

# Texas Register

Volume 16, Number 51, July 5, 1991

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## 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.

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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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

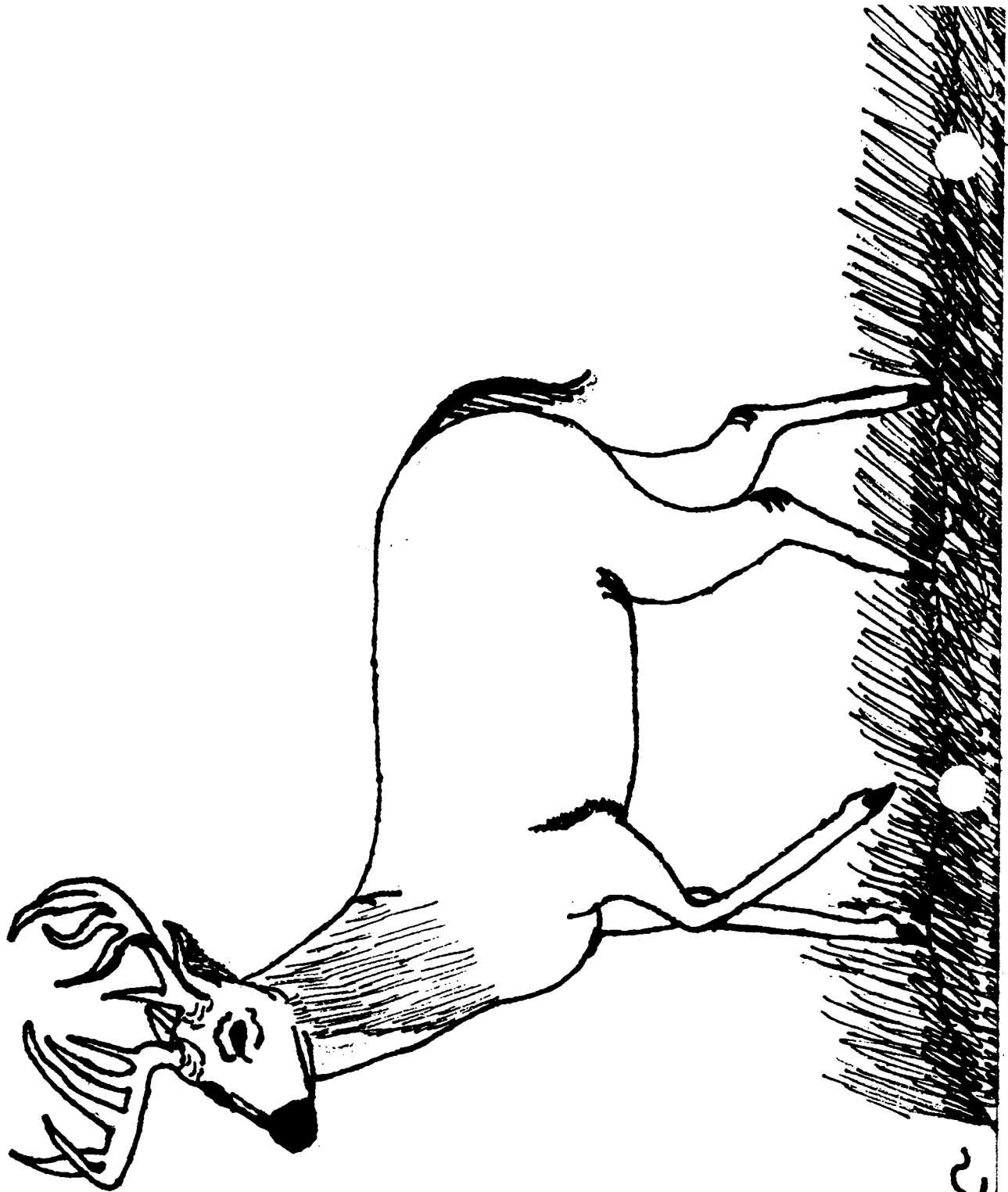
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Subscriptions-one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

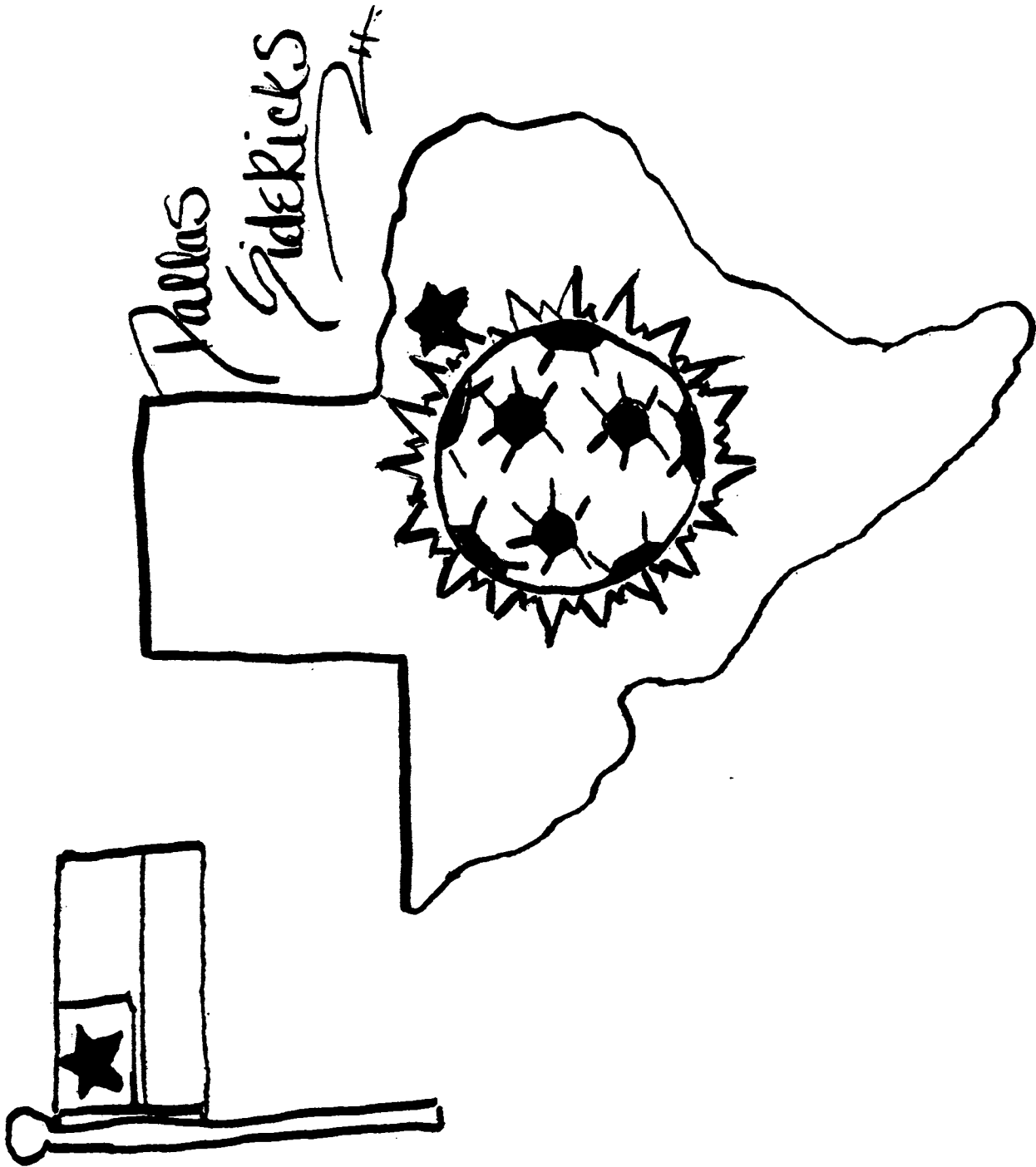
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*The Texas Whitetail*



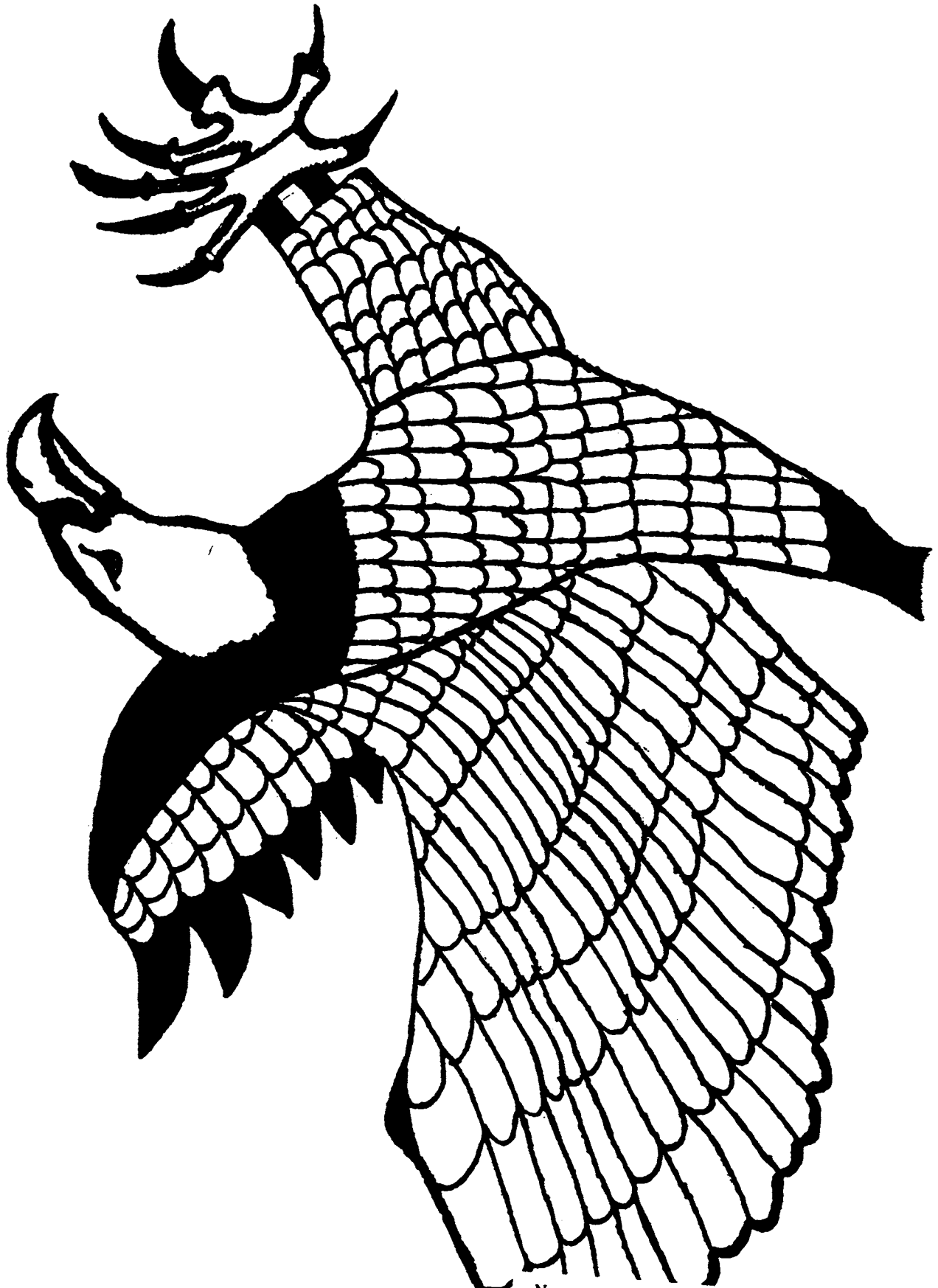
Name: Tiffany Jackson  
Grade: 8  
School: Boles Junior High, Arlington ISD



Name: Nicole Dalrymple

Grade: 9

School: Boles Junior High, Arlington ISD



Name: Alan Shaw  
Grade: 9  
School: Boles Junior High, Arlington ISD

# TAC Titles Affected

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## TAC Titles Affected—July

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

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### TITLE 31. NATURAL RESOURCES AND CONSERVATION

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CORRECTIONS**

***Part III. Texas Youth Commission***

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***Part I. Texas Department of Human Services***

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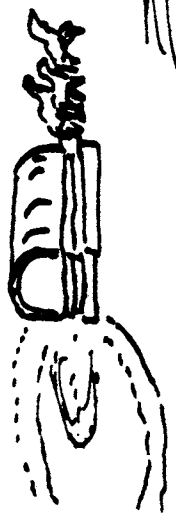
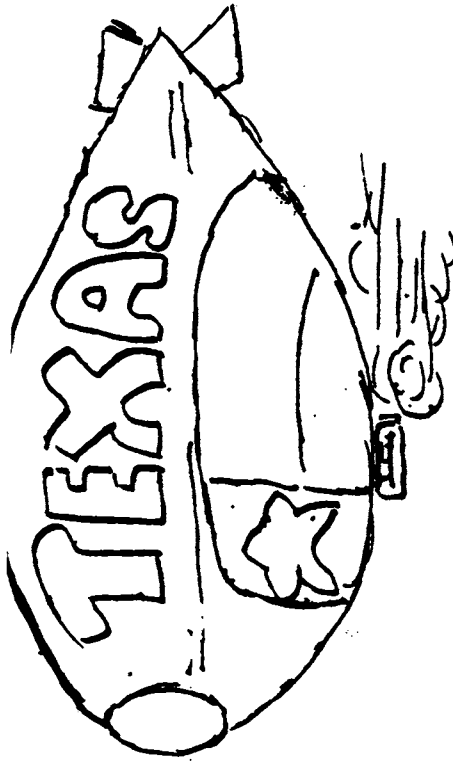
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40 TAC §85.6016—3780

◆ ◆ ◆



Name: Mark Hsieh  
Grade: 9  
School: Boles Junior High, Arlington 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 37. PUBLIC SAFETY AND CORRECTIONS

### Part III. Texas Youth Commission

#### Chapter 81. General Provisions

#### Case Management System for Delinquent Youth

• 37 TAC §81.113

The Texas Youth Commission is renewing the effectiveness of the emergency adoption of the amended §81.113, for a 60-day period effective July 3, 1991. The text of the amended §81.113 was originally published in the March 8, 1991, issue of the *Texas Register* (16 TexReg 1443).

Issued in Austin, Texas, on June 28, 1991.

TRD-9107703      Gall Graham  
Policy and Manuals  
Coordinator  
Texas Youth Commission

Effective date: July 3, 1991

Expiration date: September 1, 1991

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



The Texas Youth Commission is renewing the effectiveness of the emergency adoption of the amended §81.113, for a 60-day period effective July 3, 1991. The text of the amended §81.113 was originally published in the March 26, 1991, issue of the *Texas Register* (16 TexReg 1793).

Issued in Austin, Texas, on June 28, 1991.

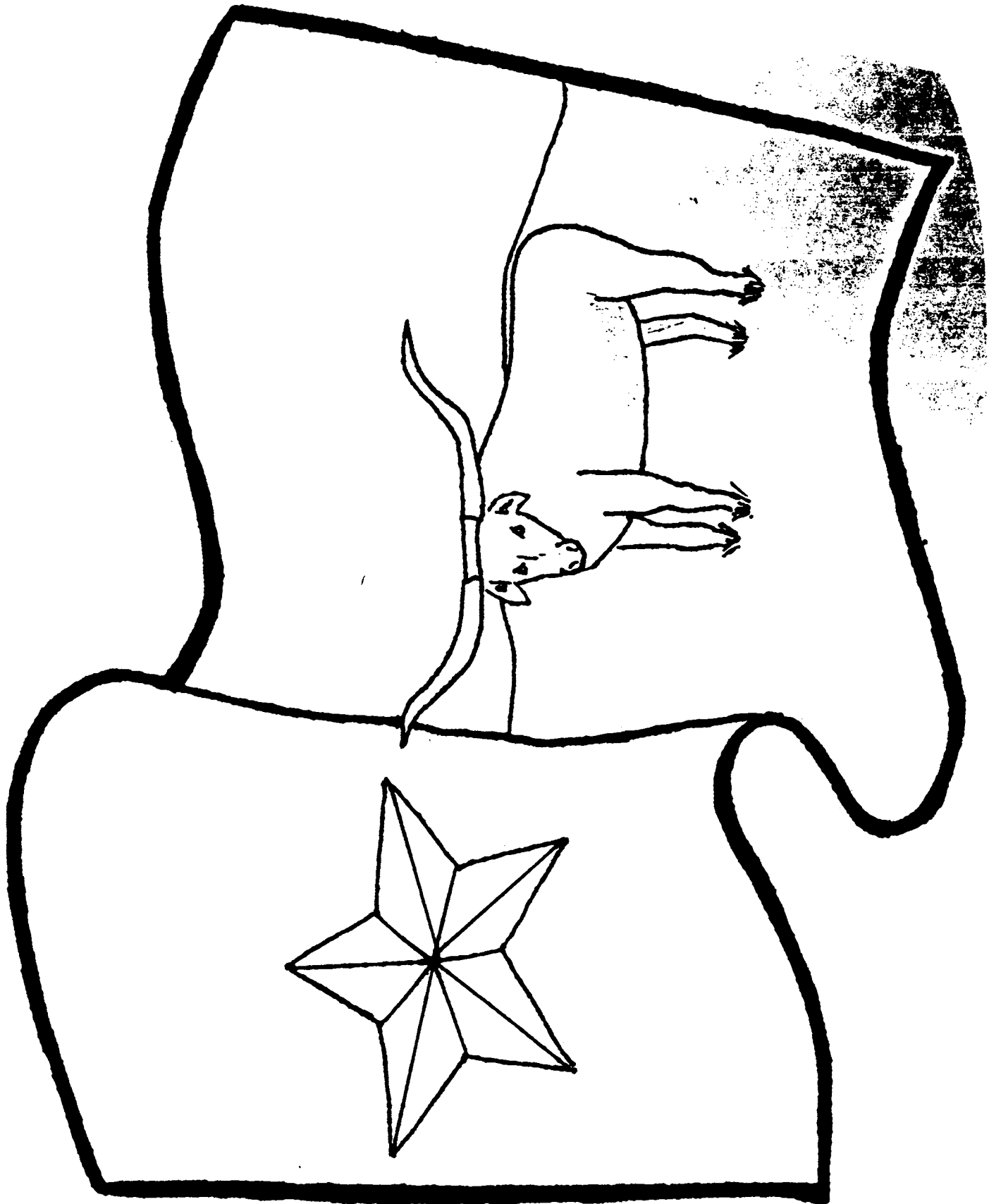
TRD-9107702      Gall Graham  
Policy and Manuals  
Coordinator  
Texas Youth Commission

Effective date: July 3, 1991

Expiration date: September 1, 1991

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





Name: Jerry Downs

Grade: 8

School: Boles Junior High, Arlington ISD

# Proposed Sections

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

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

## TITLE 22. EXAMINING BOARDS

### Part IX. Texas State Board of Medical Examiners

#### Chapter 176. Employee Sick Leave Pool

##### • 22 TAC §176.1-176.3

The Texas State Board of Medical Examiners proposes new §§176.1-176.3, concerning employee sick leave pool. The new sections involve the creation and operation of an employee sick leave pool.

Ivan Hurwitz, director of administrative services, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

There will be no local employment impact.

Pat Wood, administrative technician, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to establish guidelines for the creation and operation of a sick leave pool as provided under statutory authority of Senate Bill 357, enacted by the 71st Legislature, 1989. 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 Pat Wood, P.O. Box 13562, Austin, Texas 78711. A public hearing will be held at a future time.

The new sections are proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws now inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

**§176.1. Purpose.** The purpose of these sections is to establish guidelines for the creation and operation of a sick leave pool to benefit certain state employees who suffer a catastrophic injury or illness as provided under statutory authority of Senate Bill 357, enacted by the 71st Legislature, 1989.

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

**Catastrophic injury or illness**—A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state for the employee.

**Immediate family**—Those individuals who are related to the employee by kinship, adoption, marriage, and foster children who are so certified by the Texas Department of Human Services who live in the employee's household or if not in the employees' household are totally dependent upon the employee for personal care or services on a continuing basis.

**Licensed practitioner**—A practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his or her license.

**§176.3. General Provisions.** The general provisions provide that:

(1) all employees of the Texas State Board of Medical Examiners, including those on probationary, provisional, temporary, emergency, hourly, or other types of appointments, may apply to be granted sick leave from the sick leave pool. The executive director is excluded from participating by Senate Bill 357;

(2) employees may use pool sick leave for their own catastrophic illness or injury or for one in their immediate family;

(3) employees may also use pool sick leave if they contribute sick leave to the pool and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the pool during that fiscal year unless they suffer a catastrophic illness or injury;

(4) employees must exhaust all accrued leave, plus any extended sick leave granted them by their agency, before they are eligible to use leave from the pool. An exception is: employees who are off work due to an on-the-job injury or illness are not

required to exhaust their annual or compensatory leave;

(5) employees on pool sick leave for an entire month continue to accrue leave;

(6) employees with catastrophic illnesses or injuries are not required to contribute to the pool before they can use pool leave;

(7) employees who use pool leave are not required to pay back pool leave;

(8) requests for pool leave will be forwarded to the executive director through appropriate supervisory channels for his consideration on a first-come, first-served basis;

(9) the amount of pool leave granted for each catastrophic illness or injury will be determined by the executive director, who shall be the pool administrator. The amount of pool leave which may be granted cannot exceed one-third of the balance of hours in the pool, or 90 days, whichever is less;

(10) any unused balance of pool leave granted to an employee returns to the pool. The estate of a deceased employee is not entitled to payment for unused pool leave;

(11) contributions to the pool are strictly voluntary;

(12) active employees may contribute from one to three days of sick leave to the pool each fiscal year in increments of eight hours;

(13) employees who make contributions to the pool may not stipulate the recipient of the leave time;

(14) employees are encouraged to contribute to the pool at the time of their separation from state employment. They may contribute up to three days at that time, provided they have not already contributed the maximum for that fiscal year; and

(15) employees who contribute leave to the pool cannot get it back unless they are eligible for sick leave.

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 25, 1991.

Earliest effective date of adoption: August 5, 1991

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

## TITLE 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 401. System Administration

##### Subchapter B. Interagency Agreements

###### • 25 TAC §401.53

The Texas Department of Mental Health and Mental Retardation proposes an amendment to §401.53 and to Exhibit J, which is adopted by reference in this section, concerning the plan for new bed development in the Texas ICF/MR Program. House Bill 877 of the 72nd Texas Legislature requires that the ICF/MR Bed Plan be developed on a biennial rather than annual basis to accommodate the budget cycle of the Texas Department of Human Services.

The section heading is changed to delete the term "annual." In subsection (a), the revised title of Exhibit J is used, reflecting that the plan is developed on a biennial rather than annual basis. Subsection (b) is revised to indicate that copies of the plan are filed in the Office of Policy Development at 4405 North Lamar Boulevard in Austin. Language in both sections is revised to reflect current department usage.

Leilani Rose, director, financial services department, 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.

Jaylon Fincannon, deputy commissioner, mental retardation services, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the adoption of a statewide plan for the development of new beds in the ICF/MR program as required by state law. 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.

There is no significant local economic impact anticipated.

The amendment is proposed under House Bill 877 of the 72nd Texas Legislature, which requires the department to adopt the ICF/MR bed plan by rule and under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.53. [Annual] Plan for New Bed Development in the Texas ICF/MR Program.

(a) The Texas Department of Mental Health and Mental Retardation [TDMHMR] adopts by reference as Exhibit J [the] "The [Annual] Plan for New Bed Development in the Texas ICF/MR Program for State Fiscal Years 1992-1993."

(b) Copies of the plan are filed in the Office of Policy Development, Texas Department of Mental Health and Mental Retardation, 4405 North Lamar Boulevard [Standards and Quality Assurance, TDMHMR, 909 West 45th Street,] Austin, Texas 78756, and may be reviewed during regular business hours.

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 27, 1991.

TRD-9107630

Ann Utley  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: August 5, 1991

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

##### Subchapter F. Internal Audit

###### • 25 TAC §§401.405, 401.407-401.409

The Texas Department of Mental Health and Mental Retardation (TDMHMR) proposes amendments to §§401.405 and 401.407-401.409, concerning internal audit.

The amendments clarify report distribution requirements by referencing two documents: Texas Internal Audit Act and Generally Accepted Government Auditing Standards. The amendments also require the director of internal audit to report on various aspects of internal audit's work to the chairman of the internal audit committee of the Texas Board of Mental Health and Mental Retardation at every meeting (or as requested by the committee).

Leilani Rose, director, financial services department, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

There is no anticipated local economic impact.

Tom Martinec, director of internal audit, 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 as proposed will be the amendment of the subchapter to clarify department reporting requirements to ensure the information is delivered to all appropriate sources. 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 Linda Logan, director, Policy Development,

Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The amendments are proposed under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§401.405. State Board of Mental Health and Mental Retardation.

(a)-(f) (No change.)

(g) As a part of each audit committee meeting, or [On a quarterly basis, or more frequently] as requested by the chairman of the audit committee, the director of internal audit shall provide to the chairman of the audit committee the status of the audit workload program, including exceptions to the timely accomplishment of the annual plan; the status of management's resolution of audit findings; a report of consultations undertaken pursuant to §401.407(d) of this title (relating to Scope of Audit Work); and other significant issues involving internal audit for its report to the full board.

(h)-(i) (No change.)

§401.407. Scope of Audit Work.

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

(c) When authorized by the board or the commissioner, internal audit shall perform independent investigations of potential fraud and illegal acts [and report the results to the chairman of the board, the commissioner, and the office of legal services, except that any reports of fraud or illegal acts involving the office of the commissioner shall not be reported to the commissioner].

(d) (No change.)

§401.408. Routine Audits.

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

(c) At the conclusion of the site audit, the following procedures shall be followed.

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

(3) Within 60 calendar days of the exit conference, the director of internal audit shall issue the management audit report in accordance with reporting requirements as described in the Texas Internal Audit Act and Generally Accepted Government Auditing Standards, published by the United States General Accounting Office. [to the commissioner, the members of the audit committee of the board, and other board members, as requested, with copies distributed to:

[(A) the executive deputy commissioner;

(B) the deputy commissioner for management and support;

(C) the deputy commissioner for mental retardation services;

(D) the deputy commissioner for mental health services;

(E) the director, budget and fiscal services;

(F) the director, office of contracts management, if for a community center;

(G) the director, Legislative Budget Office;

(H) the director, Governor's Budget and Planning Office;

(I) the State Auditor's Office;

(J) the Legislative Reference Library;

(K) the superintendent/director of the audited entity; and

(L) members of the board of trustees of the audited center.]

(4) (No change.)

#### *§401.409. Fraud or Other Illegal Acts.*

(a) When, during the course of an audit, an internal auditor detects situations or transactions that could be indicative of fraud or other illegal acts, or receives information from external sources alleging such actions, the auditor shall immediately notify the director of internal audit who shall:

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

(5) Issue a formal report on the results of the investigation in accordance with reporting requirements as described in the Texas Internal Audit Act and Generally Accepted Government Auditing Standards. [provide the commissioner or chairman of the audit committee a formal report on the results of the investigation, with limited distribution to the board, deputy commissioners, and legislative/regulatory bodies. Upon receipt of evidence of illegality, the commissioner or chairman of the audit committee should forward findings to the appropriate legal entity.]

(b) (No change.)

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

Issued in Austin, Texas, on June 27, 1991.

TRD-9107631

Ann Utley  
Chairman  
Texas Department of  
Mental Health and  
Mental Retardation

Earliest possible date of adoption: August 5, 1991

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part III. Texas Air Control Board

#### Chapter 101. General Rules

##### • 31 TAC §101.27

The Texas Air Control Board (TACB) proposes new §101.27, concerning general rules. The new section, concerning emissions fees, is being proposed in response to the requirements of Title V of the Federal Clean Air Act (FCAA) Amendments of 1990.

The proposed subsection (a) specifies the applicability of the fee for an account, consistent with criteria established by the FCAA Amendments of 1990. Applicability is based on emissions of all air contaminants; however, the amount of the emissions fee will only be based on emissions of regulated pollutants. The use of the term account is consistent with the definition in §101.24, concerning inspection fees, and with general usage at TACB. Account numbers will identify those properties which will be affected by the Title V Operating Permit Program when implemented. The subsection also specifies that if the account is subject to the TACB inspection fee, as well as the proposed emissions fee, only the higher of either the inspection fee or the emissions fee must be paid.

The proposed subsection (b) specifies the method of fee payment and provides that a plant that does not operate at any time during the fiscal year for which the fee is assessed would not be required to pay a fee. The proposed subsection (c) specifies the basis for the fees and sets the fee at \$25 per ton of all regulated pollutants, as defined, which are emitted during normal facility operations, as defined. This fee may be adjusted downward prior to adoption, depending on legislative action. Subsection (c) also outlines the conditions under which actual or allowable emissions may be used to determine fee amounts. The proposed subsection (d) specifies a payment deadline. Finally, the proposed subsection (e) states that failure to remit the emissions fee shall result in enforcement action under the Texas Clean Air (TCAA).

Bennie Engetke, director of administrative services, has determined that for the first five-year period the section is in effect the fiscal implications for state and local units of government as a result of enforcing the section will be increased revenues needed to recover the costs of expanded air pollution control programs required by the FCAA Amendments of 1990.

Lane Hartsock, director of the Planning and Development Program, has determined that for each of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to enable TACB to recover the costs of the greatly expanded air pollution control programs required by the FCAA Amendments of 1990. The fiscal implications for small businesses will be less than for large businesses, since emissions from small businesses tend to be lower, and the fee is based on the amount of emissions. The anticipated costs to persons which are required to comply with the proposed sections will be the costs of the emissions fee.

A public hearing on this proposal is scheduled for 2 p.m. on July 31, 1991, in the Auditorium of TACB located at 12124 Park 35 Circle, Austin.

Copies of the proposal are available from Barry Irwin at the TACB central office and at all TACB regional offices. Oral and written public comment on the proposal is invited at the hearing. TACB would appreciate receiving five copies of testimony prior to or at the hearing. Written testimony received by the Regulation Development Section at TACB central office by 4 p.m. on August 1, 1991, will be included in the hearing record.

The new section is proposed under the TCAA, §383.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of the TCAA.

#### *§101.27. Emissions Fees.*

(a) Applicability. The owner or operator of each affected account shall remit to the Texas Air Control Board (TACB) an annual emissions fee. An account subject to both an emissions fee and a TACB inspection fee, pursuant to §101.24 of this title (relating to Inspection Fees), is required to pay only the greater of the two fees. If the applicable inspection fee has been paid already, the account must remit the difference between the fees if the emissions fee is greater than the inspection fee. A separate and single emissions fee is required for each affected account each fiscal year. For purposes of this section, an account shall be defined consistent with §101.24. Although all air contaminants are used to determine applicability of this section, only regulated pollutants, as defined in subsection (c) of this section, will be subject to fee assessment. For purposes of this section, an affected account shall have met one or more of the following conditions:

(1) the account has the potential to emit 100 tons per year or more of any air contaminant;

(2) the account has the potential to emit 50 tons per year or more of volatile organic compounds (VOC) and is located in El Paso, Hardin, Jefferson, or Orange Counties, or any other serious ozone nonattainment area;

(3) the account has the potential to emit 25 tons per year or more of VOC and is located in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, or Waller Counties, or any other severe ozone nonattainment area;

(4) the account emits 10 tons per year or more of a hazardous air contaminant, as defined in the Federal Clean Air Act (FCAA) Amendments of 1990, Title III;

(5) the account emits an aggregate of 25 tons per year or more of the hazardous air contaminants, as defined in the FCAA Amendments of 1990, Title III;

(6) the account is subject to the National Emission Standards for Hazardous Air Pollutants that apply to non transitory sources;

(7) the account is subject to new source performance standards;

(8) the account is subject to prevention of significant deterioration requirements; or

(9) the account is subject to acid deposition provisions in the FCAA Amendments of 1990, Title IV.

(b) Payment. Fees shall be remitted to the TACB Austin office in the form of a check or money order made payable to the Texas Air Control Board. A completed emissions fee form shall accompany fees remitted. The emissions fee form shall include at least the company name, property address, TACB account number, the actual and/or allowable levels of all air contaminants emitted from the account for the reporting period (indicating which amounts represent regulated pollutants), and the name and telephone number of the person to contact in case questions arise regarding the fee payment. In the event that a plant does not operate at any time during the fiscal year for which the fee is assessed, an emissions fee is not due, provided TACB is notified in writing that the plant is not and will not be in operation. If a plant commences or resumes operation later during the fiscal year, a full emissions fee will be due and payable prior to resumption of operations. The fiscal year is defined as the period from September 1-August 31.

(c) Basis for fees.

(1) The emissions fee shall be based on emissions from the account during the last full calendar year preceding the fiscal year for which the fee is assessed. The fee is set at \$25 per ton of regulated pollutants emitted from the affected account, including, but not limited to, those emissions from point and fugitive sources during normal facility operations. This fee will be adjusted by the Consumer Price Index using 1989 as the base year. A maximum of 4,000 tons of each regulated pollutant will be used for fee calculations.

(2) The emissions tonnage for the account for fee calculation purposes will be the sum of those actual emissions or allowable emissions for individual emission points or process units at the site, as follows.

(A) Where there is an enforceable document, such as a permit or board order, establishing allowable emissions, actual emissions may be used if a complete emissions inventory for the account is submitted with the fee payment. The complete inventory must include verifiable actual emissions based on continuous emission monitor measurements for stacks or vents. Where actual emissions rates are based upon calculations such as fugitives, flares, or storage tanks, actual production, throughput, and analysis measurement records must be submitted along with complete documentation of calculation methods, and thorough justification of all assumptions made and factors used in such calculations. If the actual emissions rate submitted for fee purposes is less than 60% of the allowable emission rate, justification for the discrepancy must be submitted. The executive director shall consider, and where appropriate institute proceedings to lower allowable emissions contained in a permit if he determines that the allowable appears to be significantly greater than is justified by the facility's operational history. Where inadequate or incomplete documentation is submitted, the executive director of TACB may direct that the fee be based on allowable emissions. Where a complete and verifiable inventory is not submitted, allowable emissions shall be used.

(B) Where there is not an enforceable document, such as a permit or board order, establishing allowable emissions, actual emissions shall be used.

(3) For purposes of this section, the term "regulated pollutant" shall include any volatile organic compound, any pollutant subject to the FCAA, §111, any pollutant listed as a hazardous air pollutant under the FCAA, §112 each pollutant for which a national primary ambient air quality standard has been promulgated (including carbon monoxide), and any other air contaminant subject to requirements under TACB rules, regulations, permits, orders of the board, or court orders. The term "normal facility operations" shall mean all operations other than those reported to TACB in response to the requirements of §101.6 of this title (relating to Notification Requirements for Major Upset) or §101.7 of this title (relating to Notification Requirements for Maintenance).

(d) Schedule. Fees shall be due annually on or before December 1.

(e) Nonpayment of fees. Each emissions fee payment must be received by the due date specified in subsection (d) of

this section. Failure to remit the full emissions fee by the due date shall result in enforcement action under the Texas Clean Air Act, §382.088 or §382.082.

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 28, 1991.

TRD-9107766

Lane Hartssock  
Planning and Development  
Program  
Texas Air Control Board

Proposed date of adoption: September 30, 1991

For further information, please call: (512) 908-1770

## 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 (DHS) proposes amendments to §15. 433, concerning resources; §15.455 and §15.465, concerning income; and §15. 500, concerning budgets and payment plans, in its Medicaid eligibility chapter. The purpose of the amendments is to delete the reference to Waiver V which is being replaced, effective July 1, 1991, by the Social Security Act, §1929(b)(2) (B), as the Medicaid funding source for primary home care services under Title XIX of the Social Security Act. Also in this issue of the *Texas Register*, the department is simultaneously proposing related amendments in Chapter 48, Community Care for Aged and Disabled.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the proposed sections are in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections are in effect will be an estimated reduction in cost of \$1,796,981 in fiscal year (FY) 1991; \$618,401 in FY 1992; \$2,491,836 in FY 1993; \$3,793,251 in FY 1994; and \$4,586,062 in FY 1995. There will be no effect on local government as a result of enforcing or administering the sections.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be continuing services for primary home care clients to remain as independent as possible in the community. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Jim Essler at (512)



450-3223 in DHS's Long Term Care Department. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-157, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §15.433

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

*§15.433. Transfer of Resources Penalty Period.*

(a) The penalty period for transfers on or after July 1, 1988, runs separately but concurrently with penalties for transfers between March 1, 1981, and June 30, 1988. The penalty period begins with the month the transfer occurred. The penalty applies only to nursing facility care and home/community-based waiver services (Type Program 19). If a transfer occurred with the client's knowledge and consent, the department considers the fair market value of the resource at the time of transfer. The client remains eligible for all other Medicaid benefits and continues to receive a monthly identification card. Both the client and the service provider are notified of the penalty period. SSI clients or clients in the community who are eligible under Type Program 03, 11, 18, or 22 or the Social Security Act, 1929(b)(2)(B) [Waiver V] may transfer resources without penalty provided they do not become institutionalized. For community-based MAO clients, except Type Program 19, the department gathers information about transfers occurring on or after July 1, 1988, and notifies the client of potential penalty if he is institutionalized. Type Program 19 clients may be ineligible for home/community-based waiver services for up to 30 months if the transfer results in any uncompensated value.

(b) (No change.)

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107816 Nancy Murphy  
Agency liaison, Policy and Document Support  
Texas Department of Human Services

Proposed date of adoption: September 15, 1991

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

◆ ◆ ◆  
Subchapter E. Income

• 40 TAC §15.455, §15.465

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to

administer public and medical assistance programs.

*§15.455. Unearned Income.*

(a) (No change.)

(b) Support and maintenance. The following requirements apply to support and maintenance.

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

(5) The one-third amount does not apply in the following situations:

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

(E) the client (or eligible couple) living in another's household is a Rider 49 or Social Security Act, 1929(b)(2)(B) [Waiver V] client whose eligibility is continued under an institutional medical assistance only type program; that is, one of the institutional income limits is being used to determine eligibility.

(c)-(e) (No change.)

*§15.465. Income Exclusions.*

(a) General exclusion. For each month, the first \$20 of unearned or earned income is excluded. This exclusion is applied first to unearned income, then to earned income if the unearned income is less than \$20. If no unearned income exists, the entire \$20 exclusion is applied to the earned income. Exceptions are as follows.

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

(3) The \$20 general exclusion does not apply to Type Program 14 [or Waiver V] cases.

(b) Earned income exclusion. After applying the \$20 general exclusion, the department excludes \$65 of the remaining earned income plus one-half of the remaining earnings. In the case of an eligible couple, the department allows only one earned income exclusion for the couple's combined earned income. The earned income exclusion does not apply to Type Program 14 [or Waiver V] cases.

(c)-(h) (No change.)

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107817 Nancy Murphy  
Agency liaison, Policy and Document Support  
Texas Department of Human Services

Proposed date of adoption: September 15, 1991

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

Subchapter F. Budgets and Payment Plans

• 40 TAC §15.500

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

*§15.500. Nonvendor Living Arrangements.*

(a) The department determines eligibility for individuals and couples (in nonvendor living arrangements) who:

(1) (No change.)

(2) apply for or have eligibility redetermined under Type Program 03, the Social Security Act, 1929(b)(2)(B) [Waiver V], or Rider 49 criteria;

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

(b) The department uses the full SSI-payment standard (in a nonvendor individual budget) for a client or the special income limit for the Social Security Act, 1929(b)(2)(B) [Waiver V] or Rider 49 client and considers only his income. The department prepares an individual budget if the client is single, widowed, or divorced; or a married person who is:

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

(c) The department prepares a companion budget, using the full SSI payment standard for an individual, if a client lives with his ineligible spouse during any part of a calendar month. The department prepares companion budgets for the Social Security Act, 1929(b)(2)(B) [Waiver V] clients using the department's special income limit. The income of the ineligible spouse may be deemed available to the client (except for Rider 49 clients).

(d) (No change.)

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107818 Nancy Murphy  
Agency liaison, Policy and Document Support  
Texas Department of Human Services

Proposed date of adoption: September 15, 1991

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

◆ ◆ ◆  
Chapter 48. Community Care for Aged and Disabled Eligibility

The Texas Department of Human Services (DHS) proposes amendments to §48.2906 and §48.2918, and the repeal of §48.2908, concerning eligibility, in its Community Care

for Aged and Disabled chapter. The purpose of the amendments and repeal is to delete the reference to Waiver V which is being replaced by the Social Security Act, §1929(b)(2)(B) as the Medicaid funding source for primary home care services under Title XIX of the Social Security Act. Also in this issue of the *Texas Register*, the department is simultaneously proposing related amendments in Chapter 15, Medicaid Eligibility.

Burton F. Raiford, interim commissioner, has determined that for the first five-year period the proposed amendments and repeal are in effect there will be fiscal implications for state government as a result of enforcing or administering the amendments and repeal. The effect on state government for the first five-year period the amendments and repeal are in effect will be an estimated reduction in cost of \$1,796,981 in fiscal year (FY) 1991; \$618,401 in FY 1992; \$2,491,836 in FY 1993; \$3,793,251 in FY 1994; and \$4,586,062 in FY 1995. There will be no effect on local government as a result of enforcing or administering the amendments and repeal.

Mr. Raiford also has determined that for each year of the first five years the amendments and repeal are in effect the public benefit anticipated as a result of enforcing the amendments and repeal will be continuing services for clients to remain as independent as possible in the community. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Jim Essler or Dee Church at (512) 450-3226 or 450-3223 in DHS's Long Term Care section. Comments on the proposal may be submitted to Nancy Murphy,

Policy and Document Support-157, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §48.2906, §48.2918

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

§48.2906. *Age.*

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

[(d) No age limits apply for family care services to clients whose primary home care services terminate due to the end of Waiver V.]

§48.2918. *Eligibility for Primary Home Care.*

(a) Applicants/clients for primary home care services must meet all of the following eligibility criteria. The applicant/client must:

(1) be eligible for Medicaid outside an institution or be eligible under provisions of the Social Security Act, 1929(b)(2)(B) [as a Waiver V client];

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

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

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107619

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

Proposed date of adoption: September 15, 1991

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

• 40 TAC §48.2908

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

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

§48.2908. *Implementation of the Fifth Waiver Project.*

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107620

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

Proposed date of adoption: September 15, 1991

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

# 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 16. ECONOMIC REGULATION

Part I. Railroad  
Commission of Texas

Chapter 3. Oil and Gas  
Division

Conservation Rules and Regu-  
lations

### • 16 TAC §3.14

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §3.14, submitted by the Railroad Commission of Texas has been automatically withdrawn, effective July 2, 1991. The amendment §3.14 as proposed appeared in the January 1, 1991 issue of the *Texas Register* (16 TexReg 32).

TRD-9107844



## TITLE 22. EXAMINING BOARDS

Part IX. Texas State  
Board of Medical  
Examiners

Chapter 188. Record  
Retention/Recordkeeping

### • 22 TAC §188.1, §188.2

The Texas State Board of Medical Examiners has withdrawn from consideration for permanent adoption new §188.1, §188.2 which appeared in the January 1, 1991, issue of the *Texas Register* (16 TexReg 34). The effective date of this withdrawal is June 26, 1991.

Issued in Austin, Texas, on June 26, 1991.

TRD-9107609

Pat Wood  
Administrative Technician  
Texas State Board of  
Medical Examiners

Effective date: June 26, 1991

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



## TITLE 34. PUBLIC FI- NANCE

Part IV. Employees  
Retirement System of  
Texas

Chapter 81. Insurance

### • 34 TAC §81.7

The Employees Retirement System of Texas has withdrawn from consideration for permanent adoption a proposed amendment to §81.7 which appeared in the April 26, 1991, issue of the *Texas Register* (16 TexReg 2354). The effective date of the withdrawal is July 18, 1991.

Issued in Austin, Texas, on June 27, 1991.

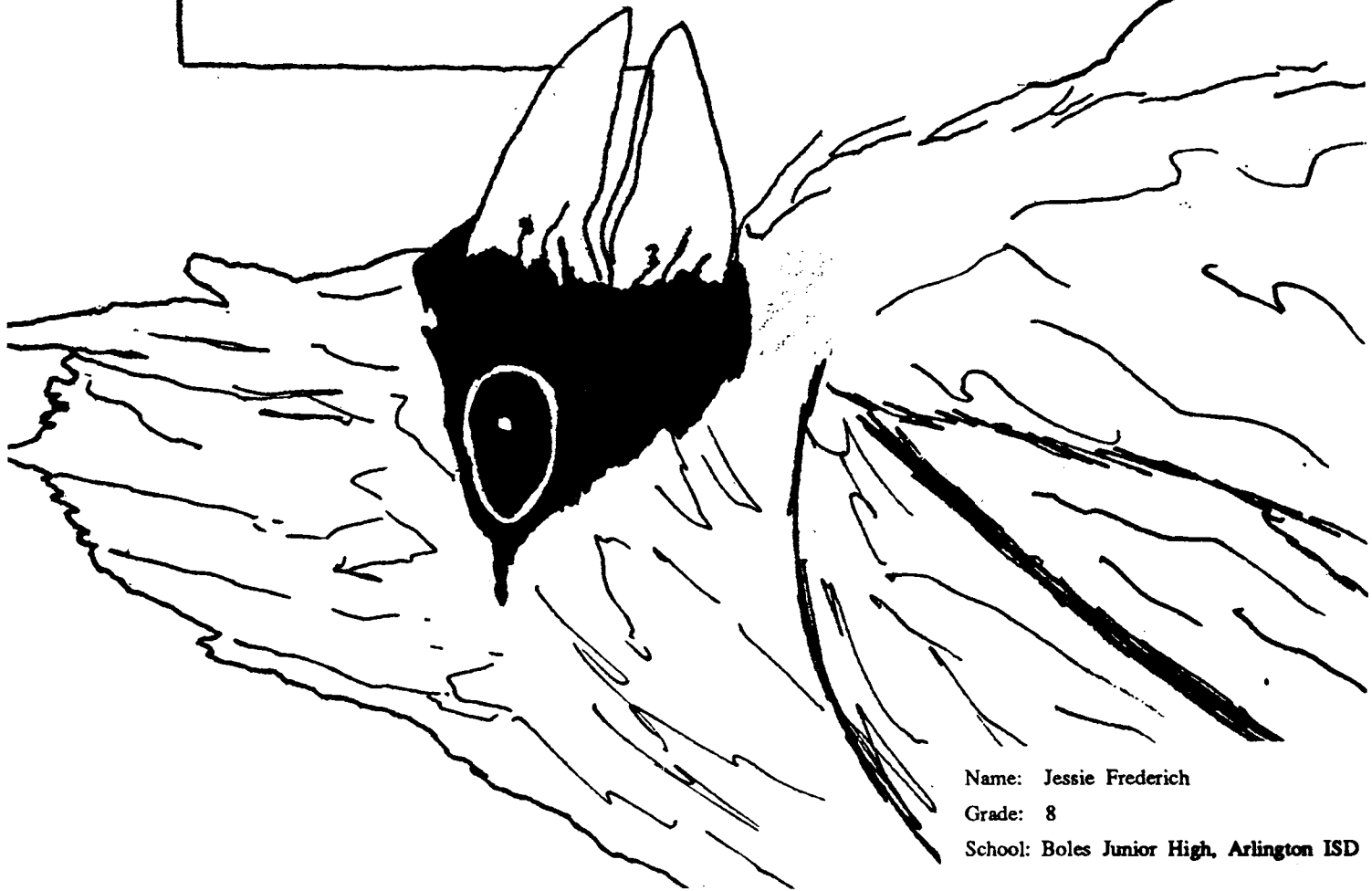
TRD-9107634

William S. Nail  
General Counsel  
Employees Retirement  
System of Texas

Effective date: July 18, 1991

For further information, please call: (512)  
867-3336





Name: Jessie Frederick

Grade: 8

School: Boles Junior High, Arlington 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 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 3. Oil and Gas Division

#### Conservation Rules and Regu- lations

##### • 16 TAC §3.1

The Railroad Commission of Texas adopts an amendment to §3.1, concerning filing of organization reports, with changes to the proposed text as published in the January 1, 1991, issue of the *Texas Register* (16 TexReg 32).

Adoption of the amendment will increase the assurance that persons subject to Railroad Commission jurisdiction will comply with state statutes and commission rules. The amendment: requires a person's organization report be accepted and approved prior to the person performing operations that are within the jurisdiction of the commission; and expands the class of persons required to be listed on an organization report.

In subsection (a)(4)(C), "owner of more than 25% ownership interest" replaced the word "owner." In addition, the words "joint venturer" were deleted.

Several commenters stated that the requirement that organization reports be "accepted and approved" before a person can conduct operations would give the commission unfettered discretion to suspend the right to operate. The commission disagrees. This amendment does not eliminate the due process rights to which a person is entitled with regard to the right to operate.

Several commenters stated that it is too burdensome for an organization to list "each officer, director, general partner, owner, joint venturer, or trustee" on an organization report. The commission agrees in part and has revised the amendment to require that a person must possess at least 25% ownership interest before the person must be listed on an organization report. In addition, the proposed requirement that joint venturers be listed has not been adopted.

One commenter stated that the commission should only require the listing of an oil or gas well's working interest owners on an organization report. The commission disagrees. The effective administration of state statutes and commission rules and orders requires that the organization report contain information on organizations that regularly conduct operations under the commission's jurisdic-

tion, rather than information on investors in individual wells.

The following commenters stated that they support the amendment as originally proposed: Couroil, Inc., Courson Oil & Gas, Inc., and Natural Gas Anadarko Company.

The following commenters stated that they did not support the amendment as originally proposed: Texas Midcontinent Oil & Gas Association, Texaco Exploration and Production, Inc., Texas Independent Producers & Royalty Owners Association, Panhandle Producers & Royalty Owners Association, Permian Basin Petroleum Association, West Central Texas Oil & Gas Association, Oxy USA Inc., Jaten Oil Company, Benson-McCown & Company, Pogo Producing Company, Conoco Inc., Riata Energy, Inc., Taylor Energy Corporation, Travelers Oil Company, North Texas Oil and Gas Association, and Texas Exploration & Producing, Inc.

The amendment is adopted under the Texas Natural Resources Code, §81.051 and §81.052, which provides the Railroad Commission with the authority to adopt rules to govern and regulate persons and their operations under the jurisdiction of the Railroad Commission.

##### §3.1. Organization Name To Be Filed and Records Kept.

###### (a) Filing requirements.

(1) No organization, including any person, firm, partnership, joint stock association, corporation, or other organization, domestic or foreign, operating wholly or partially within this state, acting as principal or agent for another, for the purpose of performing operations within the jurisdiction of the commission shall perform such operations prior to acceptance and approval by the commission of an organization report. Operations within the jurisdiction of the commission include, but are not limited to, the following:

(A)-(K) (No change.)

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

(4) The organization report must contain the following information:

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

(C) for each officer, director, general partner, owner of more than 25% ownership interest, or trustee (hereinafter controlling entity) of the organization:

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

(D) (No change.)

(5)-(7) (No change.)

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

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

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

TRD-9107753

Martha V. Swanger  
Hearings Examiner  
Railroad Commission of  
Texas, Legal Division-  
General Law

Effective date: July 22, 1991

Proposal publication date: January 1, 1991

For further information, please call: (512) 463-6864

## TITLE 22. EXAMINING BOARDS

### Part IX. Texas State Board of Medical Examiners

#### Chapter 193. Standing Delegation Orders

##### • 22 TAC §193.7

The Texas State Board of Medical Examiners adopts an amendment to §193.7, without changes to the proposed text as published in the May 7, 1991, issue of the *Texas Register* (16 TexReg 2508).

The amendment is adopted for clarification of rules in regard to tests which may not be performed by a radiologic technologist registered by the Texas State Board of Medical Examiners.

The amendment will function by providing further clarification of the rules.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on June 25, 1991.

TRD-9107810

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

Effective date: July 17, 1991

Proposal publication date: May 7, 1991

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part X. Texas Water Development Board

#### Chapter 363. Rules Relating to Financial Programs

##### Subchapter A. Financial Assistance for Water Supply, Water Quality Enhancement, Flood Control, and Acquisition

The Texas Water Development Board (the board) adopts the repeal of Chapter 363, Subchapter A consisting of §§363.1-363.5, 363.31-363.38, 363.52, 363.60, 363.71, 363.72, 363.81-363.85, 363.91, 363.92, 363.101-363.108, 363.111, 363.112, 363.121-363.126, 363.141, 363.161-363.165, and 363.181, and concerning rules relating to financial assistance for water supply, water quality enhancement, flood control, and acquisition; and the repeal of Chapter 363, Subchapter B, consisting of §§363.201, 363.202, 363.231-363.235, 363.251-363.257, 363.281-363.283, 363.291-363.295, 363.301, 363.302, 363.311-363.321, and 363.331, concerning rules relating to financial programs, economically distressed areas program. The board also adopts new Subchapter A, §§363.1-363.3, 363.11-363.15, 363.31, 363.32, 363.41-363.43, 363.51-363.57, and 363.71, and concerning rules relating to general provisions for the board's financial assistance programs; Subchapter B, consisting of §§363.201-363.208, 363.221-363.224, 363.241, 363.242, concerning rules relating to state water pollution control revolving fund; Subchapter C, consisting of §§363.301-363.303, 363.311-363.314, 363.321, 363.331-363.333, and concerning rules relating to municipal solid waste; Subchapter D, consisting of §§363.401-363.404, concerning rules relating to flood control; Subchapter E, consisting of §§363.501-363.508, concerning rules relating to economically distressed areas; and Subchapter F, consisting of §§363.601-363.610, concerning rules relating to storage acquisition and state participation. New sections 363.42, 363.43, 363.202, 363.206, 363.222, 363.223, 363.242, 363.403, and 363.404 are adopted with changes to the proposed text as published in the May 17, 1991, issue of the *Texas Register*

(16 TexReg 2700). The repeals and new §§363.1-363.3, 363.11-363.15, 363.31, 363.32, 363.41, 363.51-363.57, 363.71, 363.201, 363.203-363.205, 363.207, 363.208, 363.221, 363.224, 363.241, 363.301-363.303, 363.311-363.314, 363.321, 363.331-363.333, 363.401, 363.402, 363.501-363.508, and 363.601-363.610 are adopted without changes and will not be republished.

The old sections are repealed and new sections are adopted to reflect the board's policy to expedite the applications process for its financial programs. The board's rules relating to its financial programs. The board's rules relating to its financial assistance programs have been restructured into six subchapters. Subchapter A reflects the general provisions of the board's financial assistance programs and will apply in addition to the rules in each of the additional subchapters.

Subchapter B pertains to the board's state water pollution control revolving (SRF) fund. The sections in Subchapter B reflect modifications to the SRF program to simplify the application process and to eliminate federal requirements which no longer apply. Section 363.205 contains new procedures for development of the project priority list. Simplified procedures for filing and funding of applications are in §363.206 and §363.207. A revised project rating process is contained in §363.208. Simplified requirements for SRF engineering feasibility reports and environmental assessments are in §363.222 and §363.223.

Subchapter C pertains to the board's municipal solid waste program. The sections concern the submission of a report containing the site development plan or permit application for a municipal solid waste facility and enable the board to require an applicant to retain a qualified, independent third party professional acceptable to the board to assist it in the evaluation of the application, plans and specifications, other engineering design documents, the environmental risks associated with the project, and in conducting of inspections of construction and materials.

Subchapter D pertains to the board's flood control program and establishes engineering data that must be provided by an applicant in addition to the engineering requirements in Subchapter A. Section 363.402 defines a floodplain management plan, nonstructural flood control, and structural flood control. Section 363.403 states the projects eligible for financial assistance under the flood control program.

Subchapter E, which pertains to the board's economically distressed areas (EDA) program, establishes ability to pay criteria, and sets forth the conditions under which financial assistance will be provided in an affected area.

Subchapter F pertains to the board's storage acquisition and state participation programs. This subchapter requires the board and a political subdivision which requests the board to acquire an interest in a facility to enter into and execute a master agreement.

Changes to the rules from the proposed text are as follows. Section 363.42 is amended by replacing "accounting," which was incorrectly used, with the word "auditing." Section 363.43 was modified to eliminate any interpretation that it is the execution of the construction

contract which contingent upon an applicant's receipt of board funds. Section 363.202 references the definition of "treatment work" in the Clean Water Act, §212. The changes is necessary to clarify that treatment works which are eligible for SRF funding are limited to those described in the definition of treatment works in that Act. Section 363.206 is amended to clarify that there is no intent to provide project specific bonds through the SRF program unless there will be no impact on other applicants. Section 363.222 is amended to correct the use of two different terms for the same report. Section 363.223 is amended to eliminate a conflict between subparagraphs (A) and (B). Section 363.242 is amended to facilitate loan closing prior to completion of design by allowing loan closing to occur prior to the issuance of Texas Water Commission (commission) permits for limited purposes. Commission permits are still required prior to the delivery of funds for construction purposes. Section 363.403 is amended to require that flood control loans be granted only for areas where National Flood Insurance is available. Section 363.404 is amended to eliminate any interpretation that the section may prevent worthwhile flood control projects resulting from the fact that many flood control projects result in increased peak water surface elevations upstream and/or downstream.

Comments were accepted for 30 days following the May 17, 1991 publication. One commenter was concerned that the board's policies be incorporated into the new sections. Several of the board's policy declarations were already incorporated within the sections. The sections will be reviewed in the near future to determine additional policy statements which need to be included. The commenter also noted that several of the Clean Water Act (the Act) Title II requirements in the SRF program were no longer required in the new sections. The Title II requirements are no longer applicable to the board's SRF program pursuant to the Act, §602(b)(6), since the board has satisfied its equivalency requirements under the Act. The commenter stated that the board should continue to require that flood control loans be granted only for areas where national flood insurance is available. Section 363.403 was adopted with changes to address this comment. The commenter expressed concern that the economically distressed areas (EDA) program rules no longer require the adoption of the model rules. This requirement is retained, however, as it is part of the Texas Water Code and will be included in the board's guidelines regarding the EDA program.

Another commenter expressed concern that the language in §363.404(5) could be interpreted to preclude future "worthwhile and needed projects to protect existing developments in the State of Texas." Section 363.404(5) had a requirement that the flood control project not increase the peak water surface elevation of any stream within the watershed or within any downstream watershed. The commenter noted that most flood control projects result in increased peak water surface elevations upstream and/or downstream. Section 363.404(5) has been modified to accommodate the comment.

A commenter related concern that §363.206(d) seemed to give preference to specific applications. Section 363.206(d) was

amended to clarify that there is no intent to provide project specific bonds unless there will be no impact on other applicants.

Comments were received from the League of Women Voters of Texas, the Department of the Army, Fort Worth District Corps of Engineers, the Houston-Galveston Area Council, and the Environmental Protection Agency.

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

### Introductory Provisions

#### • 31 TAC §§363.1-363.5

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 27, 1991.

TRD-9107715

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

### Subchapter A. General Provisions

### Introductory Provisions

#### • 31 TAC §§363.1-363.3

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107736

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

### General Application Procedures

#### • 31 TAC §§363.11-363.15

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107737

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

### Subchapter A. Financial Assistance for Water Supply, Water Quality Enhancement Flood Control and Acquisition

### Flood Control and Acquisition Policy Declarations

#### • 31 TAC §§363.31-363.38

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107718

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

### Subchapter A. General Provisions

### Formal Action by the Board

#### • 31 TAC §§363.31, 363.32

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107738

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

### Prerequisites to Release of State Funds

#### • 31 TAC §§363.41-363.43

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

#### §363.42. Loan Closing.

(a) Instruments needed for closing. The documents which shall be required at the time of closing shall include the following:

(1) evidence that requirements and regulations of all local, state, and federal agencies having jurisdiction have been met, including, but not limited to, permits and authorizations;

(2) certified copy of the ordinances or resolutions adopted by the governing body authorizing issuance of bonds sold to the board which has received prior approval by the executive administrator and which shall have sections providing:

(A) that a construction fund shall be created which shall be separate from all other funds of the applicant;

(B) that a final accounting be made to the board of the total sources and authorized use of project funds and that any surplus loan funds be used in a manner as approved by the executive administrator;

(C) that an annual audit of the political subdivision, prepared in accordance with generally accepted auditing standards by a certified public accountant or licensed public accountant be provided annually to the executive administrator;

(D) that the political subdivision shall provide adequate operation, maintenance, and insurance coverage on the project in an amount sufficient to protect the board's interest;

(E) that the political subdivision will implement any water conservation program required by the board until all financial obligations to the state have been discharged;

(F) that the political subdivision shall maintain current, accurate, and complete records and accounts necessary to demonstrate compliance with financial assistance related legal and contractual provisions;

(G) that the political subdivision covenants to abide by the board's rules and relevant statutes, including the Texas Water Code, Chapters 15, 16, and 17;

(3) two copies of the political subdivision's water conservation program, including documentation of local adoption;

(4) unqualified approving opinions of the attorney general of Texas and a certification from the comptroller of public accounts that such bonds have been registered in that office;

(5) unqualified approving opinion by a recognized bond attorney acceptable to the executive administrator;

(6) other or additional data and information, if deemed necessary by the executive administrator.

(b) Certified transcript. At such time as available following the closing, the political subdivision shall submit a transcript of bond proceedings relating to the bonds purchased by the board which shall contain those instruments normally furnished a purchaser of a bond issue.

#### **§363.43. Delivery and Release of Funds.**

(a) Delivery of funds for building purposes. Prior to the delivery of funds for building purposes, the political subdivision shall submit for approval to the executive administrator the following documents:

(1) a tabulation of all bids received and an explanation for any rejected bids or otherwise disqualified bidders;

(2) two executed original copies of each construction contract the effectiveness and validity of which is contingent upon the receipt of board funds;

(3) evidence that the necessary acquisitions of land, leases, easements, and rights-of-way have been completed or that the applicant has the legal authority necessary to complete the acquisitions;

(4) a statement as to sufficiency of funds to complete the project;

(5) bonds delivered in proper form to a location specified by the executive administrator;

(6) certified copies of each contract under which revenues to the project will accrue; and

(7) other such instruments or documents as the board or executive administrator may require.

(b) Delivery of funds for projects constructed through one or more construction contracts. For projects constructed through one or more construction contracts, the executive administrator may approve delivery of funds for all or a portion of the estimated project cost, provided all requirements of subsection (a) of this section have been met for at least one of the construction contracts.

(c) Release of funds. The executive administrator may require the escrow of an amount of project funding related to con-

tracts which have not met the requirements of subsection (a) of this section at the time of loan closing.

(d) Loan closing prior to completion of design. In the event financial assistance is needed to complete design of a project, the executive administrator will so advise the board. The board may authorize the executive administrator will so advise the board. The board may authorize the executive administrator to close the loan and deliver funds for an amount not to exceed the total estimated cost of the engineering planning and design, the cost of issuance associated with the loan, and any associated capitalized interest without requiring all submittals required under subsection (a) of this section.

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 27, 1991.

TRD-9107739

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

#### **Construction Phase**

##### **• 31 TAC §§363.51-363.57**

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107740

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

#### **Subchapter A. Financial Assistance for Water Supply, Water Quality Enhancement, Flood Control and Acquisition**

##### **Flood Control and Acquisition Application to the Board**

##### **• 31 TAC §§363.52-363.60**

The repeals are adopted under the Texas Water Code, §6.101, which requires the

board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107717

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

#### **Flood Control and Acquisition Formal Action by the Board**

##### **• 31 TAC §363.71, §363.72**

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107718

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

#### **Subchapter A. General Provisions**

##### **Post-construction Responsibilities**

##### **• 31 TAC §363.71**

The new section is adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107741

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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



Subchapter A. Financial Assistance for Water Supply, Water Quality Enhancement, Flood Control and Acquisition

Flood Control and Acquisition Prerequisites to Release of State Funds

• 31 TAC §§363.81-363.85

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107719 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

Flood Control and Acquisition Water Loan Assistance Fund, Flood Control, Water Development and Water Quality Enhancement Program, Final Procedures and Requirements

• 31 TAC §363.91, §363.92

The repeal of these sections is adopted under the authority of Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107720 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

Flood Control and Acquisition Construction Phase for Water Assistance Fund, Water Development, Flood Control and Water Quality Enhancement Projects

• 31 TAC §§363.101-363.108

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107722 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

Flood Control and Acquisition Water, Wastewater and Storage Facilities Acquisition Program

• 31 TAC §363.111, §363.112

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107723 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

Flood Control and Acquisition Water, Wastewater and Storage Facilities Acquisition Program Construction Phase

• 31 TAC §§363.121-363.126

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107724 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

Flood Control and Acquisition Procedure for State Acquisition Initiated by the Board

• 31 TAC §363.141

The repeal is adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107725 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

Flood Control and Acquisition Application to Acquire State Interests or to Purchase Water, Water Treatment, or Wastewater Treatment

• 31 TAC §§363.161-363.165

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107728 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Flood Control and Acquisition Post-Construction Responsibilities Compliance Procedure

### • 31 TAC §363.181

The repeal is adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107727

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Subchapter B. Economically Distressed Areas Program Introductory Provisions

### • 31 TAC §363.201, §363.202

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107728

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Subchapter B. State Water Pollution Control Revolving Fund

### Introductory Provisions

#### • 31 TAC §§363.201-363.208

The new sections are adopted under the Texas Water Code, §6.101 and §15.605, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code, and adopt rules for the state water pollution control revolving fund.

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

otherwise. Words defined in the Texas Water Code, Chapters 15, 16, or 17, and not defined here shall have the meanings provided by the appropriate Texas Water Code chapter.

**Act**—The Federal Water Pollution Control Act, as amended, 33 United States Code 1251 et. seq.

**Alternative technology**—Proven wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, productively recycle wastewater constituents or otherwise eliminate the discharge of pollutants, or recover energy. Specifically, alternative technology includes land application of effluent and sludge; aquifer recharge; aquaculture; direct reuse (nonpotable); horticulture; revegetation of disturbed land; containment ponds; sludge composting and drying prior to land application; self-sustaining incineration; methane recovery; individual and on-site systems; and small diameter pressure and vacuum sewers and small diameter gravity sewers carrying partially or fully treated wastewater.

**Environmental determination**—A finding by the executive administrator regarding the environmental soundness of a proposed project.

**Environmental assessment**—A written analysis prepared by the applicant describing the potential environmental impacts of a proposed project, sufficient in scope to enable the executive administrator to make an environmental determination.

**EPA**—The Environmental Protection Agency.

**SRF**—The state water pollution control revolving fund, created pursuant to the Texas Water Code, Chapter 15, Subchapter J.

**Treatment works**—The meaning established in the Act, §212, shall apply for projects funded from the state water pollution control revolving fund.

#### **§363.206. Criteria and Methods for Distribution of Funds.**

(a) Applications for assistance may be submitted at any time and will be funded on a first come, first served basis unless a fund shortage exists and sufficient funds are not available for all projects ready for scheduling for board action.

(b) A fund shortage is considered to exist when the amount of funds required to fund all applications which are complete and ready for scheduling for board action exceeds the amount of funds available for commitment.

(c) Applications which are ready for scheduling for board action at the time a fund shortage occurs will be presented for board action in order of their priority ranking in accordance with §363.208 of this title (relating to Rating Process). Funds will be made available to applicants in priority order until available funds have been utilized.

(d) The board may elect to issue project specific bonds to fund particular applications provided that such issues will not adversely impact the interest rates or amounts of funds available for other applicants. In this event, the applications will not be subject to the provisions of subsections (a)-(c) of this section.

(e) In order that all types and sizes of projects be able to compete equitably for financial assistance from the state water pollution control revolving fund, the board may allocate specific amounts of funds to insure that the funding needs of particular types or sizes of projects can be met.

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 27, 1991.

TRD-9107742

Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Application for Assistance

### • 31 TAC §§363.221-363.224

The new sections are adopted under the Texas Water Code, §6.101 and §15.605, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code, and adopt rules for the state water pollution control revolving fund.

#### **§363.222. Required State Water Pollution Control Revolving Fund Engineering Feasibility Report.**

(a) Contents of the state water pollution control revolving fund (SRF) engineering feasibility report. The engineering feasibility report shall be consistent with the requirements of §363.13 of this title (relating to Engineering Feasibility Data).

(b) Nonpoint source applications. Applications for assistance for nonpoint source pollution control projects must be consistent with an approved nonpoint source management plan pursuant to the Federal Water Pollution Control Act (the Act), §319.

(c) Approval of SRF engineering feasibility report. The executive administrator will approve the SRF engineering feasibility report after confirming that the items listed in subsection (a) of this section have been completed, the appropriate environmental determinations have been completed in accordance with §363.223 of this title (relating to Required Environmental Review and Determinations), and the loan recipient has agreed to incorporate all

mitigating measures directed by the executive administrator.

(d) Changes to SRF engineering feasibility report. If changes occur in the project after approval of the engineering feasibility report, the executive administrator may request additional engineering and/or environmental information in order to ascertain that the loan commitment and environmental determination continues to be appropriate.

**§363.223. Required Environmental Review and Determinations.**

(a) Environmental assessments and impact statements.

(1) Relevance of impacts evidence. The board will consider environmental, social, and economic impacts evidence as relevant in any hearing or matter in which the board is directed by law to consider such evidence or to determine that any proposed action is or is not detrimental to the public interest or welfare.

(2) Filing of federal assessment or statement required. If an agency of the federal government prepares or requires an environmental assessment or an environmental impact statement to be prepared, then the applicant shall file with the executive administrator the assessment or the statement prepared or required by the federal government, and a copy of the federal agency's issued decision document or permit in lieu of an environmental assessment prepared in accordance with the guidelines set forth in subsection (b) of this section.

(3) Environmental assessment guidelines. If the federal government does not prepare or require an environmental assessment or an environmental impact statement, and the project is not excluded from formal environmental assessment in accordance with paragraph (4) of this subsection, then an environmental assessment shall be required of the applicant by the board and shall be prepared in accordance with the guidelines set forth in subsection (b) of this section.

(4) Exclusion from formal environmental assessment.

(A) Certain categories of projects have been shown over time not to entail significant impacts on the quality of the environment, and may be excluded from formal environmental assessment requirements. These are categories of projects which are directed toward minor rehabilitation, expansion, or upgrade of existing facilities, functional replacement of equipment, or toward the construction of related facilities adjoining the existing facilities that do not substantially increase the volume or loading of pollutants. Examples include infiltration and inflow correction, rehabilitation of existing equipment and structures, and the construction of small structures on existing sites.

(B) Projects which cannot be excluded from the formal environmental assessment process are those which entail:

(i) the construction of new collection lines;

(ii) a new discharge or relocation of an existing discharge;

(iii) a substantial increase in the volume or loading of pollutants;

(iv) providing capacity for a population 30% or greater than the existing population;

(v) known or expected impacts to cultural resources, threatened or endangered species, or other environmentally sensitive areas; or

(vi) the construction of facilities which are likely to cause significant public controversy.

(C) Applicants who feel that their projects should be excluded from the formal environmental assessment requirement should consult with the board's staff early in the planning process in order to get a decision regarding exclusion. If the executive administrator determines that a project should be excluded, he will provide a description of the project and notice of his tentative determination to state agencies having jurisdiction, including the Texas Antiquities Committee and Texas Parks and Wildlife Department, in order to provide those agencies an opportunity to comment on the proposed project. If a proposed project is excluded from the formal environmental assessment requirement the executive administrator will base his environmental determination upon the information provided in the state water pollution control revolving fund (SRF) engineering plan.

(5) Executive administrator determination. The executive administrator shall make an environmental determination based upon the environmental information filed by the applicant in accordance with the guidelines set forth in paragraph (4) of this subsection or subsection (b) of this section, as appropriate, and giving full consideration to the views and comments of other agencies and affected persons. The executive administrator will document his determination and present it, with any appropriate provisions, to the board.

(6) Environmental assessment or impact statement supplemented. Nothing in this subsection shall be construed to prohibit supplementing an environmental assessment or impact statement with additional evidence. Recognizing that a project may be altered after an environmental determination on the project has been made, the executive administrator will provide, prior to approval, that the loan application, contract documents, and related documents

will be examined for consistency with the environmental determination. If inconsistencies are found that may entail environmental impacts substantially different from those addressed during the environmental assessment supporting the earlier environmental determination on the project, the executive administrator will require that additional information be provided by the applicant, the environmental assessment process be repeated consistent with this section, and/or the project be modified to eliminate the potential for adverse impacts, as appropriate.

(b) Guidelines for the preparation and review of environmental assessments.

(1) Introduction. These guidelines are not intended to duplicate or replace effective guidelines of other agencies with which the applicant may be required to comply due to funding commitments or other statutory requirements for the planning, design, construction, or operation of a project. The board shall accept an environmental assessment or an environmental impact statement prepared under the guidelines of another agency as evidence that the potential environmental effects of a proposed project have been adequately assessed in lieu of an environmental assessment prepared in accordance with these guidelines, as long as the assessment or statement adequately describes the project for which the applicant is seeking financial assistance from the board. In most cases, an environmental assessment prepared in accordance with these guidelines will be sufficient to support board action on an application. However, for projects which are notably extensive in scope or entail potentially significant adverse environmental impacts, more detailed and intensive environmental studies may be required. The applicant should consult with the board staff early in the planning process in order to determine the scope of the environmental assessment required to support the application for financial assistance.

(2) The environmental assessment process. The environmental assessment process should provide for a complete, systematic, and objective identification and evaluation of the potential environmental effects of a proposed project, and alternatives to it, such that appropriate design changes and/or mitigative measures may be prescribed and the environmental soundness of the project may be demonstrated. This process is documented by an environmental assessment, which is prepared by the applicant and serves as the basis of an environmental review by the board. An environmental assessment should be reasonably concise, yet sufficient in detail to fully address the scope of the project, its social, economic, and environmental setting, and its potential beneficial and adverse impacts. The assessment should show that a thorough and interdisciplinary evaluation has been made, including the evaluation of fea-

sible alternatives; that the concerns of interested agencies and the affected public have been considered; and that the assessment has been relied upon in planning the proposed project. The environmental assessment and the SRF engineering plan report should be prepared concurrently (and at the discretion of the applicant may be bound together in a single report) and reflect a coordinated effort to select an environmentally sound project.

(A) A proposed project may have effects which are adverse and/or beneficial. They may be direct or primary, and short-term or long-term in duration, such as impacts commonly associated with project construction. Other impacts may be more indirect, or secondary, such as those commonly associated with development accommodated or encouraged by the project.

(i) Examples of significant adverse impacts are those which:

(I) degrade water quality;

(II) disturb or destroy historical or archaeological sites;

(III) destroy protected plant and animal species and/or eliminate critical habitat;

(IV) disturb or destroy floodplains, wetlands, or other environmentally sensitive areas;

(V) create or aggravate flood problems;

(VI) deteriorate air quality;

(VII) create or aggravate public health hazards;

(VIII) disrupt natural or cultural scenic views; and

(IX) contribute to a series of related projects that involve individually minor but collectively significant adverse impacts.

(ii) Examples of significant beneficial impacts are those which:

(I) maintain or enhance of water quality;

(II) protect or enhance springs, lakes, bays, estuaries, and associated wetlands;

(III) encourage a rational balance between water demands and resource availability;

(IV) foster sound economic growth and orderly community development;

(V) eliminate public health hazards or other environmental quality problems;

(VI) promote or enhance the conservation of water, soil, forest, and coastal resources; and

(VII) encourage the efficient use and proper management of natural resources, or recovery and beneficial use of waste products.

(B) Proper application of the environmental assessment process can help identify special structural and non-structural measures which may be taken during project design and/or construction to mitigate potentially significant adverse impacts or reduce them to acceptable levels. Examples of mitigative measures include:

(i) special precautionary measures to provide for public safety during facilities construction and/or operation;

(ii) special measures and/or facilities to reduce potential air quality problems or noise nuisances during and after project construction;

(iii) special measures to control erosion during and after project construction;

(iv) selection of alternative project locations to avoid archeological or historical sites, critical habitats, floodplains, wetlands, or other environmentally or culturally sensitive areas;

(v) special measures to protect or reestablish native vegetation to provide habitat for endemic species;

(vi) special measures to lessen adverse economic impacts; and

(vii) special land use controls or other measures to be implemented to lessen potential adverse secondary impacts of development upon environmentally sensitive areas.

(C) The following public participation requirements will apply.

(i) Prior to submission of an environmental assessment, the applicant will be required to publish notice of the availability of the environmental assessment in a newspaper of general circulation in the community to be served by the project. The notice must specify the location(s) where the assessment will be available for review

and an address where written comments by the public may be sent. A minimum of 30 days from the date of publication must be provided as the period within which the public may review the assessment and submit comments. The final environmental assessment should include copies of all written comments and explain how comments were addressed.

(ii) If the executive administrator determines that a project is controversial, the applicant will be required to conduct a public hearing to receive public comments regarding the project. Notice of the hearing shall be published by the applicant in a newspaper of general circulation in the community to be served by the project at least 30 days prior to the hearing. The notice shall provide a description of the project; specify the location, date, and time of the hearing; specify the location(s) where the assessment will be available for review prior to the hearing; and provide an address where written comments by the public may be sent. The final environmental assessment should include a transcript of the public hearing, copies of all written comments received and an explanation of how the comments were addressed. The executive administrator shall not make an environmental determination regarding a project until adequate documentation of the public participation process has been received by the board.

(3) Specific guidelines for environmental assessments. The environmental assessment shall include, at a minimum:

(A) a brief, complete explanation of the purpose and need for the proposed project;

(B) a complete, concise description of the proposed project and its costs;

(C) a description of the social and natural environment of the planning area which would be affected directly or indirectly by the proposed project, as the area exists prior to the project, including, but not limited to:

(i) geological elements (topography, geology, caves, faults, soils);

(ii) hydrological elements (surface water bodies, ground water resources, aquifer recharge zones);

(iii) floodplains and wetlands;

(iv) climatic elements (precipitation, prevailing winds, air quality);

(v) biological elements (major plant and animal communities, protected species, critical habitats, natural areas, parks, forests, wildlife refuges);

(vi) historical or archeological resources;

(vii) social and economic conditions (population, financial condition, community needs); and

(viii) other programs and projects (highway, water supply, and water quality projects, regional and local planning);

(D) a description of the alternatives considered during the development of the proposed project and an explanation of the evaluation of alternatives and how monetary and environmental factors were considered in the selection of the proposed project;

(E) a description and evaluation of potential impacts which may result from the proposed project upon the social, economic, and environmental resources of the affected area of the project, and an explanation of how each potentially adverse impact can be avoided, reduced to an acceptable level, or mitigated by structural and non-structural measures;

(F) an identification of beneficiaries and non-beneficiaries of the proposed project and an assessment of the public acceptability of the project, its costs, and its potential environmental impacts;

(G) a summary of comments obtained from and documentation of coordination with appropriate agencies (e.g., Texas Antiquities Committee, which considers potential impacts to historical and cultural resources; Texas Parks and Wildlife Department, which considers potential impacts to wetlands and threatened and endangered species; Texas Water Commission, which considers consistency with stream standards and water quality management planning) and the affected public, an explanation of the methods used to obtain this input, and a discussion of how specific concerns were considered in the evaluation of alternatives and the planning of the proposed project;

(H) a description of the potential adverse impacts which cannot be avoided should the project be implemented;

(I) a description of the future of the environment without the proposed project; and

(J) a description of the extent to which the project may involve tradeoffs between short-term environmental losses and long-term gains or vice versa.

(4) Review by the board

(A) Draft versions of the environmental assessment and associated planning documents should be submitted to the board in time to allow for an initial interdisciplinary review. Any deficiencies or problems will be presented to the applicant, who will resolve any and all issues and prepare and submit the final environmental assessment for consideration as part of the loan application. In cases where an environmental assessment or environmental impact statement prepared in accordance with the guidelines of another agency has been submitted in place of an environmental assessment as defined in these guidelines, the board's staff will review it for completeness and applicability. In cases where a decision has been made to exclude a project from the formal environmental assessment process, the board's staff will base its review on the information provided in the SRF engineering plan. Based upon this review, the board staff will make written recommendations regarding the environmental impacts of the project, including any special concerns and proposed mitigative measures. The executive administrator will make a determination regarding the significance of the environmental impacts of the project based upon these guidelines and giving full consideration to the views and comments of other agencies and affected persons. The executive administrator will document his determination and present it, with any necessary provisions, to the board. If the executive administrator determines that the assessment is not adequate or that issues remain which warrant further consideration, the applicant will be requested to resolve the issues or modify the project as necessary.

(B) When, after an environmental determination on a project has been presented to the board, the project has been altered to the extent that the environmental assessment process has been repeated, the executive administrator will amend the determination and, if appropriate, present it, with any necessary provisions, to the board.

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 27, 1991.

TRD-9107743 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Policy Declarations

• 31 TAC §§363.231-363.235

The repeals are adopted under the Texas Water Code, §6.101, which requires the

board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107729 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Closing and Construction Phase

• 31 TAC §363.241, §363.242

The new sections are adopted under the Texas Water Code, §6.101, and §15.605, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code, and adopt rules for the state water pollution control revolving fund.

### §363.242. Progress Payments.

(a) Disbursements from the construction fund established by the applicant will require approval by the executive administrator. Certified requests for payment shall be submitted to the executive administrator monthly. Upon approval by the executive administrator, funds may be disbursed for authorized project costs. At the discretion of the executive administrator, applicants whose projects are not funded with federal grant funds will not be required to comply with this section.

(b) The executive administrator may close a loan and release funds for planning, application, and design costs only prior to issuance of a waste discharge permit for a project. The political subdivision must then provide evidence that an application has been filed with the 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 27, 1991.

TRD-9107744 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Application to the Board

### • 31 TAC §§363.251-363.257

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107730

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Formal Action by the Board

### • 31 TAC §§363.281-363.283

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107731

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Prerequisites to Release of State Funds

### • 31 TAC §§363.291-363.295

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107732

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Economically Distressed Areas Program-Final Procedures and Requirements

### • 31 TAC §§363.301, §363.302

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107733

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Subchapter C. Municipal Solid Waste

### Introductory Provisions

#### • 31 TAC §§363.301-363.303

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107745

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Construction Phase for Economically Distressed Areas Program

### • 31 TAC §§363.311-363.321

The repeals are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107734

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Application Procedures

### • 31 TAC §§363.311-363.314

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107746

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Closing and Release of Funds

### • 31 TAC §363.321

The new section is adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107747

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Post Construction Responsibilities Compliance Procedures

### • 31 TAC §363.331

The repeal is adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board.

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 27, 1991.

TRD-9107735

Suzanne Schwartz  
General Counsel  
Texas Water Development  
Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Construction and Post-Construction Phase

### • 31 TAC §§363.331-363.333

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107748 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Subchapter D. Flood Control

### • 31 TAC §§363.401-363.404

The new sections are adopted under the Texas Water Code, §6.101, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

**§363.403. Projects Eligible.** The board may provide loans to political subdivisions for structural and nonstructural flood control projects, and for development of floodplain management plans. Applicants for flood control shall be located within an area in which National Flood Insurance is available at the time of application and throughout the life of the board's financial assistance.

**§363.404. Flood Control.** In addition to engineering feasibility data furnished under §363.13 of this title (relating to Engineering Feasibility Data), political subdivisions with flood control projects must provide engineering data that will clearly demonstrate the following:

- (1) the capacity of the watershed to accommodate storm water runoff;
- (2) the impact of the project on watershed capacity along the entire watershed and the degree to which that capacity was considered in planning the project;
- (3) whether the project will increase or decrease the volume or rate of storm water runoff in any channel in the watershed;

(4) if the project would increase the volume or rate of stormwater runoff, that adequate consideration was given to alternative approaches that would decrease or hold constant the volume or rate of stormwater runoff;

(5) the project will not significantly increase the peak water surface elevation of any portion of any stream within the watershed or within any downstream watershed. Potential loss of life and property will be considered in evaluating significance of peak water surface elevation impacts for flood control projects;

(6) the relationship of the project to any floodplain management plan for the watershed; and

(7) adequate consideration was given to the effects of the project with regard to erosion and sediment control.

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 27, 1991.

TRD-9107749 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Subchapter E. Economically Distressed Areas

### • 31 TAC §§363.501-363.508

The new sections are adopted under the Texas Water Code, §6.101 and §16.342, which requires the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code and carry out the economically distressed areas program.

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

Issued in Austin, Texas, on June 27, 1991.

TRD-9107750 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## Subchapter F. Storage Acquisition and State Participation

### • 31 TAC §§363.601-363.610

The new sections are adopted under the Texas Water Code, §6.101, which requires

the board to adopt rules necessary to carry out the powers and duties of the board provided by the Texas Water Code.

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 27, 1991.

TRD-9107751 Suzanne Schwartz  
General Counsel  
Texas Water Development Board

Effective date: July 19, 1991

Proposal publication date: May 17, 1991

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

## TITLE 34. PUBLIC FINANCE Part IV. Employees Retirement System of Texas

### Chapter 81. Insurance

#### • 34 TAC §81.1, §81.7

The Employees Retirement System of Texas adopts amendments to §81.1 and §81.7, concerning insurance, definitions, enrollment, and participation. Section 81.7 is adopted with changes to the proposed text as published in the March 15, 1991, issue of the *Texas Register* (16 TexReg 1553). Section 81.1 is adopted without changes and will not be republished.

The amendments are adopted to correct potential inequities in the definitions of active duty and salary; in accordance with Texas Department of Health rules, require covered dependents to maintain permanent residence within the service area of the HMO in which the employee/retiree is enrolled; clarify rules pertaining to change in coverage through the EOI process and during the annual enrollment period; and correct an inequity in benefits pertaining to an employee returning to active duty from leave without pay status.

The rules are modified so that employees/retirees enrolled or enrolling in an HMO will know that any dependents they enroll must also permanently reside in the HMO service area. Election options are offered when a covered dependent of an HMO enrolled employee/retiree permanently moves out of the HMO service area. Rules involving enrollment and participation are modified to offer more flexibility to employees and to avoid potential inequities.

No comments were received regarding adoption of the amendment.

The amendments are adopted under the Texas Insurance Code, Article 3.50-2, §4, which provides the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Uniform Group Insurance Benefits Act.



§81.7. Enrollment and Participation.

(a)-(d) (No change.)

(e) Special rules for additional or alternative coverages.

(1) (No change.)

(2) An employee/retiree and eligible dependents may participate in an approved HMO if they reside in the approved service area of the HMO and are otherwise eligible under the terms of the letter of agreement with the HMO.

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

(f) Changes in coverages beyond the first 31 days of eligibility.

(1) An employee or retiree who wishes to add or increase coverage, add eligible dependents to the insured plan, or change coverage from an HMO to the insured plan more than 30 days after the initial date of eligibility must apply to do so. The application shall consist of the completed insurance carrier's application. Upon review of the application, the carrier may require additional information or medical examination provided at the employee's or retiree's expense. Approval of the application is contingent upon the employee or retiree providing evidence of insurability acceptable to the carrier. Coverage will become effective on the first day of the month following the date approval is received by the employee's agency benefits coordinator or by the Employees Retirement System, if the applicant is a retiree or an individual in a direct pay status. If the applicant is an employee in a leave without pay status, it will become effective on the date the employee returns to active duty if the employee returns to active duty within 30 days of the approval letter. If the date the employee returns to active duty is more than 30 days after the date on the approval letter, the approval is null and void and a new application shall be required. An employee or retiree may withdraw the application at any time prior to the effective date of coverage by submitting a written notice of withdrawal.

(2) (No change.)

(3) An employee or retiree who wishes to add eligible dependents to his or her HMO coverage may do so only during the annual enrollment period, except as provided in paragraph (9) of this subsection.

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

(6) When a covered dependent of an employee/retiree permanently moves out of the employee/retiree's HMO service area, the employee/retiree must make one of the following elections, to become effective on the first day of the month following the date the dependent moved out of the employee/retiree's HMO service area:

(A) drop the ineligible dependent; or

(B) change coverage to an HMO for which the employee/retiree and covered dependent are eligible. If there is no HMO for which all are eligible, then the employee/retiree and covered dependent may enroll in the insured plan. The evidence of insurability rule shall not apply. The preexisting conditions limitation shall apply if the return to the insured plan occurs within 12 months of the initial date of coverage under the current term of employment, as defined in subsection (g)(3) of this section.

(7) Persons wishing to change from one HMO to another HMO in the same service area or change from the insured plan to an HMO will be allowed an annual opportunity to do so. Such opportunity will be scheduled prior to September 1 of each year at times announced by the Employees Retirement System. The preexisting conditions clause and evidence of insurability provision will not apply in these cases. Coverages in the new HMO will be effective September 1. Persons in a declined or canceled status may apply for coverages in an HMO for which they are eligible during the annual limited enrollment period. Coverage in the HMO will be effective September 1. An employee who re-enrolled after the close of the annual opportunity but prior to September 1 of the same calendar year shall have until August 31 of that calendar year to make changes as allowed in this paragraph to be effective September 1.

(8) An employee or retiree who wishes to decrease or cancel coverage may do so at any time. An application completed by the employee or the retiree and post-marked or received by the employing agency (Employees Retirement System for the retiree) on the first day of the month will become effective on the first day of the month. An application submitted after the first day of the month will be effective on the first day of the month following the date of application.

(9) An eligible dependent spouse or child who is insured as an employee for health coverage under the Uniform Group Insurance Program becomes eligible for coverage as a dependent on the day following termination of state employment. Eligible dependent children who are insured as dependents for health coverage under the Uniform Group Insurance Program by an employee who terminates state employment also become eligible for coverage on the day following termination of employment. In order to be eligible for coverage, dependents must meet the definition of dependent contained in §81.1 of this title (relating to Definitions) and be enrolled for coverage by the state employee of whom they are the eligible dependent and who is enrolled for health coverage under the program. The effective date of coverage will be the first day of the month following

termination of employment if an application is submitted on or within 30 days following the date the dependent(s) become eligible under this rule.

(10) Notwithstanding the effective dates of coverages, as defined in paragraphs (1)-(8) of this subsection an employee, retiree, or other eligible participant in the Uniform Group Insurance Program may complete an application or applications during the annual limited enrollment period to make coverage changes, as determined by the trustee, to be effective September 1.

(g) (No change.)

(h) Reinstatement in the program.

(1) Unless specifically prohibited by these sections or contractual provisions, an employee who terminates employment and returns to active duty within the same contract year may reinstate health coverage for himself and his dependents identical to, and optional coverages no greater than, those that were in effect when the employee terminated by submitting an application for the coverages. Dependents acquired during the break in employment may be added on the application. The application must be submitted on the first day the employee returns to active duty, and the coverage will be effective on the day the employee returns to active duty. If the reinstatement results in a break in coverage, applicable pre-existing condition clauses will apply. A returning employee who has selected coverages less than those in effect when terminating employment may reinstate any waived coverages by submitting the appropriate application during the 30 days following the date the employee returns to active duty. The change in coverage will become effective on the first day of the month following the date of application.

(2) (No change.)

(i) Continuing coverage in special circumstances.

(1) (No change.)

(2) An employee in a leave without pay status may continue the types and amounts of health and life coverage in effect on the date the employee entered that status for a maximum period of up to 12 months. During this period, the employee may not change coverage except that, employees in a leave without pay status may: add new dependents, including newborns; reduce or cancel coverage; and make such coverage changes as are permitted during the annual limited enrollment period as described in subsection (f)(6) of this section. Disability income coverage for an employee in a leave without pay status will be suspended beginning on the first day of the month in which the employee enters the leave without pay status and continuing for those months in which the employee remains in that status. Suspended disability income coverage for an employee returning



to active duty from a leave without pay status will be reactivated effective on the first day the employee returns to active duty if the entire period of unpaid leave was certified by the agency as approved leave without pay.

(3)-(11) (No change.)

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

Issued in Austin, Texas, on June 27, 1991.

TRD-9107635

Charles D. Travis  
Executive Director  
Employees Retirement  
System of Texas

Effective date: July 18, 1991

Proposal publication date: March 15, 1991

For further information, please call: (512) 867-3336

## Chapter 85. Flexible Benefits

### • 34 TAC §§85.3, 85.5, 85.7, 85.9

The Employees Retirement System of Texas adopts amendments to §§85.3, 85.5, 85.7, and 85.9, concerning flexible benefits, without changes to the proposed text as published in the March 29, 1991, issue of the *Texas Register* (16 TexReg 1873).

The amendments are required to implement a plan design change to minimize risk of loss from compliance with proposed regulations on health care reimbursement accounts (HCRA) under the Internal Revenue Code, §125; liberalize HCRA plan participation requirements; increase HCRA maximum benefits available; and change the authority of the plan administrator to establish minimum reimbursement amounts. Such amendments are applicable beginning September 1, 1991.

The amendments will minimize adverse effects which IRS regulations may have upon the Flexible Benefits Program. The amendments will also encourage increased participation in the program which also indirectly benefits the State of Texas in reduced matching tax payments.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Insurance Code, Article 3.50-2, §4(k), which provides the Employees Retirement System of Texas with the authority to promulgate all rules and regulations necessary to implement and to administer a Flexible Benefits (Cafeteria Plan) Program for state employees.

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 25, 1991.

TRD-9107636

Charles D. Travis  
Executive Director  
Employees Retirement  
System of Texas

Effective date: September 1, 1991

Proposal publication date: March 29, 1991

For further information, please call: (512) 867-3336

## Part VI. Texas Municipal Retirement System

### Chapter 123. Calculation of Types of Benefits

#### • 34 TAC §123.1

The Texas Municipal Retirement System adopts an amendment to §123.1, concerning actuarial tables, without changes to the proposed text as published in the May 10, 1991, issue of the *Texas Register* (16 TexReg 2577).

The amendment is adopted to adjust the tables upon which disability retirement benefits are calculated to more closely reflect the anticipated future mortality experience of future disability retirees.

Disability retirement benefits on disability retirements on which the first benefit is payable on or after September 1, 1991, will be calculated on the basis of the UP-1984 table with age set backs as set forth in the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the System.

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 28, 1991.

TRD-9107708

Jimmie L. Mormon  
Director  
Texas Municipal  
Retirement System

Effective date: July 19, 1991

Proposal publication date: May 10, 1991.

For further information, please call: (512) 476-7577

### Chapter 127. Miscellaneous Rules

#### • 34 TAC §127.3

The Texas Municipal Retirement System adopts new §127.3, concerning payments to beneficiaries of decedents, without changes to the proposed text, as published in the May 10, 1991, issue of the *Texas Register* (16 TexReg 2577).

The new section is adopted to reduce the number of checks that the agency must issue as the result of the death of a member or annuitant.

Payment of benefits as the result of the death of a member or annuitant shall not be made to more than three persons or entities, except where a qualified domestic relations order has been approved by the System.

No comments were received regarding adoption of the new section.

The new section is adopted under the Texas Government Code, §855.102, which provides the board of trustees of the Texas Municipal Retirement System with the authority to adopt rules necessary or desirable for effective administration of the System.

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 28, 1991.

TRD-9107707

Jimmie L. Mormon  
Director  
Texas Municipal  
Retirement System

Effective date: July 19, 1991

Proposal publication date: May 10, 1991

For further information, please call: (512) 476-7577

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 79. Legal Services

##### Subchapter Q. Contract Appeals

The Texas Department of Human Services (DHS) adopts amendments to §§79.1603-79.1605, 79.1607-79.1608, 79.1610, 79.1612, 79.1614, 79.1701, 79.1705, 79.1714, and 79.1716, concerning special requirements, notice of adverse action, request for a hearing, administrative law judge, hearing guidelines, conduct of hearings-general requirements, evidence and depositions, decisions, and definitions, in its legal services chapter. Section 79.1716 is adopted with changes to the proposed text as published in the May 3, 1991, issue of the *Texas Register* (16 TexReg 2463). The amendments to §§79.1603-79.1605, 79.1607-79.1608, 79.1610, 79.1612, 79.1614, 79.1701, 79.1705, and 79.1714 are adopted without changes and will not be republished.

The purpose for the amendments is to clarify rules of procedure relating to appeal hearings conducted by DHS's Hearings Department.

The amendments will function by clarifying the hearings process which will result in a modest cost savings to the state.

No comments were received regarding adoption of the amendments. DHS, however, is adopting the last sentence of §79.1716(f) with a change to make the language consistent with §79.1614(f) concerning motions for a rehearing.

#### • 40 TAC §§79.1603-79.1605, 79.1607, 79.1608, 79.1610, 79.1612, 79.1614

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22 which provides the department with the au-

thority to administer public assistance programs.

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

Issued in Austin, Texas, on June 28, 1991.

TRD-9107754

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

Effective date: August 1, 1991

Proposal publication date: May 3, 1991

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

### Subchapter R. Expiration Hearings

- 40 TAC §§79.1701, 79.1705,  
79.1714, 79.1716

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

#### §79.1716. Decisions.

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

(f) Either party may file a written motion for a rehearing. This motion must be addressed to the administrative law judge and must be filed within 20 days after the date that the final decision was mailed. Replies to a motion for a rehearing must be filed within 30 days after the date that the final decision was rendered. The administrative law judge either grants or denies the motion for a rehearing within 45 days after the date that the final decision was rendered. If the administrative law judge does not rule on the motion for rehearing, the motion is overruled by operation of law 45 days after the date the party or his attorney is notified of the final decision or order.

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 28, 1991.

TRD-9107757

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

Effective date: August 1, 1991

Proposal publication date: May 3, 1991

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

### Chapter 85. General Licensing Procedures

#### Subchapter OO. Appeals of Licensing Staff Decisions

The Texas Department of Human Services (DHS) adopts amendments to §§85.4001, 85.4013, 85.4018, and 85.6016, concerning general licensing procedures. The amendments to §§85.4018 and 85.6016 are adopted with changes to the proposed text as published in the May 3, 1991, issue of the *Texas Register* (16 TexReg 2465). The amendments to §§85.4001 and 85.4013 are adopted without changes and will not be republished.

The purpose of the amendments is to clarify rules of procedure relating to appeal hearings conducted by DHS's Hearings Department.

The amendments will function by clarifying the hearings process which will result in modest cost savings to the state.

No comments were received regarding adoption of the amendments. DHS, however, is adopting §85.4018 with a minor editorial correction, and is adopting §85.6016 with changes deleting obsolete DHS staff titles.

- 40 TAC §§85.4001, 85.4013,  
85.4018

The amendments are adopted under the Human Resources Code, Title 2, Chapter 22, which provides the department with the authority to administer public assistance programs.

**§85.4018. Rehearing Requested.** To request a rehearing, the appellant must ensure that the administrative law judge received the request within 20 days of the administrative law judge's mailing of the decision. Within 10 days after receiving a request for a rehearing, the department must notify the appellant and the appellant's attorney, whether the request is granted or denied. If the administrative law judge does not rule on the request for a rehearing, the request is overruled by operation of law 45 days after the date the party or his attorney is notified of the final decision.

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 28, 1991.

TRD-9107758

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

Effective date: August 1, 1991

Proposal publication date: May 3, 1991

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

### Subchapter III. Social Work Certification

- 40 TAC §85.6016

The amendment is adopted under the Human Resources Code, Title 2, Chapter 50, which provides the department with the authority to establish rules for social work certification.

**§85.6016. Appeals.** Procedures for appeals are in Subchapter OO of this title (relating to Appeals of Licensing Staff Decisions). The following variations to these procedures are applicable for appeals by applicants for or holders of social work certificates.

(1) The review board is comprised of five members: three Texas Department of Human Services staff members and two social workers who are certified in the same category as the appellant. The chairman for the Council on Social Work Certification appoints the social workers for the review board. An attorney appointed by the director of DHS's Hearings Department chairs the review board. The chairman does not vote in the proceedings.

(2) (No change.)

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

Issued in Austin, Texas, on June 28, 1991.

TRD-9107755

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

Effective date: August 1, 1991

Proposal publication date: May 3, 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 15 days after the date of publication or on a later specified date.

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

The State Board of Insurance has approved a filing by Insurance Services Office, Inc. proposing revisions to the manual rules of Boiler Machinery, Division Two Commercial Lines Manual.

This filing is approved to become effective August 1, 1991, in accordance with the following rule of application.

The changes are applicable to all policies effective on or after August 1, 1991. No policy effective prior to August 1, 1991, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107604      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: August 1, 1991

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



The State Board of Insurance has approved a filing by Insurance Services Office, Inc. proposing revisions of Division Two Boiler and Machinery Simplified Forms.

The filing is approved to become effective August 1, 1991, in accordance with the following rule of application.

These changes are applicable to all policies effective on or after August 1, 1991. No policy effective prior to August 1, 1991, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107603      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: August 1, 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.

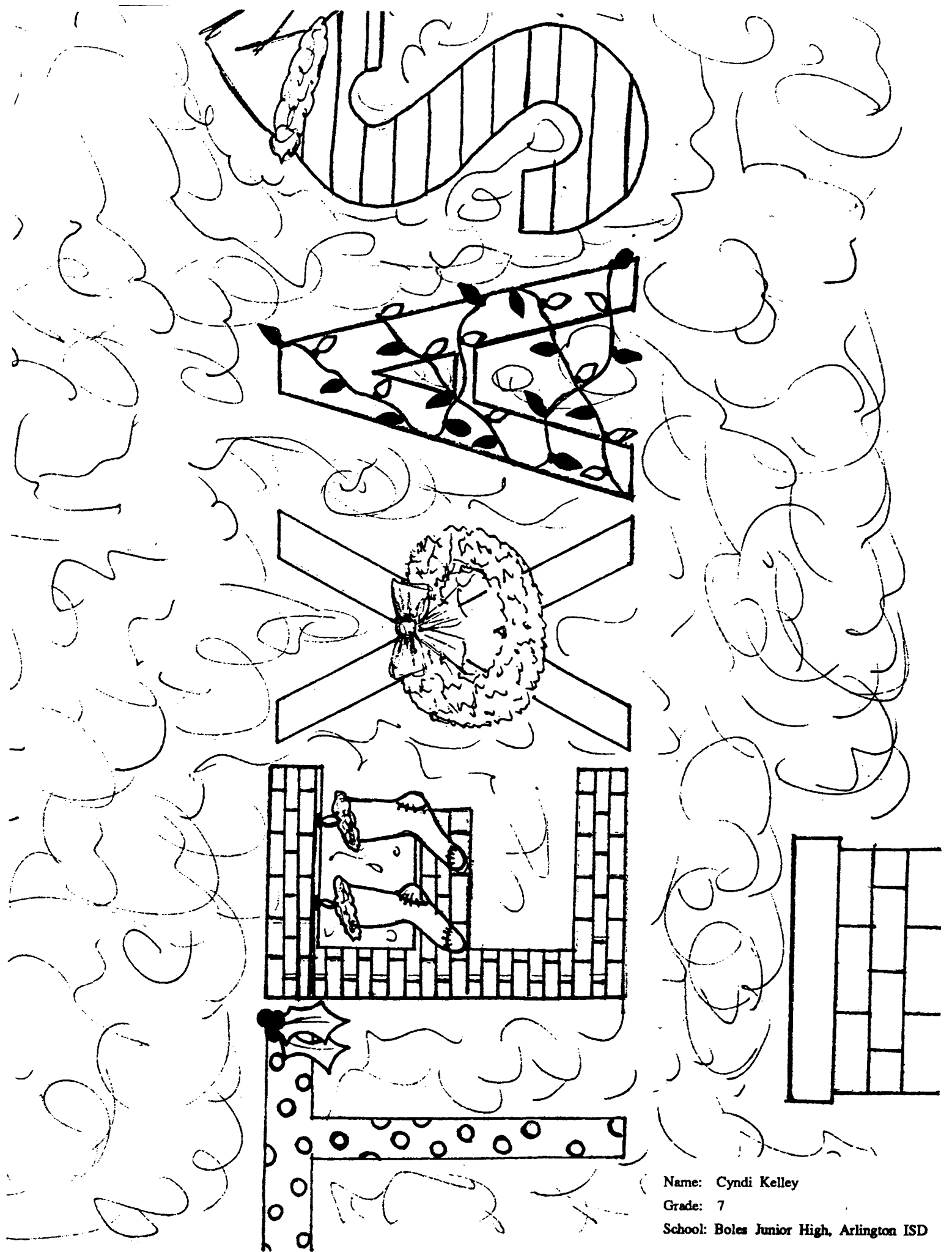
Issued in Austin, Texas, on June 27, 1991.

TRD-9107713      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Effective date: August 27, 1991

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





Name: Cyndi Kelley

Grade: 7

School: Boles Junior High, Arlington 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*.

## Advisory Commission on State Emergency

**Wednesday, July 10, 1991, 9 a.m.** The Administration Committee of the Advisory Commission on State Emergency will meet at 1101 Capital of Texas Highway, South, B-100, Austin. According to the agenda summary, the committee will call to order and recognize guests; hear public comment; hear ACSEC financial report; report and consider ACSEC proposed budget; discuss and consider policy on rate payers refusal to pay fee and surcharge; review draft of ACSEC addressing handbook; report on fee and surcharge audit performed by LMSL, Inc.; consider new business; and adjourn.

**Contact:** Glenn Roach, 1101 Capital of Texas Highway, South, B-100, Austin, Texas 78746, (512) 327-1911

**Filed:** July 1, 1991, 2:57 p.m.

TRD-9107811

**Wednesday, July 10, 1991, 11 a.m.** The Administration Committee of the Advisory Commission on State Emergency will meet at 1101 Capital of Texas Highway, South, B-100, Austin. According to the agenda summary, the committee will call to order and recognize guests; hear public comment; discuss and consideration of action regarding withdrawal of Crockett County form CVCOG's 9-1-1 Regional Plan; hear Administration Committee report; consider new business; consider approval of April and June meeting minutes; and adjourn.

**Contact:** Glenn Roach, 1101 Capital of Texas Highway, South, B-100, Austin, Texas 78746, (512) 327-1911

**Filed:** July 1, 1991, 2:57 p.m.

TRD-9107812

## Texas Air Control Board

**Thursday, July 11, 1991, 1:30 p.m.** The Mobile Source Emissions Committee of the Texas Air Control Board will meet at 12124 Park 35 Circle, Room 143E, Austin. Ac-

ording to the agenda, the committee will review and consider adoption of proposed revisions to Regulation IV, regarding alternative fuels and hear update on the status of draft Environmental Protection Agency guidance for state vehicle inspection/maintenance programs.

**Contact:** Bill Ehret, 12124 Park 35 Circle, Austin, Texas 78753, (512)908-1772

**Filed:** July 2, 1991, 9:54 a.m.

TRD-9107848

**Thursday, July 11, 1991, 2 p.m.** The Regulation Development Committee of the Texas Air Control Board will meet at 12124 Park 35 Circle, Room 143E, Austin. According to the agenda, the committee will review and consider adoption of proposed revisions to Regulation IV, regarding alternative fuels; discuss and consider public hearings on proposed revisions to the Inhalable Particulate Matter Control Strategy and Regulation I, regarding the State Implementation Plan for El Paso; discuss and consider public hearings on proposed revisions to Regulation VI, Regulation X, and the General Rules for hazardous waste site permitting as required by Senate Bill 1099.

**Contact:** Bill Ehret, 12124 Park 35 Circle, Austin, Texas 78753, (512)908-1772

**Filed:** July 2, 1991, 9:56 a.m.

TRD-9107852

**Friday, July 12, 1991, 9 p.m.** The Hearings Oversight Committee of the Texas Air Control Board will meet at 12124 Park 35 Circle, Room 143E, Austin. According to the agenda, the committee will meet to consider agency response to Senate Bill 884.

**Contact:** Bill Ehret, 12124 Park 35 Circle, Austin, Texas 78753, (512)908-1772

**Filed:** July 2, 1991, 9:55 a.m.

TRD-9107849

**Friday, July 12, 1991, 9:30 a.m.** The Budget and Finance Committee of the Texas Air Control Board will meet at 12124 Park 35 Circle, Room 143E, Austin. According to the agenda, the committee will consider Proposed Annual Audit Plan and special session budget developments; and discuss Texas Performance Review Report.

**Contact:** Bill Ehret, 12124 Park 35 Circle, Austin, Texas 78753, (512)908-1772

**Filed:** July 2, 1991, 9:55 a.m.

TRD-9107850

**Friday, July 12, 1991, 10:30 p.m.** The Texas Air Control Board will meet at 12124 Park 35 Circle, TACB Auditorium, Austin. According to the agenda, the committee will call meeting to order; approve minutes of June 7, 1991 board meeting; hear public testimony; hear Enforcement Report and consideration of Agreed Enforcement Orders; consider action on Proposed Rule; hear Hearings Examiner's report; consider action on resolution to request the Governor to add amendments to the Texas Clean Air Act to the special session of the Legislature; consider action on resolution regarding annual audit plan; hear reports; discuss new business; and adjourn.

**Contact:** Bill Ehret, 12124 Park 35 Circle, Austin, Texas 78753, (512)908-1772

**Filed:** July 2, 1991, 9:55 a.m.

TRD-9107851

## Bond Review Board

**Tuesday, July 9, 1991, 10 a.m.** The Staff Planning of the Bond Review Board will meet at the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the staff will call the meeting to order; discuss approval of the minutes; consider proposed issues; discuss other business; and adjourn.

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

Filed: July 1, 1991, 12:22 p.m.

TRD-9107792

**Tuesday, July 9, 1991, 1:00 p.m.** The Bond Review Board will meet in the Lieutenant Governor's Committee Room, State Capitol, Austin. According to the agenda, the board will hold a public hearing to take public testimony regarding Texas' private activity bond allocation.

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

Filed: June 28, 4:52 p.m.

TRD-9107768

### Children's Trust Fund of Texas Council

**Tuesday, July 9, 1991, 4 p.m.** The Children's Trust Fund of Texas Council will meet at 8929 Shoal Creek Boulevard, Suite 200, Austin. According to the agenda, the council will review recommendations related to state government reorganization and their impact on the Children's Trust Fund of Texas Council.

**Contact:** Janie D. Fields, 8929 Shoal Creek Boulevard, Suite 200, Austin, Texas, (512) 458-1281.

Filed: July 1, 1991, 8:35 a.m.

TRD-9107771

### Texas Department of Commerce

**Tuesday, July 9, 1991, 9 a.m.** The Board of Directors of the Texas Department of Commerce will meet at the First City Centre Building, 816 Congress Avenue, 11th Floor Board Room, Austin. According to the agenda summary, the board will call to order an executive session (Texas Civil Statutes, Article 6252-17, §§2(e) and (g)). Call to order in open meeting; adopt minutes (June 11, 1991 board meeting); report from interim executive director; legislation update; review agency financial reports; appoint special committee for enterprise zones; resolution regarding statewide certified development corporation; approve expenditures over \$10,000 in administration, business development and communications. Break for lunch; discuss approval of expenditures over \$10,000 in data services, research and planning, tourism and work force development; discuss staff reports and adjourn.

**Contact:** Mike Regan, Suite 1100, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9611.

Filed: July 1, 1991, 2:38 p.m.

TRD-9107810

### Credit Union Department

**Friday, July 12, 1991, 10 a.m.** The Credit Union Commission of the Credit Union Department will meet at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the agenda, the commission will invite public input for future consideration; hear minutes of the April 30, 1991 meeting, communications reported by the commissioner, reports by the director qualifications and commissioner evaluation committee, and indirect financing task force; consider final adoption of rules 91.402 (records retention), 91.506 (surety bond requirements) 97.113, (operating fees), final report of 97.112 (supervision fees) and 97.114 (examination fees), revision of commission policies and issuance of resolution; and conduct an executive session to discuss credit unions and problem cases, to confer with legal counsel regarding impending hearings, and receive a report from the commissioner evaluation committee.

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

Filed: June 28, 1991, 8:54 a.m.

TRD-9107665

### Texas Engineering Extension Service

**Saturday, July 20, 1991, 7 p.m.** The Firemen's Training School Advisory Board of Texas Engineering Extension Service will meet in Memorial Student Center, Room 206, Texas A&M University, College Station. According to the agenda, the Board will hold special recognition for New State Association Officers Advisory Board Emeritus Members; review minutes of Board meeting of April 12, 1991; review Annual Report; discuss overview of Fire School activities: 8th Annual Hazardous Material Control School, 25th Annual Spanish Fire School, 62nd Annual Municipal Texas Firemen's Training School, and 29th Annual Industrial Texas Firemen's Training School; consider Electrical Emergencies Training Courses; review Board activities schedule; and receive general comments.

**Contact:** Carles L. Page, College Station, Texas 77843-8000, (409) 845-7641

Filed: June 27, 1991, 11:43 a.m.

TRD-9107640

### Commission on Fire Protection

**Thursday, July 11, 1991, 1 p.m.** The Fire

Suppression Committee of the Commission on Fire Protection will meet at the Embassy Suite Hotel N, 5901 North IH-35, Austin. According to the revised agenda, the committee will consider final adoption of continuing education for structural fire protection personnel; subcommittee proposal for statewide testing committee regarding structural fire protection personnel and subcommittee proposal for statewide hazardous material advisory committee; and final adoption of higher levels of structural fire protection personnel certification requirements, with comments, for intermediate, advanced and master certification.

**Contact:** K. R. Ethridge, 9800 North Lamar Boulevard #160, Austin, Texas 78753, (512) 837-9851.

Filed: June 28, 1991, 10:47 a.m.

TRD-9107679

### Texas Health and Human Services Coordinating Council

**Monday, July 8, 1991, 1:30 p.m.** The Community Resource Coordination Workgroup will meet at the Texas Juvenile Probation Commission Board Room, at 2015 South IH-35, Austin. According to the agenda, the council will call the meeting to order; discuss approval of minutes; status of memorandum of understanding; video tape; information packet and workbook; case reporting form and statistical database; old business; new business; and will adjourn.

**Contact:** Eric Taylor 9101 Burnet Road, Suite 216, Austin, Texas 78758, (512) 873-2400.

Filed: June 28, 1991, 3:58 p.m.

TRD-9107758

### Texas Higher Education Coordinating Board

**Friday, July 12, 1991, 10 a.m.** The Coordinating Board of the Texas Higher Education Coordinating Board will meet at the Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive, Austin. According to the agenda, the board will hold a public hearing to discuss a proposal for the issuance of the Texas College Student Loan Senior Lien Revenue Bonds, series 1991 and Texas College Student Loan Junior Lien Revenue Bonds, series 1991 (collectively, the "series 1991 Bonds"). The maximum aggregate face amount of the proposed series 1991 bonds to be issued is anticipated to not exceed \$75,000,000. All interested parties are invited to submit written comments to the board prior to the time set for the public hearing or to attend the public hearing and express any comments they may have re-

garding the proposed series 1991 bonds.  
Contact: Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: July 1, 1991, 10:47 a.m.

TRD-9107788

### Texas Commission on Human Rights

Tuesday, July 16, 1991, 10:30 a.m. The Texas Commission on Human Rights will meet at the William B. Travis Building, Room 1-100, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will discuss and vote on agenda item(s) covered in executive session as necessary or required; welcoming of guests; discuss approval of minutes; discuss administrative reports (executive director's report; complaint monitoring report; operations report-employment and housing; finance report); report on LAOHRA annual conference; review of second year HUD capacity building funds proposal; review of performance and funds management report; status of EEO compliance training; discussion of the commission's 1992-1993 appropriations request and other relevant issues; commissioner issues; and unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: July 1, 1991, 2:24 p.m.

TRD-9107808

### State Board of Insurance

Monday, July 8, 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 agenda, the section will conduct a public hearing to consider the renewal application of Arlan Lee Foster, Baytown, for a pyrotechnic operator's license.

Contact: J. C. Thomas, 333 Guadalupe Street, Austin, Texas 78701, (512) 475-2983.

Filed: June 27, 1991, 2:29 p.m.

TRD-9107653

Tuesday, July 9, 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 agenda, the commissioner will conduct a public hearing to consider the application of Jim C. Hodge, Houston, to acquire control of Ideal Life Insurance Company, Waco, pursuant to the provisions of Texas Insurance Code Article 21.49-1 Section 5. Docket Number 11232.

Contact: J. C. Thomas, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: July 1, 1991, 12:52 p.m.

TRD-9107794

Tuesday, July 9, 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 agenda, the commissioner will conduct a public hearing to consider the application of Rickey Wayne Rohus, Fort Worth, for a Group I, combination or industrial agent's license to be issued by the State Board of Insurance. Docket Number 11224

Contact: J. C. Thomas, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: July 1, 1991, 12:53 p.m.

TRD-9107795

Wednesday, July 10, 1991, 10 a.m. The State Board of Insurance will meet in the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda, the board will open meeting and opportunity for public comment concerning the consideration of possible legislation on insurance related subjects including compliance with federal medicare laws, regulation of insurer liquidation process, regulation of long term care insurance, and regulation of credit life or credit accident and health insurance.

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

Filed: June 28, 1991, 2:40 p.m.

TRD-9107706

Thursday, July 11, 1991, 1:30 p.m. The State Board of Insurance will meet in the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda, the board will conduct a public hearing under docket number 1830 to consider the appeal by Hugh Maxwell Roth of commissioner's order number 91-0448, concerning licenses as a group II insurance

agent and as a legal reserve life insurance agent.

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

Filed: June 28, 1991, 2:40 p.m.

TRD-9107705

### Midwestern State University

Friday, June 28, 1991, 10:00 a.m. The Board of Regents of the Midwestern State University met in an emergency meeting at Hardin Administrative Building, Midwestern State University, Wichita Falls (via telephone hook-up). According to the agenda, the Board of Regents discussed recommendations concerning the Health Center Physicians Contract for 1991-1992, the International Student Fee, the President's Home repair work, and authorization for increase in General Use Fee and Student Service Fees effective September 1, 1991. Ratification of items dealing with the Guest House Renovation and the Fountain construction were also made. The emergency status was necessary because all of these items needed immediate action and could not wait until the regular Board meeting. A quorum was available that time.

Contact: Deborah L. Barrow, Midwestern State University President's Office, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551

Filed: June 27, 1:57 p.m.

TRD-9107643

### Texas National Guard Armory Board

Tuesday, July 16, 1991, 10:30 a.m. The Texas National Guard Armory Board will meet at Building 64, Camp Mabry, 2200 West 35th, Austin. According to the agenda summary, the board will discuss approval of minutes of the previous meetings; administrative matters; construction/renovation/maintenance update; property/leases; and establish date of next meeting.

Contact: Sandra Hille, P.O. Box 5426, Austin, Texas 78763, (512) 451-6143.

Filed: July 1, 1991, 2:25 p.m.

TRD-9107809

### Board of Vocational Nurse Examiners

Monday-Tuesday, July 8-9, 1991, 8 a.m. The Board of Vocational Nurse Examiners will meet at the Ramada Inn Airport (Frontier Room), 5660 North IH 35, Austin. According to the revised agenda summary, on Monday the board will discuss new busi-

ness; proposed rule changes (231.1, 231.25, 231.48, 231.68, 233.41, 235.9, 235.18, and 235.41); and presentation/discussion by the vocational nurse associations relative to the performance review audit.

Contact: Marjorie A. Bronk, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

Filed: June 28, 1991, 12:08 p.m.

TRD-9107691

## Texas Optometry Board

Wednesday, July 10, 1991, 11 a.m. The Board will meet at Love Field, Conference Room A (Love Field Terminal Building), Dallas. According to the agenda summary, the meeting will be held to consider reports of Secretary-Treasurer, legal counsel, executive director and committee chairpersons; unfinished and new business to consider report on the IAB annual conference, adoption of proposed Rule 280 regarding therapeutic optometry, establishment of a Therapeutic Education Committee and make board appointments to a Technical Advisory Committee in connection with implementation of S.B. 774; election of officers; executive session to discuss contemplated/pending litigation with board attorney, matters referred or to be referred to the Attorney General, in compliance with Article 6252-17, §2(e), VACS. Prior to the meeting, same location, the Rules Committee will meet at 9:30 a.m., followed by a grading session to determine successful candidates. All committees are to meet upon conclusion of grading session.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938

Filed: July 1, 1991, 3:42 p.m.

TRD-9107839

## The Texas Parks and Wildlife Department

Monday, July 8, 1991, 1 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at 1898 Bayshore Drive, Rockport. According to the agenda summary, the commission plan to go on a coastal tour at 1 p.m., July 8, 1991. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m. July 9, 1991.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 28, 1991, 1:47 p.m.

TRD-9107697

Monday, July 8, 1991, 6 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department plan to have dinner at 6 p. m., July 8, 1991. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda scheduled for 9 a.m., July 9, 1991.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 28, 1991, 1:47 p.m.

TRD-9107698

Tuesday, July 9, 1991, 9 a.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the UT Marine Science Institute, Visitor's Center Auditorium, 750 Channelview, Port Aransas. According to the agenda summary, the commission will discuss approval of minutes; presentation of service awards; recognition of the Gulf Coast Conservation Association; proposed change to tarpon bag limit; amendments to early season migratory game bird processing, 1991-1992 and nontoxic shot processing; briefing on brown tide-a new threat to the Laguna Madre; briefing on freshwater inflows-the key to productive estuaries; Edwards Aquifer litigation; conservation passport; gas pipeline easement renewal-Gene Howe WMA-Hemphill County; electrical cable easement renewal-Fairfield Lake SP-Freestone County; easement renewals; briefing on Texas blue crab fishery management plan development; resolution trust corporation litigation; briefing on sportfishing in Texas-looking to the future; and land acquisition program.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4804.

Filed: June 28, 1991, 1:47 p.m.

TRD-9107696

## State Board of Plumbing Examiners

Monday, July 8, 1991, 9:00 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. According to the agenda, the Board will perform roll call; recognize visitors; review minutes of the last meeting; review financial report; discuss field department activity; discuss examination data; review hardship cases; report on refresher course for Plumbing Inspectors; discuss legislation: Senate Bill 1204-Provision for certain agencies subject to the Texas Sunset Act, House Bill 2111-Transfer of fund balances, and Senate Bill 587-Performance standards of plumbing fixtures; report on Inspector Examiners

and Qualifications Committee-Bill Wheeler, Chairman; discuss definition of "regularly employed;" and any other topics for discussion that may come before the Board.

Contact: Lynn Brown, 949 East 41st Street, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145

Filed: June 27, 2:02 p.m.

TRD-9107650

## State Preservation Board

Monday, July 8, 1991, 8:30 a.m. The Permanent Advisory Committee of the State Preservation Board will meet in the SPB Construction Trailer Conference Room, East side of the Capitol, Austin. According to the agenda summary, the committee will call to order; discuss approval of the minutes; old or unfinished business: approval of construction documents for the Texas Capitol interior preservation project and to take bids, approval of preliminary project and administrative budgets; new business: approval of change order for exterior preservation project to add a construction contingency of \$440,000, approval of lease of warehouse for storage of Capitol artifacts and furnishings for restoration project; and adjournment.

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

Filed: June 28, 1991, 4:08 p.m.

TRD-9107762

Monday, July 8, 1991, 10 a.m. (rescheduled from Monday, July 1, 1991) The State Preservation Board will meet in the Lieutenant Governor's Conference Room, State Capitol, Austin. According to the agenda summary, the board will call the meeting to order; discuss approval of minutes; there will be no old or unfinished business; discuss new business: approval of SPB rule additions and modifications to conform to Senate Bill 1117, 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, change order and construction contingency status, consulting contracts, approval of lease of warehouse for storage of Capitol artifacts and furnishings for restoration project, update on the furnishings plan, approval of permanent advisory committee appointments to collections review committee, approval of additions to Capitol collections, approval of designation of Capitol trust fund signatory authority, approval to develop fund designation of Capitol trust signatory authority, approval to develop fund raising program for historic furnishings project; and adjournment.



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

Filed: June 28, 1991, 4:08 p.m.

TRD-9107763

## State Property Tax Board

Thursday, July 11, 1991, 9 a.m. The State Property Tax Board will meet at 4301 Westbank Drive, Building B, Suite 100, Austin. According to the agenda summary, the board will discuss certification of 1990 intangible values, 1990 back assessments, and apportionment to counties; certification of railroad rolling stock values apportioned to the counties, consideration of audit recommendations related to the 1989-1990 school district taxable value findings for the following school districts: Brownwood, Blanket, Early, May, Jefferson, Alief, Three Rivers, and George West; consideration of the 1989 Pampa I.S.D. audit request denial; consideration of Brownsville I.S.D. appeal of the hearing panel decision, 1990 Property Value Study; consideration of Ysleta I.S.D. appeal of the 1990 Property Value Study; approval of budget amendments to the FY 1991 operating budget; Executive Director's financial statement review; and reports and public comments.

Contact: Leon Willhite, 4301 Westlake High Drive, Austin, Texas 78746-6565, (512) 329-7901.

Filed: June 28, 1:12 p.m.

TRD-9017694

## Public Utility Commission of Texas

Monday, July 8, 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 agenda, the division will conduct a prehearing conference in Docket Number 10415 regarding the application of GTE for a new charge for converting 9-1-1 central offices to provide automatic number identification to public safety answering points.

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

Filed: June 27, 1991, 3:15 p.m.

TRD-9107657

Tuesday, July 9, 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 agenda, a prehearing conference has been scheduled for above date and time in Docket Number 10418-Petition of

Central Power and Light Company for authority to refund fuel cost over-recoveries and to lower fixed fuel factors.

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

Filed: July 1, 1991, 3:06 p.m.

TRD-9107832

Monday, July 15, 1991, 1 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the commission will consider the public counsel's motion to suppress examiners' report compromised by ex parte communications and reconvene the hearing on the merits. Docket Number 9300-Application of Texas Utilities Electric Company for authority to change rates.

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

Filed: June 28, 1991, 3:05 p.m.

TRD-9107712

Friday, July 19, 1991, 3 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the commission will conduct a prehearing conference in Docket Number 10142-Application of Kaufman County Electric Cooperative, Inc. to amend certificate of convenience and necessity for proposed transmission line within Kaufman County.

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

Filed: June 28, 1991, 3:04 p.m.

TRD-9107710

Monday, July 29, 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 agenda, the division will conduct a hearing on the merits in Docket 10092 regarding the application of the Houston Lighting and Power Company for reconciliation of fuel costs through March 31, 1990.

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

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

TRD-9107654

Thursday, September 5, 1991, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda, the division will conduct the final prehearing conference in consolidated Docket Numbers 10381-Southwestern Bell Telephone Company's statement of intent to change and restructure the rates for director assistance; 10122-application of Southwestern Bell Telephone Company for approval of multiple list directory assistance; and 10123-application of Southwestern Bell telephone company to revise tariff to introduce a new service called directory assistance call completion.

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

Filed: June 27, 1991, 3:15 p.m.

TRD-9107656

Monday, September 9, 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 agenda, the division will conduct a hearing on the merits in consolidated Docket Numbers 10381-Southwestern Bell Telephone Company's statement of intent to change and restructure the rates for directory assistance; 10122-application of Southwestern Bell Telephone Company for approval of multiple list directory assistance; and 10123-application of Southwestern Bell Telephone Company to revise tariff to introduce a new service called directory assistance call completion.

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

Filed: June 27, 1991, 3:15 p.m.

TRD-9107655

## Railroad Commission of Texas

Monday, July 8, 1991, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

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

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

Filed: June 28, 1991, 11:02 a.m.

TRD-9107681

The commission will consider and act on the executive director's report on commis-

sion 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 the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation.

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

Filed: June 28, 1991, 11:02 a.m.

TRD-9107682

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, Office of Information Service, Austin, Texas, (512) 463-6710

Filed: June 28, 1991, 11:03 a.m.

TRD-9107683

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. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: June 28, 1991, 11:03 a.m.

TRD-9107684

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

Filed: June 28, 1991, at 11:03 a.m.

TRD-9107685

The commission will discuss consideration of 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 28, 1991, 11:04 a.m.

TRD-9107686

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. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: June 28, 1991, 11:04 a.m.

TRD-9107687

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 to receive legal advice regarding pending and/or contemplated litigation.

Contact: Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7033.

Filed: June 28, 1991, 11:04 a.m.

TRD-9107688

The commission will consider the application of IP Petroleum Company, Inc. for the recommendation on the extension of the canyon formation as a tight gas formation, Sugg Ranch (Canyon) Field, Sterling and Tom Green Counties.

Contact: Mimi Winetroub, P.O. Box 12697, Austin, Texas 78711, (512) 463-6839.

Filed: June 28, 1991, 1:48 p.m.

TRD-9107699

According to the revised agenda the commission will consider a proposed revision to §806.308 and §806.309 of the "Coal Mining Regulations" to allow for a combined collateral bond with alternative financial assurances.

Contact: Ron Reeves, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6752.

Filed: June 28, 1991, 3:54 p.m.

TRD-9107752

Thursday, July 18, 1991, 10 a.m. The Railroad Commission will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will hold a statewide hearing on oil and gas.

Contact: Paula Middleton, P.O. Box 12697, Austin, Texas 78711, (512) 463-6729.

Filed: June 28, 1991, 11:02 a.m.

TRD-9107680

## Texas Municipal Retirement System

Friday, July 12, 1991, 10:30 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North IH 35, Austin. According to the agenda summary, the board will consider and act upon whether or not to seek proposals from various actuarial firms for performance of actuarial services for the system beginning January 1, 1992.

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78765, (512) 476-7577

Filed: June 28, 2:46 p.m.

TRD-9107709

## Texas Savings and Loan Department

Thursday, July 11, 1991, 9 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Suite 201, Austin. According to the agenda, the department will conduct a hearing to accumulate a record of evidence in regard to the application of Houston Savings Association, Houston, Harris County, to relocate the home office from 1919 Allen Parkway, Houston to 4550 Post Oak Place, Houston, Harris County, to determine from which record the commissioner will determine whether to grant or deny the application.

Contact: Mark H. Holland, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: June 28, 1991, 1:02 p.m.

TRD-9107693

Thursday, July 11, 1991, 9:30 a.m. The Texas Savings and Loan Department will meet at 2601 North Lamar Boulevard, Suite 201, Austin. According to the agenda summary, the department will conduct a hearing to accumulate a record of evidence in regard to the application of Houston Savings Association, Houston, Harris County, for a branch office to be located at 1919 Allen Parkway, Suite 100, Houston, Harris County, to determine from which record the commissioner will determine whether to grant or deny the application.

Contact: Mark H. Holland, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: June 28, 1991, 1:02 p.m.

TRD-9107692

## Stephen F. Austin State University

Monday, July 8, 1991, 1:30 p.m. The Board of Regents Committee of the Stephen F. Austin State University will meet at the Westin Galleria Hotel, 5060 West Alabama, Houston. According to the agenda summary, the committee will discuss approval of minutes of the April 23, 1991 meeting with correction; amendment of rules and regulations of the board of regents; personnel-faculty and staff appointments for 1990-1991; changes of status for 1990-1991; faculty and staff appointments for 1991-1992; changes of status for 1991-1992; leave of absence; tenure; evaluation of the president; academic and student affairs-last class day report; underenrolled class report; registration fee and cancellation of drop fee; policy for provisional admission status for graduate students; five-year BBA/MPA degree program in accounting; parking and traffic regulations and information; financial affairs-selection of financial depositories; authorization to sign vouchers and checks; authorization to approve travel requests; contracts for architectural services; contracts for architectural services for miscellaneous projects; lapsed property deposits; purchase of natural gas; room and board rates; authorization to purchase computing and communications equipment; buildings and grounds-preliminary plans for the renovation of the university swimming pool; shelton gym floor repair; improvement of drainage and water systems; approval of bids for communication network; addendum to hall 18 re-roofing project; renovation of president's resident; board policy on establishment/relationship with foundations; reports-president of student government association; chairman of faculty senate; general manager of read poland associates (regarding public relations services); financial affairs committee (regarding feasibility of hiring financial adviser); president; executive session-personnel matters-Helen Bakewell; and hear report from employees.

Contact: Dr. Donald Bowen, P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: June 28, 1991. 8:58 a.m.

TRD-9107666

Tuesday, July 9, 1991, 9 a.m. The Board of Regents of the Stephen F. Austin State University will meet at the Westin Galleria Hotel, 5060 West Alabama, Houston. According to the agenda summary, the board will discuss approval of minutes of the April 23, 1991 meeting with correction; amendment of rules and regulations of the board of regents; personnel-faculty and staff appointments for 1990-1991; changes of status for 1990-1991; faculty and staff appointments for 1991-1992; changes of sta-

tus for 1991-1992; leave of absence; tenure; evaluation of the president; academic and student affairs-last class day report; underenrolled class report; registration fee and cancellation of drop fee; policy for provisional admission status for graduate students; five-year BBA/MPA degree program in accounting; parking and traffic regulations and information; financial affairs-selection of financial depositories; authorization to sign vouchers and check; authorization to approve travel requests; contracts for architectural services; contracts for architectural services for miscellaneous projects; lapsed property deposits; purchase of natural gas; room and board rates; authorization to purchase computing and communications equipment; buildings and grounds-preliminary plans for the renovation of the university swimming pool; shelton gym floor repair; improvement of drainage and water systems; approval of bids for communication network; addendum to hall 18 re-roofing project; renovation of president's residence; board policy on establishment/relationship with foundations; reports-president of student government association; chairman of faculty senate; general manager of read poland associates (regarding public relations services); financial affairs committee (regarding feasibility of hiring financial adviser); president; executive session-personnel matters-Helene Bakewell; and hear report from employees.

Contact: Dr. Donald E. Bowen, P.O. Box 6078 SFA Station, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: June 28, 1991, 8:58 a.m.

TRD-9107667

## Structural Pest Control Board

Wednesday, July 10, 1991, 1 p.m. The Structural Pest Control Board will meet at 9101 Burnet Road, Suite 201, Austin. According to the agenda, the board will discuss approval of minutes of the June 10, 1991 board meeting; Juanita Abbott to appear at 1 p.m. to request permission to take the certified applicator exam; Joe Pacheco to appear at 2 p.m. to request permission to be issued a technician license; Jack K. Hayes to appear at 2:30 p.m. to request permission to take the certified applicator exam; hear executive director's report; discuss the Texas performance audit review; discuss House Bill 853 passed in 72nd Legislative session; consider proposal for decision on Philip Hughes, hearing number 91-11 at 3 p.m.; and Judy Bertholf, DowElanco, to appear at 3:30 p.m. to discuss the new Dursban TC label.

Contact: Benny M. Mathis, 9101 Burnet Road, Austin, Texas 78758, (512) 835-4066

Filed: June 28, 1991, 10:47 a.m.

TRD-9107678

Thursday, July 11, 1991, 8:30 a.m. The Structural Pest Control Board will meet at 9101 Burnet Road, Suite 201, Austin. According to the agenda, the board has requested that David Hinkle doing business as Bug Busters appear at 8:30 a.m. at the board's request; Carl M. Weaver doing business as Gene's Pest Control to appear at 9:30 a.m. at the board's request; review administrative penalties and consent agreements; and finalize executive director's report.

Contact: Benny M. Mathis, 9101 Burnet Road, Austin, Texas 78758, (512) 835-4066.

Filed: June 28, 1991, 10:46 a.m.

TRD-9107677

## Teacher Retirement System of Texas

Monday, July 8, 1991, 9:30 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet at 1000 Red River, 5th Floor Board Room, Austin. According to the agenda, the board will discuss the employment of the Chief Investment Officer and to interview candidates for the position; consideration of staffing and budget matters with respect to transition to a new Chief Investment Officer; and consideration of Texas Performance Review Report.

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

Filed: June 28, 3:35 p.m.

TRD-9107721

## Texas State University System

Tuesday, July 2, 1991, 9 a.m. The Board of Regents of the Texas State University System met in the Sam Houston State Office Building, Room 505, Austin. According to the agenda the board considered the release and settlement agreement with Robert and Mary Hardesty regarding their lawsuit against the system; and granting Robert Hardesty the title of President Emeritus. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects).

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

Filed: June 28, 10:25 a.m.

TRD-9107675

## Texas Water Commission

Wednesday, July 10, 1991, 9 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin

Building, Room 118, Austin. According to the agenda summary, the commission will discuss consideration of various matters within the regulatory jurisdiction of the Texas Water Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: June 28, 1991, 4 p.m.

TRD-9107759

Wednesday, July 10, 1991, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will discuss consideration of various matters within the regulatory jurisdiction of the Texas Water Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: June 28, 1991, 4 p.m.

TRD-9107760

Wednesday, July 10, 1991, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will discuss consideration of various matters within the regulatory jurisdiction of the Texas Water Commission of Texas, as more fully stated on the attached agenda. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: July 1, 1991, 3:55 p.m.

TRD-9107841

Thursday, July 11, 1991, 9:30 a.m. The Texas Water Well Drillers Board of the Texas Water Commission will meet at

Stephen F. Austin State Office Building, Room 118, 1700 North Congress, Austin. According to the agenda summary, the board will consider the approval of the minutes of its June 13, 1991 meeting; consider whether to set the following complaints for a formal public hearing before the board for appropriate legal action; Tim Blackwelder, Craig Bussell, Eugene D. Holmes, Royce D. Radicke, Carl Rise, J. O. Siegert and Ed Thomas; consider the certification of applicants for registration; consider the applications for driller-trainee registration and consider staff reports.

Contact: Larry Persky, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78711, (512) 463-8069.

Filed: July 2, 1991, 9:47 a.m.

TRD-9107847

Thursday, July 11, 1991, 10 a.m. and Friday, July 12, 1991, 9 a.m. The Texas Water Well Drillers Board of the Texas Water Commission will meet at Stephen F. Austin State Office Building, Room 118, 1700 North Congress, Austin. According to the agenda summary; WWDB-91-10 Traye Phelps License Number 2739W; WWDB-91-11 William Goyne License Number 306W; WWDB-91-12 Herman L. Gehrels License Number 812W; WWDB-91-13 Scott Lason License Number 2637W; WWDB-91-14 Tim Robinson License Number 2212W; WWDB-91-15 John Davison License Number 2268W; WWDB-91-16 Kenneth Korenek License Number 2544W; WWDB-91-17 Carl Kerman License Number 02382W; WWDB-91-18 Lester Duffer License Number 01718W; WWDB-91-19 Ronald G. Davis License Number 1979W; WWDB-91-20 Billy T. Davis License Number 298W; WWDB-91-21 Rusty Sughrue, no license; WWDB-91-22 Richard Shelton, no license; WWDB-91-23 Fred Paskel, no license.

Contact: Larry Persky, Stephen F. Austin Building, 1700 North Congress, Austin, Texas 78711, (512) 463-8069.

Filed: July 2, 1991, 9:47 a.m.

TRD-9107846

Wednesday, August 7, 1991, 3 p.m. The Texas Water Commission will meet in the Stephen F. Austin State Office Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda, the commission will consider the application by Sugarberry Oil and Gas Corporation, application number 14-1261A to amend certificate number 14-1261 to increase the maximum diversion rate from 2.0 cfs (900gpm) to 5.0 cfs (2250 gpm). The increased diversion rate will only be used when the remaining flow of Dove Creek going over the dam is at least 7.0 cfs (3150 gpm). Certifi-

cate of adjustment number 14-1261 authorizes the maintenance of a dam and reservoir on Dove Creek, tributary of the Colorado River, in Irion County, approximately seven miles southeast of Mertzon, Texas and the diversion and use of not to exceed 1348 acre-feet of water per annum from the reservoir to irrigate 543 acres of land in Irion and Tom Green Counties.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 371-6386.

Filed: June 28, 1991, 4:01 p.m.

TRD-9107761

## Texas Workers' Compensation Commission

Wednesday, July 3, 1991, 9 a.m. The commission met at the Southfield Building, Room 910-911, 4000 South IH 35, Austin. According to the agenda summary, the commission discussed and considered rules for adoption; report by Commissioners/Staff on trip to view Worker's Compensation Imaging System; general report of issues relating to commission activities; and future public meetings.

Contact: George E. Chapman, 4000 South IH 35, Austin, Texas 78704, (512) 448-7962.

Filed: June 27, 1991, 11:04 p.m.

TRD-9107639

Wednesday, July 3, 1991, 9 a.m. The commission met at the Southfield Building, Room 910-911, 4000 South IH 35, Austin. According to the revised agenda summary, the commission met in executive session to discuss matters relating to pending litigation, and receive advice from counsel, concerning Cause Number 449,178, Texas Hospital Association, et al v. Industrial Accident Board a/k/a Texas Workers' Compensation Commission, 345th District Court, Travis County.

Contact: George E. Chapman, 4000 South IH 35, Austin, Texas 78704, (512) 448-7962.

Filed: June 28, 1991, 4:50 p.m.

TRD-9107767

## Texas Youth Commission

Wednesday, July 3, 1991, 9:30 a.m. The Board of the Texas Youth Commission met at 4900 North Lamar Boulevard, Room 7230, Austin. According to the emergency revised agenda summary, the board discussed a report by the State Auditor's Office on proposed management audit. The emergency status was necessary because the commencement of a management audit is set for July 15, 1991 and an overview by

the State Auditor's Office is a required step for this management audit, and thus creates an urgent public necessity that it be set before the board at this meeting.

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

Filed: June 28, 10:43 a.m.

TRD-9107676

## Regional Meetings

### Meetings Filed June 27, 1991

The Brazos River Authority Water Utilization Committee, Board of Directors will meet at the Hyatt Regency DFW Hotel, Comet Room, East Tower, Dallas-Fort Worth Airport, July 8, 1991, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9107648.

The Comal Appraisal District Board of Directors will meet at 420 West Mill Street, New Braunfels, July 12, 1991 at 8 a.m. Information may be obtained from Lynn E. Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597. TRD-9107644.

The Comal Appraisal District Board of Directors will meet at 430 West Mill Street, New Braunfels, July 19, 1991, at 8 a.m. Information may be obtained from Lynn Rodgers, P.O. Box 311222, New Braunfels, Texas 78131-1222, (512) 625-8597. TRD-9107645.

County Education District Number 6 Board of Trustees met at the Lubbock I.S.D. Administrative Offices, 1628 19th Street, Lubbock, July 1, 1991, at 7 p.m. Information may be obtained from Larry R. Throm, 1628 19th Street, Lubbock, Texas 79401-4895, (806) 766-1092. TRD-9107651.

Dallas Area Rapid Transit Corporate Location Ad Hoc Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, July 2, 1991, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107664.

Gonzales County Appraisal District Agricultural Advisory Board met at 928 St. Paul Street, Gonzales, July 2, 1991, at 7 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867 Gonzales, Texas 78629, (512) 672-2879. TRD-9107659.

Lamb County Appraisal District Board of Directors will meet at 330 Phelps Avenue, Littlefield, July 11, 1991, at 6 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474. TRD-9107649.

Region One Education Service Center Board of Directors will meet at 1900 West Schunior, Edinburg, July 9, 1991, at 7 p.m.

Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611. TRD-9107652.

Region VIII Education Service Center Board of Directors will meet at Holiday Inn Restaurant, Highway 271 Bypass, Mt. Pleasant, July 9, 1991, at 11:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9107642.

Tax Appraisal District of Bell County Appraisal Review Board will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, July 9-12, 1991, at 9 a.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29. TRD-9107647.

Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, July 8, 1991, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9107660.

Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 10, 1991, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9107661.

Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 11, 1991, at 9 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9107662.

Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 12, 1991, at 9 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9107663.

### Meetings Filed June 28, 1991

Bexar Appraisal District Appraisal Review Board will meet in emergency meeting at 535 South Main, San Antonio, July 1-3, 8-12, 15-18, 22-26, 29-31, 1991, at 8:30 a.m. The emergency status was necessary because it was the only time the review board members could meet. Information may be obtained from B. Houston, 535 South Main, San Antonio, Texas 78204, (512) 224-8511. TRD-9107690.

Brown County Appraisal District Board of Directors will meet at 403 Fisk Avenue, Brownwood, July 8, 1991, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9107701.

Coastal Bend Council of Governments Membership will meet at the Commissioners Courtroom, Nueces County Courthouse,

Third Floor, 901 Leopard Street, Corpus Christi, July 5, 1991, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743. TRD-9107672.

Dallas Area Rapid Transit Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Room, Dallas, July 2, 1991, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237. TRD-9107673.

Gray County Appraisal District Appraisal Review Board met at 815 North Sumner, Pampa, July 2, 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-9107689.

Jasper County Appraisal District Board of Directors will meet at the Kirbyville CISD Administration Building, 206 East Main Street, Kirbyville, July 9, 1991, at 7 p.m. Information may be obtained from David W. Luther, P.O. Box 1300, Jasper, Texas 75951, (409) 384-2544. TRD-9107669.

Jasper County Appraisal District Appraisal Review Board will meet at 137 North Main Street, Jasper, July 11, 1991, and may continue July 16, 18, 23, 25, and 30, 1991, at 9 a.m. Information may be obtained from David W. Luther, P.O. Box 1300, Jasper, Texas 75951, (409) 384-2544. TRD-9107670.

Lee County Appraisal District Appraisal Review Board will meet at 218 East Richmond Street, Giddings, July 10, 1991, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618. TRD-9107668.

Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, July 10, 1991, at 9:30 a.m. (Meeting was rescheduled from June 26, 1991.) Information may be obtained from Sherry Greak, P.O. box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9107769.

Sabine Valley Center Board of Trustees will meet at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, July 8, 1991, at 7 p.m. Information may be obtained from Mack O. Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9107671.

West Central Texas Council of Governments Regional Review Committee will meet at 1025 East North 10th Street, Abilene, July 8, 1991, at 2 p.m. Information may be obtained from Jim Compton, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9107704.

Wheeler County Appraisal District Board of Directors will meet at the County Courthouse Square, District's Office, Wheeler,

July 15, 1991, at 8 p. m. (Meeting was rescheduled from July 1, 1991.) Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900. TRD-9107700.

### Meetings Filed July 1, 1991

Bexar Appraisal District Appraisal Review Board will meet at 535 South Main, San Antonio, July 5, 1991, at 9 a.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511. TRD-9107783.

Bexar-Medina-Atascosa Counties Water Control 7 Board of Directors will meet at the District Office, Highway 81, Natalia, July 8, 1991, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132. TRD-9107780.

Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce, Burnet, July 17, 1991, at 8 a.m. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9107790.

Callahan County Appraisal District Board of Directors will meet at the Callahan County Appraisal District Offices, 130 West Fourth Street, Baird, July 8, 1991, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. TRD-9107777.

Canadian River Municipal Water Authority Board of Directors will meet at CRMWA Headquarters Building, Sanford Dam, Sanford, July 10, 1991, at 11 a.m. Information may be obtained from John C. Williams, Box 99, Sanford, Texas 79078, (806) 865-3325. TRD-9107804.

Concho Valley Council of Governments Private Industry Council will meet at 5014 Knickerbocker, San Angelo, July 10, 1991, at 3 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker

Road, San Angelo, Texas 76904, (915) 944-9666. TRD-9107784.

East Texas Council of Governments East Texas Regional Review Committee will meet at ETCOG Offices, Kilgore, July 8, 1991, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9107791.

Eastland County Appraisal District Appraisal Review Board will meet at the Commissioners' Courtroom, Eastland County Courthouse, Eastland, July 16, 1991, 10 a.m. Information may be obtained from Steve Thomas, Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9107778.

Garza County Appraisal District Board of Directors will meet at the Appraisal District Office, 124 East Main, Post, July 18, 1991, at 8:30 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9107776.

Golden Crescent Service Delivery Area Private Industry Council, Inc. will meet at 2705 Houston Highway, Room #1, Victoria, July 10, 1991, at 11:30 a.m. Information may be obtained from Sandy Heiermann, 2401 Houston Highway, Victoria, Texas 77901, (512) 576-5872. TRD-9107773.

Kendall Appraisal District Kendall Appraisal Review Board will meet at 207 East San Antonio Street, Boerne, July 15-19, 1991, at 9 a.m. Information may be obtained from Alton Pfeiffer, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9107805.

Lampasas County Appraisal District Appraisal Review Board will meet at 109 East Fifth, Lampasas, July 8, 1991, 9 a.m. Information may be obtained from Janice Henry, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058. TRD-9107781.

Region III Education Service Center Board of Directors will meet at 1905 Leary Lane, Victoria, July 9, 1991, at 3 p.m. Information may be obtained from Dr.

Julius Cano, 1905 Leary Lane, Victoria, Texas 77901. TRD-9107787.

Rusk County Appraisal District Appraisal Review Board will meet at the Administrative Offices, 107 North Van Buren, Henderson, July 9-10, 1991, at 9 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697. TRD-9107775.

Rusk County Appraisal District Appraisal Review Board will meet at the Administrative Offices, 107 North Van Buren, Henderson, July 11, 1991, at 9 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697. TRD-9107774.

Upshur County Appraisal District Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, July 8, 1991, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (903) 843-3041. TRD-9107779.

### Meetings Filed July 2, 1991

Blanco County Appraisal District Board of Directors will meet at Blanco County Courthouse Annex, Avenue G and Seventh Streets, Johnson. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624. TRD-9107842.

Capital Area Planning Council General Assembly will meet at Wyndham Southpark Hotel, IH-35 and Ben White Boulevard, Austin. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704-5798, (512) 443-7653. TRD-9107843.

Grand Parkway Association will meet at 5757 Woodway, 140 East, Houston. Information may be obtained from Larry W. Nettles, 2418 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 758-4586. TRD-9107845.

# In Addition

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

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

## Texas Air Control Board Notice of Public Hearing

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act §382.017(a); 40 Code of Federal Regulations 51.102 of the United States Environmental Protection Agency regulations concerning state implementation plans; the Administrative Procedure and Texas Register Act; §5; Texas Civil Statutes, Article 6252-13a; and the Texas Air Control Board (TACB) Procedural Rules, §103.11(4), TACB will conduct a public hearing to receive testimony concerning revisions to its rules.

TACB proposes a new §101.27, concerning emissions fees. The new fee is being proposed in response to the requirements of Title V of the Federal Clean Air Act Amendments of 1990. The new section specifies the basis for applicability, the method of fee payment, the fee rate, a payment deadline, and exceptions to the rule.

A public hearing will be held on July 31, 1991, at 2 p.m. in the Texas Air Control Board Auditorium located at 12124 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments. Interrogation or cross-examination is not permitted; however, a TACB staff member will be available to answer questions informally. Written comments not presented at the hearing may be submitted to the TACB central office prior to and including August 1, 1991. Comments received by 4 p.m. on that date will be considered by the board prior to any final action on the proposed revisions. Copies of the proposed revisions are available at the central office of TACB located at 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. For further information, call Barry Irwin at (512) 908-1461.

Issued in Austin, Texas, on June 26, 1991.

TRD-9107765 Lane Hartsack  
Director, Planning and Development  
Program  
Texas Air Control Board

Filed: June 26, 1991

For further information, please call: (512) 908-1770

## Texas Department of Commerce Comments Related to the Proposed 1991 Final Statement

On May 30, 1991, the Texas Department of Commerce (Commerce) submitted the final statement of its community development objectives and projected use of Community Development Block Grant (CDBG) non-entitlement area funds for Federal Fiscal Year 1991 to the United States Department of Housing and Urban Development (HUD). Commerce submitted a summary of the Texas Community Development Program to each eligible applicant in the State of Texas along with a schedule of six public hearings, which were announced in the April 12,

1991, issue of the *Texas Register* (16 TexReg 2111). The six public hearings were held at different locations across the state in April and May 1991 to solicit comments on the proposed final statement.

Commerce received 113 written comments from cities and counties, organizations, consultants, and other concerned citizens. Thirty-six of these comments provided unequivocal support for the 1991 proposed final statement. Seventy-seven comments included recommendations that Commerce make one or more changes to the 1991 proposed final statement. Based on the number and frequency of comments received for the different areas of the program outlined in the final statement, Commerce made changes as follows and submitted the final statement to HUD for approval.

In accordance with Texas Civil Statutes, Article 6252-13e, §4, the categories of comments received are summarized as follows:

**Ineligible Activities.** One Council of Government and one consultant suggested that parks and other recreational facilities should be added to the ineligible activities list. Although parks and other recreational facilities are not among the program's priorities, they are eligible according to federal regulations. The final statement remains as originally proposed.

**Allocation System.** The proposed final statement included a new funding category, the Colonia Fund. A 10% set-aside from the annual Community Development Block Grant (CDBG) Program statewide allocation for colonia assistance was mandated by the Cranston-Gonzalez National Affordable Housing Act of 1990. This fund will be available annually on a competitive basis to eligible county applicants for projects in severely distressed unincorporated areas located 150 miles from the Texas-Mexico border, which meet the definition as a "colonia." In addition, two funds offered under the 1990 Texas Community Development Program, the Housing Development Fund and the Special Impact Fund, were eliminated. Thirteen cities/counties and one consultant supported the elimination of the Housing Development Fund and the Special Impact Fund. In contrast, 16 cities/counties and six consultants supported the elimination of the Colonia Fund (even though it was mandated by federal law) and the reinstatement of the Special Impact Fund. In addition, one consultant supported the reinstatement of the Housing Development Fund. Two cities/counties, one council of governments, and one consultant expressed support for the Governor's Special Assistance Fund for small and minority businesses. Eight cities/counties and one consultant expressed support for the Planning/Capacity Building Fund and suggested that the fund be expanded. Based on the number and frequency of comments received on this section and the requirements of federal law, no changes from the original proposed final statement are being made.

**Definition of Funds.** The proposed final statement states that the Texas Capital Fund will be available to assist a for-profit entity or a non-profit entity with no limit on size or composure of the assisted business. One city/county



suggested that the Texas Capital Fund be limited to small and minority-owned businesses since these represent the majority of businesses in small and rural communities. Based on the number and frequency of comments received, the final statement remains as originally proposed.

**Distribution of Funds.** One consultant suggested that unutilized Texas Capital Fund monies be used to fully fund Community Development Fund marginal projects. Commerce has received a number of emergency and urgent need fund requests that will be given priority; in addition, there has been increased interest shown in the Texas Capital Fund, which may lessen the amount of unutilized funds available. Based on the number and frequency of comments received, no changes were made to the final statement.

**Program Income.** No changes in policy related to program income were offered; however, two cities/counties expressed support for an increase in local participation with regards to program income generated through the Texas Capital Fund. Local governments currently have the option of either retaining program income or returning the funds to a statewide revolving loan fund, which determines the number of applications that may be submitted for additional Texas Capital Fund grants within a program year. Since the level of participation is determined by the local government, no changes need to be made, and the final statement remains as proposed.

**Regional Target Allocations.** In response to comments made in the state auditor's report dated January 1991 on the effectiveness of the Texas Department of Commerce's administration of the Texas Community Development Program, an alternate allocation formula was offered for discussion in the proposed final statement. This formula basically assigned more weight to numbers rather than percentages in the allocation formula. Forty-six cities/counties, four councils of governments, one regional review committee, and one consultant expressed support for the formula used in Program Year 1990, which assigns weight equally to both numbers and percentages in the allocation formula. In contrast, four cities/counties, one council of governments, and two consultants favored the alternate allocation formula. One council of governments recommended a new allocation formula, which was drastically different from the two models presented in the proposed final statement. Based on the frequency and number of comments received, the regional allocation formula will remain the same as the one used in Program Year 1990.

**Contract Awards.** Under the Texas Capital Fund, the maximum amount available for infrastructure grants was increased from \$500,000 to \$800,000. One consultant expressed support for this increase in the Texas Capital Fund infrastructure grant program. Since this comment was in support of a change already initiated, the final statement remains as originally proposed.

**Performance Requirements.** The proposed final statement included timely expenditure rules that encourage TCDP contractors to expend grant funds in an expeditious manner. These rules were implemented in Program Year 1990 in response to a policy directive from HUD. This directive stated that the state (Commerce) must improve the expenditure rate. Eight cities/counties and two consultants expressed support for the timely expenditure rules as proposed. In contrast, only one city/county opposed the inclusion of the timely expenditure rules. Based on the frequency and number of comments received as well as requirements instituted by the United States Department of Housing and Urban Development, the final statement remains as originally proposed.

**Project Selection Criteria.** Several comments were received on the proposed scoring criteria for the various funding categories. These comments are summarized as follows according to the fund to which they refer.

The proposed final statement, in response to a recommendation made by the state auditors in their report dated January 1991, included a minimum score threshold for Community Development Fund applicants in regions where it is evident that competition does not occur.

Sixteen cities/counties, two councils of governments, one regional review committee, and one concerned citizen opposed the implementation of a minimum score because it singled out these particular regions. In contrast, six cities/counties, one council of governments, and two consultants supported the minimum score as a measure to ensure quality projects.

Based on the frequency and number of comments received, the requirement of a minimum score has been eliminated from the final statement.

Eleven cities/counties and one consultant expressed support for the Community Development Fund selection criteria as proposed. Conversely, one city/county, one council of governments, and one consultant opposed the proposed scoring criteria for the Community Development Fund. In addition, six cities/counties and one consultant expressed support for the continued emphasis on water and sewer improvements as program priorities. Eight cities/counties and one consultant expressed support for the low and moderate income benefit scoring criteria as presented in the proposed final statement. One city/county suggested that drainage should be considered a high priority under the Community Development Fund. One consultant opposed the discretionary points available to both the regional review committees and Commerce staff for Community Development Fund applications.

One consultant recommended that the geographical limits imposed for the Colonia Fund be expanded to include a larger portion of the state; however, this limit is mandated by federal legislation. One city/county recommended that counties assisted through the Colonia Fund should be required to adopt mandated subdivision guidelines.

One city/county suggested that a tourism element be added to the matrix utilized for the Planning/Capacity Building (P/CB) Fund. Another city/county suggested that a variance from the P/CB matrix be allowed for communities developing first-time utility system maps.

One council of governments and two consultants suggested that more flexibility be allowed in the underwriting of Texas Capital Fund projects.

Based on the limited number and frequency of comments received in different areas and the fact that the program has functioned well in the past, the final statement remains as proposed.

**Other General Comments.** A number of general comments were received that did not relate to a particular section of the final statement. These comments are presented as follows in random order.

Twelve cities/counties expressed support for the existing appeals process for the Community Development Fund regional competitions. The common theme expressed was the selection process, as it is now, is rather lengthy; any further appeals could delay the program indefinitely. They stated that if one applicant appealed their final score and the rankings were changed accordingly, then any applicant affected by the results of the appeal could appeal; thus, this could become a never ending cycle. In contrast, two cities/counties suggested that all decisions made by Com-



merce staff and/or the regional review committee include an appeals process. One city/county and one consultant suggested that program liability for local governments be limited under the Texas Capital Fund since external business concerns are involved.

One city/county expressed support for maintaining an adequate amount of administration funds for Texas Community Development Program projects.

One consultant suggested that training of municipal personnel on operations and maintenance of facilities constructed with CDBG funds be allowed as an eligible expense; however, operation and maintenance expenses are not eligible according to federal guidelines. Since these comments are general in nature, the final statement remains as originally proposed.

A complete copy of the 1991 final statement and a summary of comments are available upon request. Please contact: Vicki Gossett, Texas Community Development Program, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-9509.

Issued in Austin, Texas, on June 27, 1991.

TRD-9107784 Cathy Bonner  
Interim Executive Director  
Texas Department of Commerce

Filed: June 28, 1991

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

◆ ◆ ◆  
**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)	07/01/91-07/07/91	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(1)	07/01/91-07/31/91	18.00%	18.00%

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

[graphic]

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

TRD-9107806 Al Endsley  
Consumer Credit Commissioner

Filed: June 26, 1991

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

◆ ◆ ◆  
**Texas Department of Criminal Justice  
Consultant Contract Award**

The award of this contract for consulting services is filed under Texas Civil Statutes, Article 6252-11c. The Texas Department of Criminal Justice published a request for proposals in the September 25, 1990, issue of the *Texas Register* (15 TexReg 5617), to obtain a private consultant to assist the Industry Division with its Industries Marketing Program. The consultative services will consist of an in-depth analysis and recommendations of markets available to Texas Correctional Industries products and services.

The due dates of documents or reports of intangible results will be on an ongoing basis. The proposal selected was that of B. R. Blackmarr & Associates, Chateau Plaza, Suite 1700, 2515 McKinney Avenue, LB-17, Dallas, Texas 75201.

The beginning and ending dates of the contract are June 27, 1991, and September 30, 1991. The total value of the contract will not exceed \$83,000.

For further information, please call (409) 294-2141.

Issued in Huntsville, Texas, on June 28, 1991.

TRD-9107782

James L. Hall  
Acting General Counsel  
Texas Department of Criminal Justice-  
Institutional Division

Filed: July 1, 1991

For further information, please call: (409) 294-2141

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**Texas Commission for the Deaf  
Board Vacancy**

The Board for Evaluation of Interpreters of the Texas Commission for the Deaf announces a vacancy created by the unexpired term of one of its members. A service of the member appointed for a term will expire March 31, 1993. Nominations or applications may be filed with the Texas Commission for the Deaf in response to this announcement.

A member of the board must be certified at either Level III, Level IV, or Level V of the certification program of the Texas Commission for the Deaf; be a resident of the State of Texas; and be an interpreter who has engaged in the profession of interpreting for deaf and hearing impaired people for a period of at least three years out of the immediate past five years. A member may be either a hearing individual or a deaf or hearing impaired individual.

The duties of the member will include, but not be limited to: attendance of regularly scheduled and announced meetings, assistance in the development of additional evaluation materials, and service as an evaluator on teams which conduct evaluations of interpreters for certification.

Additional information regarding the vacancy may be obtained by contacting: Bill Eckstein, P.O. Box 12904, Austin, Texas 78711-2904. To be considered all applica-

tions or nominations must be received on or before August 1, 1991.

Issued in Austin, Texas, on June 25, 1991.

TRD-9107605

Larry D. Evans  
Executive Director  
Texas Commission for the Deaf

Filed: June 26, 1991

For further information, please call: (512) 444-3323

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**East Texas Council of Governments**  
**Request for Proposals**

Pursuant to Texas Civil Statutes, Article 2368a, the East Texas Council of Governments (ETCOG) is in the process of selecting a certified public accountant firm to perform a fiscal year audit of federal, state, and local grants and contracts administered by ETCOG for the period of October 1, 1990-September 30, 1991.

The certified public accountant firm selected will be expected to meet the requirements set forth in Office of Management and Budget (OMB) Circular A-128, Audits of State and Local Governments (*Federal Register*/Volume 50, Number 87, May 6, 1985).

Those firms interested in receiving a request for proposal (RFP) package should contact Carrie Clark, Director of Finance, East Texas Council of Governments, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. The deadline for requesting an RFP package is July 10, 1991.

The contract will be awarded based on the applicant's abilities, experience, and qualifications. Selection will be made by the ETCOG Executive Committee.

Issued in Kilgore, Texas, on June 27, 1991.

TRD-9107641

Glynn Knight,  
Executive Director  
East Texas Council of Governments

Filed: June 27, 1991

For further information, please call: (903) 984-8641

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**Texas Department of Health**  
**HIV Public Hearings**

Senate Bill 959, 71st Legislature, 1989, requires the Department of Health (TDH) to establish and administer a state grant program for the conduct of human immunodeficiency virus (HIV) services and education. The TDH will award grants for HIV educational programs and health and social service programs for persons with HIV infection. The TDH will hold public hearings on the proposed grants in the TDH's public health regions in Texas, as follows.

Public Health Region 1: July 18, 1991, 9 a.m., Texas Department of Health Auditorium, 1100 West 49th Street, Austin; Public Health Region 2: July 17, 1991, 2 p.m., City of Lubbock Health Department Auditorium, 1902 Texas Avenue, Lubbock; Public Health Region 3: July 16, 1991, 9 a.m., TDH-Region 3 Office, Conference Room, 619 West Texas Street, Suite #300, Midland; Public Health Region 4: July 23, 1991, 10 a.m., Jessie H. Jones Library Building, "Texas Medical Center," 1133 M.D. Anderson Boulevard, Third Floor, Sammons Auditorium, Houston; Public Health Region 5: July 19, 1991, 9 a.m., TDH-Region 5, 2561 Matlock Road, Arlington; Public Health Region 6: July 15, 1991, 1 p.m., TDH-Region 6

sub-office, 1015 Jackson-Keller, San Antonio; Public Health Region 7: July 17, 1991, 1 p.m., TDH-Cotton Belt Building, 1517 West Front Street, Tyler; Public Health Region 8: July 22, 1991, 1 p.m., TDH-Regional Office, 601 West Sesame Drive, Harlingen.

Each speaker will have a maximum time of 10 minutes for his/her presentation. For further information about each hearing, please call the following region staff members: Public Health Region 1-Jennifer Smith ((817) 778-6744) or Rob Hardy ((512) 458-7304); Public Health Region 2-Mike Springer ((806) 797-4331); Public Health Region 3-Sarana Savage ((915) 683-9492); Public Health Region 4-Judy Spong ((713) 995-1112); Public Health Region 5-Ron Tomlinson ((817) 792-7213); Public Health Region 6-Mary Martinez ((512) 534-8857 extension 464); Public Health Region 7-Richard Hensley ((903) 595-3585); and Public Health Region 8-David Cavazos ((512) 423-0130).

Issued in Austin, Texas, on July 1, 1991.

TRD-9107772

Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: July 1, 1991

For further information, please call: (512) 458-7304

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**Notice of Radioactive Material License**  
**Amendment**

Notice is hereby given by the Texas Department of Health that it has granted amendment Number 3 to the following radioactive material license: Radioactive Material License Number L03584, issued to Atomic Energy Industrial Laboratories of the Southwest, Inc. located in Houston (mailing address: Atomic Energy Industrial Laboratories of the Southwest, Inc., 6421 South Main Street, Houston, Texas 77030).

The amendment to this license authorizes a new storage location for radioactive materials authorized on the license at 6413 South Main Street in Houston, the same address as the current storage location.

The Division of Licensing, Registration, and Standards has determined that the licensee has met the standard(s) appropriate to this amendment: the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with the *Texas Regulations for Control of Radiation* (TRCR) in such a manner as to minimize the danger to public health and safety or property; the licensee's equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property; the issuance of the license amendment will not be inimical to the health and safety of the public; and the licensee satisfies any applicable special requirements of the TRCR.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by the Health and Safety Code, §401.116, as amended, and as set out in TRCR 13.6. A "person affected" is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and the state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on July 1, 1991.

TRD-9107785 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: July 1, 1991

For further information, please call: (512) 835-7000

◆ ◆ ◆  
**Texas Parks and Wildlife Department**  
**Notice of Public Hearing to Revoke**  
**License**

Notice of public hearing to revoke Resident General Commercial Fishing License Number 372-01680-1, Resident Commercial Finfish Fisherman's License Number 371-00160-1, and Resident Saltwater Commercial Fishing Boat License Numbers 319-00246-1 and 319-00247-1, all issued to James O. Roberts.

Notice is hereby given that James O. Roberts, whose address is 769 Collingswood, Corpus Christi, Texas 78412, to show cause why the previously described licenses should not be terminated and revoked for grounds, to wit: On August 10, 1989, James O. Roberts, at V & A Fish Market located at 3521 Shore Drive, Corpus Christi, unlawfully possessed 145 black drum taken by illegal means in violation of 31 TAC, §65.72. Mr. Roberts thus violated a regulation adopted under the Parks and Wildlife Code relating to the previously described licenses.

After notice and hearing, the executive director is empowered to revoke licenses issued under the Parks and Wildlife Code pursuant to §12.501 et seq of that Code. The executive director has appointed a hearing examiner to conduct such a hearing on this matter as follows: July 17, 1991, 2 p.m., Room C-200, Texas Parks and Wildlife Department, Headquarters Building, 4200 Smith School Road, Austin.

The respondent may appear in person or by attorney to respond to the charges presented. This hearing will be held under the authority of and in accordance with the Parks and Wildlife Code, §12.501 et seq, and the Administrative Procedure and Texas Register Act, Texas Statutes, Article 6252-13a (Vernon Supp. 1991).

The record of this proceeding will include evidence and testimony taken at the public hearing. Evidence or testimony may be presented orally or in writing subject to the requirements of the Administrative Procedure and Texas Register Act. The hearing may be continued from time to time and place to place, if necessary, to develop all relevant evidence bearing on the subject of the hearing. The examiner retains the right to schedule or reschedule hearings as necessary. Further information concerning the

basis of this proceeding, if available, may be obtained by contacting Boyd Johnson, Litigation Counsel, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4805.

Information concerning any procedures of the hearing or scheduling may be obtained by contacting the undersigned at Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4867.

Issued in Austin, Texas, on June 28, 1991.

TRD-9107695 Jennifer Mellett  
Hearing Examiner  
Texas Parks and Wildlife Department

Filed: June 28, 1991

For further information, please call: (512)389-4867

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

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Structural Metals, Inc., Seguin.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of PLEXAR-Custom Service for Structural Metals, Inc. Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 10434.

**The Application.** Southwestern Bell Telephone Company is requesting approval of PLEXAR-Custom Service for Structural Metals, Inc. The geographic service market for this specific service is Seguin area.

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

Issued in Austin, Texas, on June 26, 1991.

TRD-9107621 Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 26, 1991

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

◆ ◆ ◆  
Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Shell Oil, Houston.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of PLEXAR-Custom Service for Shell Oil Pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 10448.

**The Application.** Southwestern Bell Telephone Company is requesting approval of PLEXAR-Custom Service for Shell Oil. The geographic service market for this specific service is the Houston area.

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

Issued in Austin, Texas, on June 28, 1991.

TRD-9107711      Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 28, 1991

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



### Notice of Petition for Waiver of Substantive Rules 23.11 and 23.12

Notice is given to the public of the filing with the Public Utility Commission of Texas of a petition on June 17, 1991, to waive Public Utility Commission Substantive Rules 23.11 and 23.12.

**Docket Title and Number.** Application of Southwestern Electric Cooperative, Inc. for exemption from filing the

earnings monitoring reports required by Substantive Rules 23.11 and 23.12, Docket Number 10420 before the Public Utility Commission of Texas.

**The Application.** In Docket Number 10420, Southwestern Electric Cooperative, Inc. filed a petition seeking waiver of Public Utility Commission Substantive Rules 23.11 and 23.12.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf before July 29, 1991.

Issued in Austin, Texas, on June 26, 1991.

TRD-9107658      Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 27, 1991

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



## 1991 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1991 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

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

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

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

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