991

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

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

Please use this form to order a subscription to the *Texas Register*, a back issue, or to indicate a change of address. For more information about the *Texas Register* please call 512/463-5561. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$4. You also may write to the Texas Register, P.O. Box 13824, Austin, TX 78711-3824.

Change of Address

(please print)

Back Issues Requested

(Please specify dates)



YES, I want to learn about the latest changes in Texas regulations that may affect the daily operation of my business. Please begin my subscription to the *Texas Register* today.

Name _____
Organization _____
Address _____
City, ST Zip _____

I'm enclosing payment for 1 year/\$90. 6 months/\$70. 7 week trial/\$14.
Bill me for 1 year/\$90. 6 months/\$70.

Make checks payable to the Secretary of State. Subscription fees will not be refunded. Do not use this card to renew subscriptions. Return to Texas Register, P.O. Box 13824 Austin, TX 78711-3824. For more information call 512/463-5561. ckc

Second Class Postage

PAID

Austin, Texas
and additional entry offices
