

Texas Register

Volume 15, Number 36, May 11, 1990

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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Name: Shannan Lynes

Grade: 11

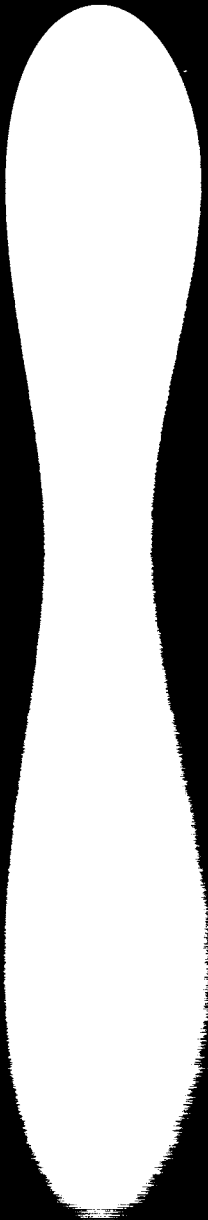
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Name: Shannan Lyles

Grade: 11

School: Richardson High School, Richardson



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Grade: 11

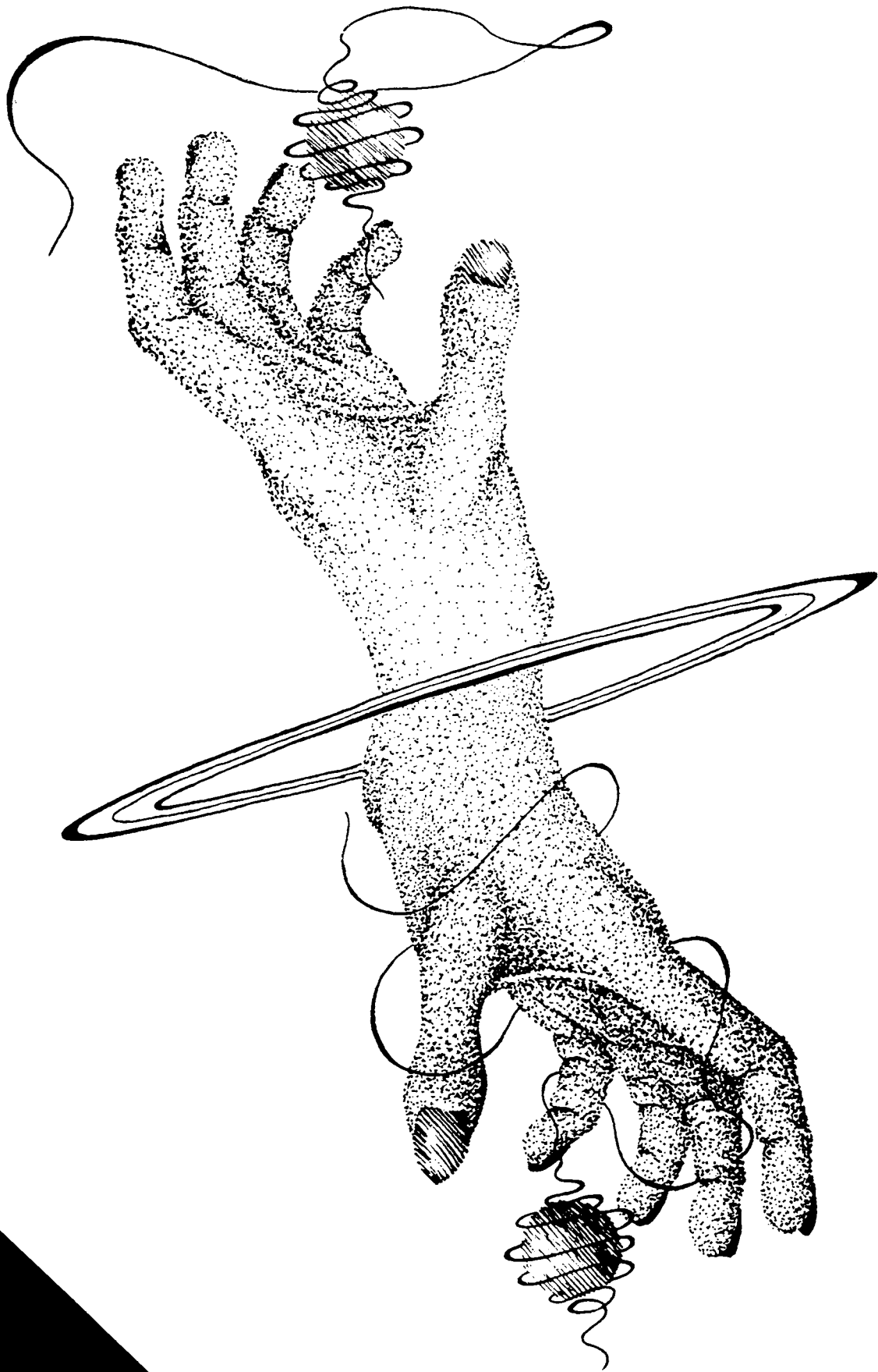
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School: Richardson High School, Richardson

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The Governor

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

Appointments Made May 2, 1990

To be a judge of the **238th Judicial District Court, Midland County** until the next General Election and until his successor shall be duly elected and qualified: John Gary Hyde, 2610 Terrace, Midland, Texas 79705. Mr. Hyde will be replacing Judge Vann Culp of Midland, who resigned.

To be a judge of the **Criminal District Court Number 1, Tarrant County** until the next general election and until her successor shall be duly elected and qualified: Sharen Wilson, 4417 El Campo, Fort Worth, Texas 76107. Ms. Wilson will be replacing Judge Louis E. Sturns of Fort Worth, who was elevated to the position of Judge of the Court of Criminal Appeals.

To be a member of the **Midwestern State University Board of Regents** for a term to expire February 25, 1996: Milburn E. Nutt, 2506 Gladney, Wichita Falls, Texas 76308. Mr. Nutt will be replacing Tom Blakeney, Jr. of Alvin, whose term expired.

To be a member of the **Texas State Technical Institute Board of Regents** for a term to expire August 31, 1995: David W. Taylor, 9120 Southwest Freeway, Houston, Texas 77074. Mr. Taylor will be filling the unexpired term of Noe Fernandez of McAllen, who resigned.

To be a member of the **Texas Cosmetology Commission** for a term to expire December 31, 1995: Nedum C. Muns, III, 3701 Spring Drive, Huntsville, Texas 77340. Dr. Muns will be replacing Dr. James R. Tarter of Odessa, whose term expired.

To be a member of the **Texas Commission for the Deaf** for a term to expire January 31, 1993: Clyde S. Black, Route 4, Box 461, Temple, Texas 76501. Mr. Black will be filling the unexpired term of J. Scott Hutchison of Dallas, who resigned.

To be a member of the **Fire Department Emergency Board** for a term to expire February 1, 1991: Barney J. Oldham, Route 2, Box 69, Bertram, Texas 78605. Mr. Oldham will be filling a new position pursuant to House Bill 708, 71st Legislature, Regular Session.

To be a member of the **Fire Department Emergency Board** for a term to expire February 1, 1991: Dan W. Stamper, 8918 East Drive, Austin, Texas 78753. Mr. Stamper will be filling a new position pursuant to House Bill 708, 71st Legislature, Regular Session.

To be a member of the **Texas Veterans Commission** for a term to expire December 31, 1995: James S. Novy, 9302 Northbend, San Antonio, Texas 78239. Colonel Novy will be replacing Lindon Williams of Baytown, who is deceased.

To be a member of the **Texas Water Well Drillers Board** for a term to expire September 15, 1995: Gary Dean Grant, P.O. Box 730, Abernathy, Texas 79311. Mr. Grant is being reappointed.

To be a member of the **Texas County and District Retirement System Board of Trustees** for a term to expire December 31, 1995: Steve Radack, 638 West Forest, Houston, Texas 77079. Mr. Radack will be replacing John P. Gayle, Jr. of Brazoria, whose term expired.

To be a member of the **State Committee of Examiners for Speech-Language Pathology and Audiology** for a term to expire August 31, 1995: Gene R. Powers, 11521 Spicewood Parkway, Austin, Texas 78750. Dr. Powers will be replacing Dr. Karen Jones Howard of Abilene, whose term expired.

To be a member of the **Radiation Advisory Board** for a term to expire April 16, 1995: James C. Martin, 1203 Rock Springs Road, Duncanville, Texas 75137. Mr. Martin will be replacing George Riddle of Houston, whose term expired.

To be a member of the **Radiation Advisory Board** for a term to expire April 16, 1995: Thomas M. Burnette, 2201 Maple Leaf, Plano, Texas 75075. Mr. Burnette will be replacing Russell F. Cash of Pasadena, whose term expired.

To be a member of the **Radiation Advisory Board** for a term to expire April 16, 1991: Joseph Miller Kenworthy, D.D.S., 201 Dodds, Gatesville, Texas 76568. Dr. Kenworthy will be filling the unexpired term of Dr. James W. Orr of Austin, who resigned.

To be a member of the **Hospital Licensing Advisory Council** for a term to expire December 7, 1993: David G. Borman, M.D., 3236 Church Camp Road, Iowa Park, Texas 76367. Dr. Borman will be filling the unexpired term of Dr. George Willeford, III of Austin, who resigned.

To be a member of the **Hospital Licensing Advisory Council** for a term to expire December 7, 1995: David C. Bush, 5134 Grape, Houston, Texas 77096. Mr. Bush will be replacing Fred J. Farmer of Houston, whose term expired.

To be a member of the **Family Farm and Ranch Advisory Board** for a term to expire January 31, 1995: James Ronnie Sullins, P.O. Box 104, Gatesville, Texas 76238. Mr. Sullins will be replacing Randall C. Dixon of Groesbeck, whose term expired.

To be a member of the **Egg Marketing Advisory Board** for a term to expire September 27, 1995: Terry A. Legan, 541 Sunset, Hurst, Texas 76053. Mr. Legan is being reappointed.

To be a member of the **Gulf States Marine Fisheries Commission** for a term to expire March 17, 1993: Charles Belaire, P.O. Box 1210, Fulton, Texas 78358. Mr. Belaire is being reappointed.

To be a member of the **Texas Judicial Council** for a term to expire June 30, 1995: Nick Taylor, 1203 Country Club Drive, Midland, Texas 79702. Mr. Taylor will be replacing Curt F. Steib of San Angelo, whose term expired.

To be a member of the **Texas Judicial Council** for a term to expire June 30, 1995: Rae Jackson, 1912 Buckner, Longview, Texas 75604. Mrs. Jackson will be replacing Gene McLaughlin of Ralls, whose term expired.

To be a member of the **Texas Judicial Council** for a term to expire February 1, 1993: Joe Spurlock, II, Tarrant County Courthouse, Fort Worth, Texas 76102. Judge Spurlock is being reappointed.

To be a member of the **Texas Judicial Council** for a term to expire February 1, 1993: Ray D. Anderson, Terry County Courthouse, Brownfield, Texas 79316. Judge Anderson will be replacing Judge Charles J. Murray of Fort Worth, who resigned.

To be a director of the **Office of State-Federal Relations** for a term at the pleasure of the Governor: Randy Erben, 210 Ellwood #120, San Antonio, Texas 78209. Mr. Erben will be replacing Henry Gandy of Kerrville, who resigned.

To be a member of the **State Seed and Plant Board** for a term to expire October 6, 1991: George B. Babcock, P.O. Box 5866, Lubbock, Texas 79417. Mr. Babcock will be replacing Keneal Swenson, Jr. of Lubbock, whose term expired.

To be a member of the **District IV Review Committee, Board of Medical Examiners** for a term to expire January 15, 1996: Clyde R. Danks, M.D., 7200 West Rim Drive, Austin, Texas 78731. Dr. Danks is being reappointed.

To be a member of the **Maternal and Child Health Advisory Committee** for a term to be determined later: Raymond Benski, M.D., 927 30th Street, Nederland, Texas 77627. Dr. Benski is being appointed to a new position pursuant to Senate Bill 1678, 71st Legislature, Regular Session.

Issued in Austin, Texas, on May 2, 1990.

TRD-9004545

William P. Clements, Jr.
Governor of Texas



Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, the Texas Government Code, Title 4, §402.042 and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Open Records Decisions

ORD-544 (RQ-1918). Request from Joe Damall, General Counsel, Texas Alcoholic Beverage Commission, Austin, concerning whether orders of summary suspension issued by the Texas Alcoholic Beverage Commission are excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Orders of summary suspension issued by the Alcoholic Beverage Commission are specifically made public by the Alcoholic Beverage Code, §5.47.

TRD-9004470

◆ ◆ ◆
ORD-545 (RQ-1919). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether deferred compensation information is excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Decision. Information regarding whether a specific public employee is participating in a deferred compensation plan, whether or how much that employee is contributing to any specific vendor, and that employee's cumulative account balance with any specific vendor is protected from public disclosure by common law privacy.

TRD-9004471

◆ ◆ ◆
ORD-546 (RQ-1921). Request from Mike Driscoll, Harris County Attorney, Houston, concerning consent to release of medical records under Texas Civil Statutes, Article 4495b, §5.08.

Summary of Decision. A consent for the release of information is not in compliance with the Medical Practice Act, §5.08(j), unless it specifies the reasons or purposes for the release of the information. If the records to which the consent is granted are identifiable, they have been described with sufficient specificity.

TRD-9004472

Opinions

JM-1153 (RQ-1861). Request from Kenneth S. Ashworth, Executive Director, Texas Higher Education Coordinating Board, Austin, concerning constitutionality of legislation creating Central Texas University.

Summary of Opinion. The Texas Constitution, Article VII, §17, does not prohibit the creation of Central Texas University in accordance with new Chapter 113 of the Education Code, as enacted by the 71st Legislature in the Regular and First Called Sessions.

TRD-9004474

◆ ◆ ◆
JM-1154 (RQ-1843). Request from Juan J. Hinojosa, Chairman, Local and Consent Calendars Committee, Texas House of Representatives, Austin, concerning waiver of insurance deductible under The Business and Commerce Code, §27.02.

Summary of Opinion. A situation in which a person providing a good or service does not seek payment from an insured of the amount of his insurance deductible does not constitute a criminal offense under the Business and Commerce Code, §27.02(a).

TRD-9004475

◆ ◆ ◆
JM-1155 (RQ-1902). Request from Jimmy F. Davis, County-District Attorney, Castro County Courthouse, Dimmitt, concerning authority of an individual county commissioner to act with regard to road maintenance.

Summary of Opinion. The acceptance of donations of material to aid in maintaining county roads must be approved by action of the commissioners court. An ex officio road commissioner may not donate material from his own separate property to aid in maintaining roads in his own precinct without approval of the commissioners court.

TRD-9004476

◆ ◆ ◆
JM-1156 (RQ-1905). Request from William P. Hobby, Lieutenant Governor, The

State of Texas Office of the Lieutenant Governor, Austin, concerning child care facilities in building owned or leased by the State of Texas.

Summary of Opinion. Senate Bill 1480, Acts 1989, 71st Legislature, Chapter 1207, authorizes the development of child care facilities in state-owned buildings. It does not authorize the state to lease space for child care facilities in privately owned buildings. The bill does not authorize the construction of a new state building solely for the purpose of housing a child care facility. The bill authorizes the State Services and General Purchasing Commission to rent space for a child care facility at a rate that is reasonable to charge for a child care facility; that rate may be less than fair market value. It is for the State Services and General Services Commission, not the Child Care Development Board to determine what constitutes a reasonable rental rate.

TRD-9004477

◆ ◆ ◆
JM-1157 (RQ-1943). Request from Toby C. Wilkinson, Hunt County Attorney, Greenville, concerning whether the board of trustees of an independent school district may contract for tax collection with the county when the county assessor-collector is also a member of the board of directors of the appraisal district.

Summary of Opinion. The trustees of an independent school district may enter into an Interlocal Cooperation Act contract with the commissioners court of a county for the collection of taxes in an instance in which the county assessor-collector is a member of the board of directors of the appraisal district in which the independent school district participates.

TRD-9004478

◆ ◆ ◆
JM-1158 (RQ-1807). Request from Gibson D. (Gib) Lewis, Speaker, Texas House of Representatives, Austin, concerning whether the purchase of fuel by a company that provides transportation services for a school district is exempt from taxation.

Summary of Opinion. Gasoline purchased by a public school district or its agent for the exclusive use of the district will be exempt from the state's first sale or use tax on motor fuels that is imposed by Chapter 153 of the Tax Code. Gasoline purchased by an independent contractor that has entered into a contract with a public school district to perform services, however, will not be exempt, even in an instance in which the gasoline so purchased will be used exclusively to perform the contracted services.

TRD-9004479

◆ ◆ ◆
JM-1159 (RQ-1906). Request from Bob McFarland, Chairman, Criminal Justice Committee, Texas State Senate, Austin, concerning enforcement of prohibitions against absenteeism in public schools.

Summary of Opinion. The attendance officer of a school district may refer a child, who has been voluntarily absent from school for 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period without the consent of his parents, to the county's juvenile probation department. The attendance officer shall file a complaint against the parent or person standing in parental relation to such a child in the county court, in the justice court of his resident precinct, or in the municipal court. Simultaneous prosecution of the parent in justice court and the child in juvenile court is not prohibited.

TRD-9004480

◆ ◆ ◆
JM-1160 (RQ-1938). Request from Jack Skeen, Jr., Criminal District Attorney, Smith County Courthouse, Tyler, concerning authority of a county to make exceptions to its standard sick leave policy.

Summary of Opinion. The commissioners court may set guidelines for additional sick leave for county employees to become effective prospectively. The commissioners court may not authorize county employees to transfer unused sick leave into a sick leave pool for the benefit of other employees.

TRD-9004481

◆ ◆ ◆
JM-1161 (RQ-1898). Request from Ted B. Lyon, Chairman, Subcommittee on Elections, Texas State Senate, Austin, concerning status of an individual who is appointed and sworn in as a district judge during a legislative recess but whose name is not submitted to the senate for confirmation, and related questions.

Summary of Opinion. A recess appointee of the governor to a district judgeship, who subsequently qualified, became the de jure judge of the court. The office became va-

cant, actually and not merely constructively, when the senate adjourned its next session sine die without having confirmed the appointee, even though neither the appointee's name, nor that of another to fill the vacancy, was submitted to the senate. Following adjournment, the governor was free to appoint another to hold the office during the recess, subject to later senate confirmation. Prior attorney general opinions in conflict with this opinion are overruled.

TRD-9004482

◆ ◆ ◆
JM-1162 (RQ-1816). Request from Tim Curry, Criminal District Attorney, Fort Worth, concerning status of trust funds held by a district clerk.

Summary of Opinion. The trust funds included in Chapter 117 of the Local Government Code include, inter alia, civil court deposits, probate court deposits, child support payments paid through the clerk's office, interpleader funds, superceded deposits, funds paid in satisfaction of judgments, other cash deposits made in lieu of bonds, minor's trust funds, and eminent domain deposits. The district clerk is not required to invest these funds for interest or to deposit them in separate accounts unless so ordered by the court or other authority. The costs of establishing and maintaining these trust funds are properly assessed against the party that ultimately receives them or as directed by the court at the time the funds are paid to the owner.

TRD-9004483

◆ ◆ ◆
JM-1163 (RQ-1834). Request from Paul T. Wrotenbery, Chairman, State Board of Insurance, Austin, concerning authority of a non-resident property and casualty insurance agent to transact certain business in Texas.

Summary of Opinion. Insurance Code, Article 21.11 prohibits "direct solicitation of insurance within this state" by a licensed non-resident property and casualty insurance agent. Under that prohibition, such a non-resident insurance agent may not propose to a person located in this state that he buy insurance, unless such "solicitation" is made through a Texas local recording agent, subject to statutory exceptions. A solicitation by such a non-resident agent from outside the state by mail or telephone to a person located in this state is a "solicitation...within this state" within the meaning of Article 21.11. Whether a particular contact constitutes a "solicitation" is a question of fact.

Whether the prohibition in Article 21.11 on direct solicitations by licensed non-resident property and casualty insurance agents violates the constitutional guarantees of freedom of speech or equal protection, or the privileges and immunities clause of Article

IV, would involve questions of fact that cannot be resolved in the opinion process.

TRD-9004484

◆ ◆ ◆
JM-1164 (RQ-1857). Request from Chet Brooks, Chairman, Health and Human Services Committee, Texas State Senate, Austin, concerning inclusion of fringe benefits in calculating the prevailing wage under Texas Civil Statutes, Article 5159a.

Summary of Opinion. A governing body is not required by Texas Civil Statutes, Article 5159a, to include the value of fringe benefits in its calculation of the prevailing wage in a given locality.

TRD-9004485

◆ ◆ ◆
JM-1165 (RQ-1872). Request from Carlos Valdez, Nueces County Attorney, Nueces County Courthouse, Corpus Christi, concerning whether consultant to private corporation that contracts with the state receives compensation directly or indirectly from state funds within the Texas Constitution, Article XVI, §40.

Summary of Opinion. An individual who contracts as an independent contractor with a private corporation that receives state funds under contract with the state does not receive all or part of his compensation either directly or indirectly from funds of the State of Texas within the Texas Constitution, Article XVI, §40. The individual may serve as a member of the governing body of a school district, city, town, or other local governmental district and receive salary for that service.

TRD-9004486

◆ ◆ ◆
JM-1166 (RQ-1928). Request from Frank W. Conard, II, District Attorney, Sweetwater, concerning use of controlled substances as bait in a sting operation.

Summary of Opinion. The release of a forfeited controlled substance to a law enforcement officer for the purpose of delivering a sample to a suspect to induce the suspect to make a larger purchase is not permissible under the Health and Safety Code, §481.159.

TRD-9004487

◆ ◆ ◆
JM-1167 (RQ-1867). Request from A. W. Pogue, Commissioner, State Board of Insurance, Austin, concerning status of insurance programs in which applicants are referred, for a fee, to a single health care provider.

Summary of Opinion. Referral programs that "arrange for" services of single health care service providers at a discount to en-

rollees in return for a referral fee are not single health care service plans under the Insurance Code, Article 20A.02, relating to health maintenance organizations, where there is no prepayment for the actual single health care services provided.

TRD-9004488

◆ ◆ ◆
JM-1168 (RQ-1883). Request from Larry E. Kosta, Acting Executive Director, Texas Department of Licensing and Regulation, Austin, concerning extent of coverage of Texas Civil Statutes, Article 6687-9b, which regulates the operation of tow trucks.

Summary of Opinion. A 1989 amendment to Article 6687-9b, which deals with registration of tow trucks, did not broaden the scope of the registration requirements under that article.

TRD-9004489

◆ ◆ ◆
JM-1169 (RQ-1914). Request from Chet Brooks, Chairman, Health and Human Services Committee, Texas State Senate, Austin, concerning authority of the Texas Department of Health to reduce the financial eligibility criteria for the Chronically Ill and Disabled Children's Program.

Summary of Opinion. It is the duty of the Board of Health to enact rules for the Chronically Ill and Disabled Children's Program. The board must by rule define eligibility criteria for the program and, in case of budgetary limitations, establish by rule a system of priorities both for the types of services available and the classes of persons eligible for those services. Any attempt by the board to delegate these rule-making responsibilities is invalid.

TRD-9004490

◆ ◆ ◆
JM-1170 (RQ-1951). Request from Arnold W. Oliver, P.E., Engineer-Director, State Department of Highways and Public Transportation, Austin, concerning conveyance of land from the Texas Department of Corrections to the State Department of Highways and Public Transportation.

Summary of Opinion. A bill requiring the Department of Corrections to transfer certain real property to the Department of Highways and Public Transportation did not authorize the Department of Corrections to reserve to itself the mineral estate in that land.

TRD-9004491

◆ ◆ ◆
Requests for Opinions

(RQ-1974). Request from Robert Bernstein, M.D., F.A.C.P., Commissioner of Health, Texas Department of Health, Austin,

concerning whether the Texas Department of Health is required to inspect and license as a personal care home a boarding facility registered by the Department of Mental Health and Mental Retardation, and related questions.

(RQ-1975). Request from Benjamin Euressti, Jr., County Attorney, Cameron County Courthouse, Brownsville, concerning whether a Mexican National Commercial truck operator driving a Mexico-license commercial vehicle in the border areas of Texas is subject to the exemption provided in Texas Civil Statutes, Article 6687b, §3(e).

(RQ-1976). Request from Scott Warren Johnson, County Attorney, Reeves County Courthouse, Pecos, concerning authority of the Commissioners Court to set a maximum amount of reimbursable miles for deputy sheriffs.

(RQ-1977). Request from Mike Driscoll, Harris County Attorney, Harris County, Houston, concerning whether a Commissioners Court may prescribe a prevailing wage for certain contracts, and related questions.

(RQ-1978). Request from H. Tati Santiesteban, Chairman, Senate Natural Resources, Austin, concerning authority to create underground water conservation districts.

(RQ-1979). Request from Benjamin Euressti, Jr., County Attorney, Cameron County Courthouse, Brownsville, concerning whether a member of a public body is authorized to retain frequent-flyer mileage credits for his personal use, and related questions.

(RQ-1980). Request from D. C. Jim Dozier, County Attorney, Montgomery County Courthouse, Conroe, concerning supervisory authority over assistants to a county purchasing agent, pursuant to the Local Government Code, §262.011.

(RQ-1981). Request from Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, Austin, concerning authority of the Texas State Board of Registration for Professional Engineers to inquire about the county of origin of an applicant for licensure.

(RQ-1982). Request from Kenneth G. DeJarnett, Chairman, Texas Housing Agency, Austin, concerning authority of a municipality to require both a surety bond and a performance/payment bond from a single contractor, and related questions.

(RQ-1983). Request from Rick Hamby, District Attorney, Howard County Courthouse, Big Spring, concerning division of Taxing authority between two water conservation districts.

(RQ-1984). Request from James A. Lynaugh, Executive Director, Texas Department of Criminal Justice, Austin,

concerning whether the Texas Public Building Authority may refuse to fund a project specifically authorized by the Appropriations Act, and related questions.

(RQ-1985). Request from Stephen L. Crain, in care of Atlas and Hall, McAllen Independent School District, McAllen, concerning whether a teacher's lesson plans are excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

(RQ-1986). Request from Mary Ann Courter, Assistant General Counsel, Texas Department of Public Safety, Austin, concerning whether investigatory files on applicants for racetrack licenses are excepted from disclosure under the Open Records Act, Texas Civil Statutes, Article 6252-17a.

(RQ-1987). Request from Robert E. Talton, Attorney, City of Pearland, Pasadena, concerning effect of federal law on release of law enforcement information, and related questions.

(RQ-1988). Request from Larry E. Kosta, Executive Director, Texas Department of Licensing and Regulation, Austin, concerning enforcement of the Texas Boxing and Wrestling Act, Texas Civil Statutes, Article 8501-1.

(RQ-1989). Request from Ron Lindsey, Commissioner, Texas Department of Human Services, Austin, concerning authority of the Texas Department of Human Services to set the Medicaid income eligibility cap for children under age 6 at 133% of the federal poverty guidelines.

(RQ-1990). Request from Alger H. Kendall, Jr., District Attorney, 81st and 218th Judicial District, Karnes City, concerning authority of a sheriff to operate a soft drink machine in the county jail.

(RQ-1991). Request from Hugh Parmer, Chairman, Senate Intergovernmental Relations, Austin, concerning authority of a municipality to require health benefit provisions to be included in specifications for contract security guards.

(RQ-1992). Request from David M. Motley, Kerr County Attorney, Kerrville, concerning authority of a county to directly fund a fire district which serve only a portion of the county.

(RQ-1993). Request from Larry E. Kosta, Executive Director, Texas Department of Licensing and Regulation, Austin, concerning authority of a municipality to impose a registration fee and a bond on a state licensed air conditioning and refrigeration contractor.

(RQ-1994). Request from Dale Hanna, County Attorney, Johnson County, Cleburne, concerning authority of a county to pay a finder's fee to a real estate agent for locating a purchaser for county property.

(RQ-1995). Request from Jim Mapel,

Criminal District Attorney, Brazoria County, Brazoria County Courthouse, Angleton, concerning whether a performance/payment bond is required where there is a dispute as to the method for determining the amount of a contract.

(RQ-1996). Request from Tracey Bright, County Attorney, Ector County, Quessa, concerning authority of an incorporated physical therapist to hire an occupational therapist.

TRD-9004473



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 28. INSURANCE

Part I. State Board of Insurance

Chapter 3. Life, Accident, and Health Insurance

Subchapter T. Minimum Standards for Medicare Supplement Policies

• 28 TAC §§3.3306, 3.3308, 3.3312

The State Board of Insurance is renewing the effectiveness of the emergency adoption of amended §§3.3306, 3.3308, 3.3312, for a 60-day period effective May 4, 1990. The text of amended §§3.3306, 3.3308, 3.3312 was originally published in the January 12, 1990, issue of the *Texas Register* (15 TexReg 177).

Issued in Austin, Texas, on May 2, 1990.

TRD-9004454 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: May 4, 1990

Expiration date: July 3, 1990

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



Chapter 15. Surplus Lines Insurance

Subchapter A. General Regulation of Surplus Lines Insurance

• 28 TAC §15.27

The State Board of Insurance adopts on an emergency basis an amendment to §15.27, concerning exemption from minimum capital and surplus requirements of the Insurance Code, Article 1.14-2, §8(b). An imminent peril to the public welfare requires adoption of the amendment on an emergency basis to protect the insurance consuming public in the selection and purchase of insurance from unauthorized insurers by clarifying information which may be required by the commissioner in determining whether to grant an exemption from the minimum capital and surplus requirements of the Insurance Code, Article 1.14-2, §8(b), as allowed by the Insurance Code, Article 1.14-2, §8(c). The amendment

provides that the commissioner of insurance may consider other evidence of adequate reinsurance satisfactory to him, as well as trust funds or letters of credit.

The amendment is adopted on an emergency basis under the Insurance Code, Article 1.04(b), which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state, and under the Insurance Code, Article 1.14-2, §8(c), which authorizes the commissioner to exempt unauthorized insurers from the minimum capital and surplus requirements of the Insurance Code, Article 1.14-2, §8(b).

§15.27. Exemption from Minimum Capital and Surplus Requirements.

(a) (No change.)

(b) Requirements and standards for exemption by commissioner. The commissioner may exempt an unauthorized insurer from the minimum capital and surplus requirements provided by the Insurance Code, Article 1.14-2, §8(b), if it is determined, after public hearing, that the exemption is warranted. In determining whether such an exemption is warranted, the commissioner shall consider the evidence filed and presented relating to each of the following.

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

(4) Reinsurance contracts. The commissioner shall require that all of the ceded reinsurance of the insurer is with insurers licensed in any state or shall require evidence of acceptable trust funds or letters of credit pursuant to insurance laws of this state if the ceded reinsurance is with alien reinsurers, or other evidence of **adequate reinsurance satisfactory to the commissioner**. The commissioner may require actual copies of any executed reinsurance agreements.

(5)-(9) (No change.)

(c) (No change.)

Issued in Austin, Texas on May 3, 1990.

TRD-9004527 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: May 3, 1990

Expiration date: August 31, 1990

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



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 334. Underground and Aboveground Storage Tanks

Subchapter I. Underground Storage Tank Contractor Certification and Installer Licensing

• 31 TAC §§334.201-334.213

The Texas Water Commission is renewing the effectiveness of the emergency adoption of new §§334.201-334.213, for a 60-day period effective May 26, 1990. The text of new §§334.201-334.213 was originally published in the February 2, 1990, issue of the *Texas Register* (15 TexReg 529).

Issued in Austin, Texas, on May 7, 1990.

TRD-9004564 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: May 26, 1990

Expiration date: July 25, 1990

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



Subchapter H. Interim Reimbursement Program

• 31 TAC §§334.501-334.521

The Texas Water Commission is renewing the effectiveness of the emergency adoption of new §§334.501-334.521, for a 60-day period effective May 22, 1990. The text of new §§334.501-334.521 was originally published in the January 26, 1990, issue of the *Texas Register* (15 TexReg 409).

Issued in Austin, Texas, on May 7, 1990.

TRD-9004565 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: May 22, 1990

Expiration date: July 21, 1990

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





Name: Momtsho Cunningham

Grade: 10

School: Richardson High School, Richardson

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 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 179. Texas Rental Rehabilitation Program

Subchapter A. Contract Administration

• 10 TAC §179.1

The Texas Department of Commerce (Commerce) proposes an amendment to §179.1, concerning variances from the uniform grant and contract management standards (UGCMS) adopted by the Office of the Governor in 1 TAC §§5.141-5.166. The variances pertain to contracts awarded to units of general local government under the Texas Rental Rehabilitation Program (TRRP). The proposed amendment modifies current variances based on recent amendments to UGCMS adopted by the Office of the Governor.

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

Mr. Anderson 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 compliance with UGCMS adopted by the Office of the Governor. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Bruce W. Anderson, General Counsel, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, within 30 days after the date of this publication.

The amendment is proposed under Texas Civil Statutes, Article 4413(32g) which provide the Texas Department of Commerce with the authority to establish variations from the UGCMS through rulemaking, if such variations are required or specifically authorized by federal statute or regulation or state statute.

§179.1. *Uniform Administrative Requirements.*

(a) Purpose. The purpose of this section is to establish variations from the uniform grant and contract management standards (UGCMS) adopted by the Office of the Governor in 1 TAC §§5.141-5.166 [5.167] concerning uniform grant and contract management standards for state agencies.

(b) (No change.)

(c) Variations. In accordance with 24 Code of Federal Regulations, §§511. 11(c), .10, .11, .25, 31 and 40(b)(1) do not apply to TRRP program recipients [The rental rehabilitation and development grants under the United States Housing Act of 1937 (42 United States Code 1437), §17, Federal Rental Rehabilitation Grant Program regulations in 24 Code of Federal Regulations, Part 511, and other pertinent federal laws and regulations contain financial management conditions and assurances with which program recipients are required to comply and which are at variance with the standard financial management conditions and uniform assurances applicable to local governments under the UGCMS. The variations required by these federal statutes and regulations shall be applicable to contracts awarded to local governments under the TRRP and shall modify or supersede the UGCMS in the manner hereinafter specified.

[(1) Office of Management and Budget Circular A-192, Attachment C, as adopted by reference in the UGCMS, 1 TAC §5.154, is modified as follows.

[(A) Paragraph 3 is amended to read: The retention period starts from the final closeout of the rental rehabilitation grant award to the State of Texas under which monies to program recipients were made available.

[(B) Paragraph 6 is amended by adding independent auditor to the list of persons authorized to have access to recipient's books, records, documents, and papers.

[(2) Office of Management and Budget Circular A-102, Attachment H, as adopted by reference in the UGCMS, 1 TAC §5.159, shall be used only to the extent consistent with the United States Department of Housing and Urban

Development's most recent cash and management information system for the Rental Rehabilitation Program, and any modifications thereto. The cash and management information system shall be used as the basis for generating required financial reports, disbursing rental rehabilitation funds, collecting data, accounting for funds, and determining the frequency of reporting and the contents of reports.

[(3) In addition to the standard assurances (Office of Management and Budget Circular A-102, Attachment M, Standard Form 424, Part V) made by a program recipient in its application for rental rehabilitation funds, and in addition to the code of conduct (Office of Management and Budget Circular A-102, Attachment O, Paragraph 7) governing the performance of program recipients, employees, and agents, program recipients must ensure that no person who is an employee, agent, consultant, officer, or elected or appointed official of the program recipient that receives rental rehabilitation funds and who exercises or has exercised any functions or responsibilities with respect to assisted rehabilitation activities or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

[(4) The United States Housing Act of 1937 (42 United States Code §1437), §17, and Federal Rental Rehabilitation Grant Program regulations in 24 Code of Federal Regulations, Part 511, concerning federal laws and regulations with which program recipients are required to comply, constitute additional assurances under the UGCMS with which program recipients must comply.]

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 May 1, 1990.

TRD-9004495

William D. Taylor
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: June 11,
1990

For further information, please call: (512)
320-9666



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 II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

- 16 TAC §23.55

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption a proposed new §23.55 which appeared in the April 13, 1990, issue of the *Texas Register* (15 TexReg 2075). The effective date of this withdrawal is May 23, 1990.

Issued in Austin, Texas, on May 3, 1990

TRD-9004525

Mary Ross McDonald
Secretary of the
Commission
Public Utility Commission
of Texas

Effective date: May 23, 1990

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





Name: Curtis Williams

Grade: 10

School: Richardson High School, Richardson

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 II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.55

The Public Utility Commission of Texas adopts new §23.55, with changes to the proposed text as published in the March 2, 1990, issue of the *Texas Register* (15 TexReg 1138).

The new section establishes the regulatory framework for operator services by prescribing the conditions under which operator service providers (OSPs) may offer the service. These conditions are designed to assure that competitive operator services offered by OSPs are provided in a fair and reasonable manner and to maximize consumer choice by assuring consumers access to their carriers of choice when using telephones intended for use by the public.

The new section requires information to be provided to the consumer at the telephone set if the telephone is intended to be utilized by the public, unless a waiver is granted by the commission. The requirements that must be met before a call is completed by the OSP are listed. The new section provides that a caller will not be charged for any uncompleted call. Minimum emergency standards are set forth for OSPs that provide operator service to telephones intended to be utilized by the public. Customer complaint standards applicable to OSPs are set forth. Access requirements pertaining to telephones intended to be utilized by the public are included in the new section, as is the process for obtaining a waiver of the access requirements. The new section prohibits call splashing unless certain requirements are met. Local exchange carriers (LECs) are required to provide validation, billing, and collection services to other carriers on a nondiscriminatory basis. Enforcement procedures are specified. The new section clarifies that OSPs that are nondominant telecommunications utilities are subject to other requirements of the Public Utility Regulatory Act and commission rules that apply to nondominant telecommunications utilities in general.

All of the following submitted timely comments in response to the March 2, 1990 *Texas Register* publication: AT&T Communications of the Southwest, Inc. (AT&T); BramTel, Inc. (BramTel); Murphy, Moore &

Bell, on behalf of Brazoria Telephone Company, Inc., Byers/Petrolia Telephone Company, Inc., Community Telephone Company, Inc., Fort Bend Telephone Company, Inc., Lake Dallas Telephone Company, Inc., Muenster Telephone Corporation of Texas, and San Marcos Telephone Company, Inc. (Brazoria); Rolla L. Johnson and Associates, Inc. on behalf of Colorado Valley Telephone Cooperative, Inc. and Muenster Telephone Corporation of Texas (Colorado); Consumers Union (CU); Contel of Texas, Inc. (Contel); GTE Southwest Incorporated (GTE); John Staurulakis, Inc. on behalf of Brazoria Telephone Company, Hill Country Telephone Cooperative, Inc., and Lake Livingston Telephone Company (Hill); Intellicall, Inc. (Intellicall); International Telecharge, Inc. (ITI); MCI Telecommunications Corporation (MCI); Southwestern Bell Telephone Company (SWB); Texas Statewide Telephone Cooperative, Inc. (TSTCI), in support of the Texas Telephone Association's comments; Texas Telephone Association (TTA); and United Telephone Company of Texas, Inc. (United).

In the preamble of the proposed version of this new section published on March 2, several questions were posed that asked for specific comments regarding specific subsections of the section. The comments received in response to these questions are included in the summary of comments for the relevant subsection of the section.

TTA suggested that the definition of "operator service provider" (OSP) be revised in subsection (b)(2) to clearly state that the OSP is the person or entity that sets the rates in the case of automated or live operator services. Because there are a myriad of configurations used in the marketplace to provide operator services, the commission agrees that clarification is necessary. For instance, one OSP frequently contracts with another OSP to provide operator services. Based on comments received, it is clear that confusion exists about which party is the OSP in this case. The commission believes that if multiple entities are involved in processing an operator-assisted call, the OSP that controls the rates charged to the end user is the OSP that is responsible for branding the call, ensuring that notices are on the phones, ensuring that the access requirements are met, etc. Therefore, subsection (b)(2) is revised accordingly.

Colorado stated that consumers often experience difficulty in reaching the local exchange carrier (LEC) or the carrier of choice at phones intended to be used by the public. In order to improve the situation, Colorado recommended that the definition of "OSP" in subsection (b)(2) be clarified. Colorado suggested no specific language. The commission does not understand how chang-

ing the definition can solve the problem Colorado raised; therefore, no change is made to the definition. The commission further believes that the access requirements in subsection (h) (renumbered subsection (i)) should significantly reduce consumer difficulties.

One of the questions included in the preamble of the March 2 publication asked whether proposed subsection (b)(4) should be revised to define call aggregator as any person or entity except an LEC through which operator service is provided by contract. Colorado, Contel, GTE, and TTA commented that adding by contract to the end of the proposed definition would not cause a problem because House Bill 174 was intended to apply to those operator services that are provided by nonregulated OSPs pursuant to a contractual agreement. However, SWB warned that a loophole may be created by limiting the definition to situations where a contract exists and contended that the phrase "by contract" should not be included as part of the definition. SWB also proposed that the premise owner/occupant where LEC-owned public or semi-public telephones are located should be excluded from the definition of "call aggregator" because the premise owner has no control over the telephone equipment or the actual services provided by the LEC. AT&T suggested a definition that defines a call aggregator as an entity that makes telephones available to the public, uses an OSP, and receives commissions. AT&T also stated that the proposed definition, even if modified by adding "by contract", includes residential subscribers who allow third parties to use their telephones to place operator assisted calls. Brazoria and TTA commented that the LEC should remain excluded from the definition of "call aggregator".

Many of the requirements of the rule are enforced through a contract between a call aggregator and an OSP. However, determining who the call aggregator is or if a call aggregator exists becomes difficult in many situations where operator services are provided. For instance, in the private pay telephone situation, there may be a premise owner that receives commissions from the private pay telephone owner, a private pay telephone owner that receives commissions from the OSP, and an OSP that provides the operator services. Both the private pay telephone owner and the premise owner could be considered to be call aggregators. It was the commission's intent in proposing this new section that it would be implemented through the contract between the private pay telephone owner as the call aggregator and the OSP, because the private pay telephone owner has control over the equipment for purposes of posting notice and unblocking access codes. In the case of an AT&T card telephone at an airport, the airport may

receive commissions, but AT&T retains control over the telephone and serves as the OSP. A hotel may use automated equipment to capture operator-assisted call information and then route the call as a direct dialed call. In this case, no commissions are actually paid. The hotel acts as both the call aggregator and the OSP.

To clarify that the new section covers all situations where operator service is provided through telephones that are intended to be utilized by the public, which was the intent of the commission in the proposed new section, the commission adds new subsection (c) to require that a contract must exist when end user operator services for a call aggregator are provided through a telephone intended to be utilized by the public, unless the services are provided pursuant to an LEC tariff approved by the commission or as a presubscribed interexchange carrier. A new definition is added in subsection (b) to define telephones intended to be utilized by the public in this context. If the OSP owns or otherwise controls the telephones through which operator service is provided, new subsection (c) requires the OSP to meet all of the requirements of the new section that are otherwise required to be included in a contract, without the necessity of an actual contract. Thus, in the example, AT&T must meet all of the requirements of the new section, but does not need to include all of those requirements in a contract. Also, the hotel in the example must meet all of the requirements of the new section, but a contract is not necessary. All of the references to a contract between the OSP and call aggregator in the proposed new section have been reworded as a result of this change. At public and semi-public pay telephones owned by the LECs, new subsection (c) clarifies that LECs will be responsible for meeting the requirements of the new section even though another OSP is presubscribed for interLATA operator services. If an LEC or presubscribed interexchange carrier pays fees or other forms of compensation to a call aggregator, new subsection (c) clarifies that the LEC or presubscribed interexchange carrier must do so pursuant to a contract. Under the umbrella created by new subsection (c), call aggregator is now defined in subsection (b)(4) as any person or entity that owns or otherwise controls telephones intended to be utilized by the public. The changes discussed in this paragraph are all made by the commission to clarify which entity the commission intends to be subject to the requirements of the new section in certain situations.

Another question included in the preamble of the March 2 publication asked whether call aggregator should be redefined in subsection (b)(4) to exclude shared tenant service (STS) providers unless the telephones are intended to be utilized by the public. AT&T stated that shared tenant service providers should be excluded from the definition of "call aggregator" unless they are receiving commissions. BramTel, a shared tenant provider, commented that STS providers typically serve long-term business or residential tenants. According to BramTel, in such situations, the user has made a conscious and informed decision to use the STS provider and has signed a contract. BramTel

also stated that the tariffs that govern the provision of shared tenant service were designed to protect the STS end users and to ensure them of notice and a choice of providers. Colorado stated that the LECs' tariffs would probably determine whether the subject tenant service provider should be excluded from the definition of "call aggregator". Contel, GTE, SWB, and TTA commented that STS providers should not be excluded from the definition of "call aggregator". According to these parties, there is no distinction between operator services offered by an STS provider and operator services offered by a nonregulated OSP. Based on the changes made as a result of adding new subsection (c), the commission does not believe services provided by or through STS companies are subject to the new section unless the telephones are intended to be utilized by the public. If the telephones are intended to be utilized by the public, then the operator services provided either by the STS company or by another OSP through the STS company are subject to the new section. Therefore, the commission makes no additional revisions to the new section regarding STS providers.

ITI supported the proposed definition of "rate information" in subsection (b) (5) because it does not require OSPs to reveal proprietary information to their competitors. TTA submitted that the proposed definition does not define rate information and that the clause "The information to be provided by an OSP shall include..." should be added at the beginning of the definition. The commission believes the definition is clear as stated and no changes are made.

ITI contended that the definition of "end user choice" in subsection (b)(12) should be clarified to ensure that end user choice applies to both interLATA and intraLATA calls. The commission believes the definition does not need to be modified at this time. This new section does not purport to deal with the details of end user choice. Therefore, the definition of "end user choice" is not changed.

GTE submitted that LECs should remain excluded from the definition of "call aggregators" so that LECs do not have to meet the requirements of proposed subsection (c)(1) (renumbered subsection (d)(1)). Under new subsection (c), LECs would be expected to meet the requirements of renumbered subsection (d)(1). However, renumbered subsection (d)(3) overrides renumbered subsection (d)(1), and the public and semi-public pay telephones owned by the LECs are dealt with separately. This merely clarifies what the commission intended in the proposed section.

Colorado suggested that proposed subsection (c), (renumbered subsection (d)) requiring information to be posted on the telephone, should be revised to require a standard format. The commission agrees that the suggestion has merit. However, a recent attempt by some industry representatives to devise a standard format was unsuccessful. The commission is not prepared to order a standard format without further investigation.

ITI and MCI contended that proposed subsection (c)(1) (renumbered subsection (d)(1)) should be revised to allow OSPs to place notice cards on or near subscribed telephones rather than attached to the telephones. MCI further contended that the

commission has made no effort in proposed subsection (c) (renumbered subsection (d)) to distinguish the information requirements for pay telephones from the information requirements for the hospitality environment. The commission believes the requirement to attach notice cards to the telephone assures that the consumer will receive useful information in a consistent format. The commission also believes that consumers using pay telephones deserve the same information as consumers using a hotel guest room telephone. Therefore, no change is made.

Colorado suggested that proposed subsection (c)(1)(A) (renumbered subsection (d)(1)(A)) should be revised to require that the OSP's address be listed. Although this requirement was in this new section as adopted by the commission on an emergency basis, it is not added here because the commission is aware that limited space is available on telephones intended to be utilized by the public. The commission believes the customer is protected by renumbered subsection (d)(1) (D), which requires instructions for registering a complaint about the service at a designated toll-free telephone number to be posted on the telephone.

MCI suggested that proposed subsection (c)(1)(C) (renumbered subsection (d)(1) (C)), requiring posting of instructions for accessing the local exchange carrier, should be revised to exclude pay telephones from the requirement. MCI suggested that this requirement should be in §23.54, relating to private pay telephones, rather than in this new section. The commission believes that applying this requirement to pay telephones in this new section will result in greater uniformity of notice among telephones intended to be utilized by the public. Therefore, no change is made.

AT&T contended that proposed subsection (c)(1)(E) (renumbered subsection (d) (1)(E)), requiring posting of emergency instructions, should be revised to exclude this notice from being required in hospital settings. The commission believes the requirement is sufficiently flexible to allow the appropriate emergency instructions to be posted, even in a hospital setting. If a conflict exists, the commission believes that it will be better resolved in the waiver process. Therefore, no change is made.

Brazoria commented that proposed subsection (c)(1)(F) (renumbered subsection (d)(1)(F)), relating to posting of a notice that a caller may use another OSP and that the LEC can be contacted for instructions, should be deleted. Colorado commented that more specific instructions for contacting the LEC should be included. Contel commented that in the event the new section is changed to require all 0- calls to be routed to the LEC operator, the notice could be revised to instruct the caller to dial 0- for instructions. Contel contended that this would be less confusing for the consumer. Intellical suggested that instead of requiring the LEC to maintain instructions, the notice should be revised to instruct the caller to contact his/her preferred carrier for instructions. MCI suggested that the language be changed to clearly imply that the caller may use another carrier without inviting the caller to do so. TTA contended that the requirement placed on the LECs by

renumbered subsection (d)(1)(F) is blatantly unfair. Upon consideration of the comments, the commission believes the consumer is best served by having the proposed notice posted. However, the commission revises the subsection to make the language more useful for end users and to implement Intellicall's suggestion to instruct callers to use their carrier's instructions. These changes should reduce the number of calls to the local exchange carrier operator for assistance. In response to Colorado's suggestion, the commission believes renumbered subsection (d)(1)(C) will ensure that adequate instructions are available to customers. As for Contel's suggestion to route 0- calls to the LEC operator, the commission does not believe that this suggestion would facilitate the purpose of the new section, which is to ensure that competitive operator services are provided in a fair and reasonable manner.

Consumers Union strongly opposed proposed subsection (c)(2) (renumbered subsection (d)(2)), which allowed OSPs to use an average in determining whether to post a notice that charges are not regulated. CU is concerned that the OSP may charge considerably more than 115% of regulated rates for certain services. CU suggested three alternatives to trigger the posting of the notice: require any nondominant OSP to post the notice, require that the notice be posted if the charge for any service exceeds 115% of the dominant carrier's charge for the equivalent service, or add a new subparagraph stating that if the charge for any service is greater than 120% of the dominant carrier's charge for the equivalent service, the notice must be posted. Hill commented that subsection (c)(2), as proposed, would require LECs to compare their average charge to those of a dominant interexchange carrier and to post notice that the LEC's charges are not regulated if the LEC's average charge exceeds 115% of the dominant interexchange carrier's average charge. Intellicall urged the commission to adopt a wider band for making the comparison because there is no evidentiary record that demonstrates that the dominant carrier's rates recover costs or that demonstrates that it is reasonable to use that carrier's rates as a proper index of the rates that other carriers should charge. ITI stated that the attempt to tie a nondominant carrier's rates to a dominant carrier's rates is alien to traditional ratemaking theory, contrary to the requirements of the Public Utility Regulatory Act, and contrary to the standards of due process under constitutional law. However, if the commission is committed to requiring this notice, ITI suggested, in the alternative, that implementation of the billing, collection, and validation requirements should coincide with the implementation of the requirement that notice be provided if an OSP's average charge exceeds 115% of the average charge of a dominant carrier. In the interim, ITI suggested that the commission conduct a proceeding to determine whether and how an equitable and lawful rate standard can be established for nondominant OSPs. SWB opposed the placement of a notice on its public and semi-public pay telephones that states that the charges for some of the operator services (i.e. interLATA) provided through the telephone are not regulated. Instead, SWB proposed that the notice be in the form of a verbal announcement to the party that is being billed for the telephone call. TTA

suggested that the dominant carrier should be specifically listed as AT&T.

The commission agrees with CU that there is a possibility that an OSP may abuse the average charge provision by pricing very high for high volume services and pricing very low for low volume services. Therefore, the commission has added subsection (d)(2)(D) as suggested by CU. However, the commission uses 130%, rather than 120%, for the comparison percentage in recognition of the concerns raised by the industry regarding costs. In response to Hill's comments, the commission also amends renumbered subsection (d)(2) by omitting interexchange in "dominant interexchange carrier" so that average charges may be compared to a dominant interexchange carrier or an LEC. SWB's comments are addressed in the summary of comments regarding proposed subsection (c)(3). Because of the changes made based on Hill's comments, TTA's comment is no longer applicable. In response to Intellicall and ITI's comments, the commission believes that it is in the public interest to require that the consumer be notified if the average charge of the OSP exceeds 115% of a dominant carrier's average charge. Furthermore, the commission has the legal authority to require such notice and believes that no due process rights are violated by such a requirement. Because this provision does not constitute ratemaking, the commission need not and has not considered the appropriateness of any particular ratemaking theory in relation to this notice requirement. The commission has fully considered all comments regarding this requirement, and its legal authority to enact such a provision in this rulemaking proceeding is not hampered under the Administrative and Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a by the lack of an evidentiary record regarding dominant carrier rates and costs. The commission believes that consumers generally think that rates for telephone services are regulated. It is therefore clearly reasonable to use dominant carrier rates, which are subject to the commission's regulatory jurisdiction, as an index for a notice requirement that is reasonably calculated to inform a consumer that the price of a service he or she intends to use is not regulated. The requirements found in renumbered subsection (d)(2) are an appropriate compromise of the interests of the consumer and the industry. The commission is unpersuaded by the arguments of Intellicall and ITI to the contrary. Therefore, no change was made as a result of ITI and Intellicall's comments. Furthermore, the commission does not agree with ITI's alternative suggestion linking the implementation of the notice requirement with the implementation of billing, collection, and validation requirements because the notice requirement is designed to allow consumers to make an informed choice of carriers. The commission is not convinced that lack of billing, collection, and validation services for 18 months from LECs serving less than 10% of the access lines in Texas would have a significant bearing on whether an OSP would be required to post the notice that its charges are not regulated. The commission has no authority to establish rates for nondominant OSPs, and therefore does not believe the proceeding suggested by ITI to establish a rate standard is appropriate. The commission

is convinced that consumer perceptions, and not industry costs, should be the primary standard for notification requirements.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (c)(3), (renumbered subsection (d)(3)), regarding notices on public and semi-public pay telephones owned by the LECs, should be revised so that the notice that charges for (insert company name) operator services are not regulated would not have to be posted for OSPs that are presubscribed for these phones for interLATA operator services. AT&T suggested that the language of the notice could be changed to "Rates for operator services from this telephone may not be regulated..." in order to avoid any implication that LEC's rates are not regulated. Colorado suggested some language changes to the notice. Contel and SWB suggested that the caller be notified verbally that charges are not regulated so that the notice would not have to be posted on public and semi-public telephones owned by the LECs. SWB further stated that the verbal announcement should be made to the party that would be billed for the call. GTE contended that the notice should not be required on LEC public and semi-public telephones. However, GTE also stated that the consumer has a right to know when the OSP is an entity that is not subject to the traditional regulatory safeguards. TTA recommended that the requirements of proposed subsection (c)(3) should be waived if both the interLATA and intraLATA carriers providing operator services at a public or semi-public pay telephone owned by an LEC are regulated. As proposed, subsection (c)(2) would require the LECs to post a notice that their rates are not regulated, according to TTA. The commission believes that AT&T's suggestion may imply that the LEC's charges are not regulated, whereas the proposed language does not. The commission does not believe Colorado's comments warrant a change in the subsection. Although Contel and SWB's suggestions have merit, the commission does not believe that the verbal announcement is the solution at this time. Intellicall cited many problems with implementing a verbal announcement. Regarding TTA's comments, the commission believes that the changes to renumbered subsection (d)(2) resulting from Hill's comments address TTA's concerns also. GTE did not suggest any revisions that would allow the user to be notified when a nondominant OSP carries an interLATA call from a public or semi-public pay telephone owned by an LEC. Therefore, no change is made.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (c)(3) (renumbered subsection (d)(3)), regarding information posted on public and semi-public pay telephones owned by the LECs, should be revised so that the information must be posted for the interLATA OSP only rather than for the intraLATA and interLATA carriers. Contel does not believe the public interest is served by cluttering the telephone with information, but if posting for the interLATA OSP is required, Contel commented that the LEC should be allowed to recover the cost of posting for the interLATA OSP. GTE and TTA proposed that the information should be

posted only if the interLATA OSP is not regulated. GTE and TTA also stated that there is no compelling reason to post the information for the intraLATA OSP (i.e. the LEC). GTE also proposed that the LEC should be provided with a mechanism to recover the posting costs applicable to interLATA OSPs. SWB stated that requiring LECs to post double signage is unfair and unnecessary. TTA stated that call aggregators may change interLATA OSPs at will. TTA further stated that the cost of changing the information card on the LEC public and semi-public pay telephones will be borne by the LEC's customers, unless the service connection charges, at a minimum, are charged to the interLATA OSP each time a card is replaced due to a change in the OSP serving the telephone or a change in the information for the OSP serving the telephone. United is opposed to additional posted information on public and semi-public telephones owned by the LECs. United contended that it will be expensive to maintain updated information cards. United also stated that a verbal announcement could substitute for the information posting. MCI contended that if the information is necessary consumer information, then the information is necessary for both the interLATA and intraLATA carriers. Therefore, MCI believes that LECs should be required to post double signage. The commission is not convinced by the comments that posting should be eliminated for the interLATA OSP. However, in order to avoid double signage requirements, the commission agrees that there are not overwhelming reasons to require the information to be posted for the intraLATA OSP (i.e. the LEC). To the extent that the need for this information has been generated by the entry into the marketplace of multiple OSPs that are subject to limited regulatory jurisdiction, there is less need for such information from LECs, who are subject to the commission's broader regulatory jurisdiction. When weighed with the limited space available for posting, the commission believes that the appropriate balance is to require posting for interLATA OSPs but not for intraLATA OSPs. The commission agrees, however, that the consumer should be informed that another OSP may be used for intraLATA calls. The subsection is revised accordingly. The commission further agrees that there may be substantial costs involved in maintaining updated signage. Therefore, after initial signage requirements are posted, the LECs may file tariffs to recover the cost of maintaining and updating signs.

Colorado commented that proposed subsection (c)(4) (renumbered subsection (d)(4)) should be revised to clearly state that LECs may file an application for modification of the access requirements. The commission believes that LECs are by definition OSPs. Therefore, LECs may file an application for modification of the access requirements if necessary. No change is made to the subsection.

AT&T recommended that the language "audibly and distinctly identify itself to the customer upon answering calls" in proposed subsection (d)(1) (renumbered subsection (e)(1)) should be changed to "audibly and distinctly identify itself to the customer before charges are incurred." This is because AT&T contracts to provide operator services for LECs, and

0- calls cannot be differentiated between intraLATA and interLATA until a terminating telephone number is known. AT&T identifies an additional problem concerning the intraLATA calls it processes for the LECs. The problem is that AT&T's equipment cannot distinguish which LECs call is being answered. However, AT&T stated that this problem is being eliminated as AT&T upgrades its equipment. SWB commented that collect and third-number billed calls are a problem because the OSP may identify itself to the originating caller, but not to the billed party. The commission believes AT&T's concerns may be better addressed through the general waiver process available for commission rules. However, the commission agrees that SWB's concern is valid. Therefore, renumbered subsection (e) is amended to require branding of calls to the billed party if the billed party is different from the calling party.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (f)(1) (renumbered subsection (g)(1)) should be revised to exempt LECs for a period of four years from the without requiring a coin or credit card provision of this subsection, as it relates to embedded coin first public or semi-public pay telephones owned by the LECs. AT&T, Colorado, Contel, and GTE generally agree that LECs should be given an exemption period. However, some of these parties believe this rulemaking is not the appropriate forum for addressing this problem. Intellicall commented that there is no reason a financially healthy company should require a period of four years to eliminate coin first telephones. SWB suggested that it is not unreasonable to require private pay telephones to allow access to 911 without a coin or credit card without subjecting the LECs to the same requirement for public and semi-public pay telephones owned by the LECs. SWB further commented that requiring the elimination of coin first telephones would have a tremendous financial impact. TTA commented that proposed subsection (f)(1) does not apply to them since the LEC is not a call aggregator and there is no contract with a call aggregator. AT&T proposed that the words "by contract" should be deleted in this subsection because as long as the call aggregator is required to route the calls properly, there is no need to enforce the requirement by a contract. GTE and MCI commented that proposed subsection (f)(1) is confusing as it places the responsibility on the call aggregator, through a contractual requirement, to properly route 911 calls. GTE suggested that routing "0-" calls to the LEC will ensure proper emergency handling. MCI proposed that this requirement be deleted as it is not appropriate in the hospitality environment or the hospital environment, and private pay telephones and LEC pay telephones already meet the requirement.

The commission believes the requirement to route 911 calls directly to the 911 service authority without requiring a coin or credit card is an important emergency requirement and should be applied in all situations where telephones are intended to be utilized by the public. MCI's concern that it may not be appropriate in a hotel to allow a guest to call 911 directly is addressed by renumbered subsection (d)(1)(E), which allows the OSP to

require call aggregators to post appropriate emergency instructions (e.g. in case of emergency dial 0 for the front desk). However, if the caller fails to follow the directions and dials 911 directly, the call should not be blocked. Further, the commission believes that a four-year period for LECs to bring their public and semi public pay telephones into compliance appears reasonable based on the comments. The elimination of coin first telephone service requires replacement of embedded equipment. It is appropriate to allow more time to remedy the problems caused by this embedded equipment because to do otherwise could result in significant consequences for the general body of ratepayers. Renumbered subsection (g)(1) is amended to allow the four-year period for LECs to meet the requirement. The commission does not agree with TTA's comment that proposed subsection (f)(1) does not apply to the LECs. It was the commission's intent for public and semi-public pay telephones to be subject to the requirement. Because of the changes made by adding new subsection (c), the commission believes public and semi-public pay telephones are now clearly subject to the requirement. Because GTE and MCI commented that proposed subsection (f)(1) was confusing because it placed the routing responsibility on the call aggregator, the commission revises renumbered subsection (g)(1) to require the call aggregator to allow 911 calls to be outpulsed directly to the local 911 public service answering point rather than requiring the call aggregator to route 911 calls directly to the local 911 service authority. The commission does not believe that routing 0- calls to the LEC will solve the problem of properly routing 911 calls; therefore, no change is made as a result of GTE's comment. The commission is not convinced by MCI's comments that the requirement should be deleted. Also, no change is made as a result of AT&T's suggestion to delete by contract. Without a contract, the requirement is not directly imposed on the call aggregator who actually controls the equipment.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (f)(2) (renumbered subsection (g)(2)) should be revised to exempt OSPs that use Feature Group D access and that allow digits dialed by the caller to be outpulsed exactly as dialed (i.e. where no redialer is used) from having to require in their contracts with call aggregators that 0- be routed to the LEC. Some OSPs provide operator services in this manner, and the 0- calls are routed to the LEC as a result of using Feature Group D access provided that no redialer is used. AT&T commented that there is no need to limit the means of enforcing the requirement to a contract whether Feature Group D access is used or not. The OSP or call aggregator will have to comply with the requirements of the subsection whether the requirements are contained in a contract or not, according to AT&T. MCI recommended that the by contract requirement should be eliminated when the OSP uses Feature Group D access and does not use a redialer. Brazoria and Colorado commented that using Feature Group D access does not compensate for the inability of a company to provide emergency service access. SWB contended that the by

contract provision of the subsection reinforces the protection the rule is attempting to provide to consumers and will insure 0- routing to the LEC without charge. The commission agrees with SWB that the by contract provision adds security and should be required of OSPs whether Feature Group D is used or not. Without a contract, the requirement is not directly imposed on the call aggregator who actually controls the equipment. Therefore renumbered subsection (g)(2) is not amended based on these comments.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (f)(2)(A)(i) (renumbered subsection (g)(2)(A)) should be revised to allow LECs to continue to use the current practice of identifying the location of the originating telephone from internal sources such as repair service or business office records. AT&T, Contel, GTE, and Hill commented that LECs should be allowed to continue their current practice of identifying the location of the originating telephone from internal sources because this practice has served customers well for many years, and a requirement to change is unnecessary. AT&T contended that no revision is necessary because the subsection as written does not prevent this practice. Colorado contended that the LECs are not subject to proposed subsection (f)(2)(A) (i). Intellicall suggested that the LECs should be required to implement automatic identification at the earliest reasonable date. SWB stated that the repair center database associates a service address with every working telephone number and is the most reliable record of the actual service location that is available within Southwestern Bell. SWB further stated that the assertion that some of the nonregulated OSPs have an advanced data base that lists all telephone locations is categorically false. SWB recommended that striking the word "easily" in proposed subsection (f)(2)(A)(i) would allow LECs to continue to use their present methods. TTA and United generally agreed with the comments of SWB. However, TTA raised the additional problem that LECs do not always have access to the repair service or business office records on a 24-hour basis. United raised the problem of four-party service where no automatic number identification is transmitted. The commission is convinced by the comments of AT&T, Contel, GTE, Hill, SWB, TTA, and United that the LECs' current practice is generally reliable. However, the commission is concerned that deleting the word "easily" may create a loophole for OSPs that do not have the repair service and business office records that the LECs have. Therefore, the commission has revised renumbered subsection (g)(2)(A) to specifically allow LECs to use repair service and business office records. The commission does not agree with Colorado that the LECs are not subject to the requirement. As for TTA's comment that repair service and business office records are not always available, the commission believes that these records should be available 24 hours a day. In order to clarify the commission's intent that these records must be accessible 24 hours a day, renumbered subsection (g)(2)(A) is also revised to make this clear. The commission believes that United's concern that automatic number identification is not available in the

case of 4-party service will be largely resolved because new subsection (c) and the corresponding changes to renumbered subsection (g)(2) result in limiting the requirement that the LEC be able to identify the originating telephone number to telephones that are intended to be utilized by the public. If telephones intended to be utilized by the public are served by 4-party service in some cases, the general waiver process is available.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (f)(2)(A)(iii) (renumbered subsection (g)(2)(C)) should be revised to exempt the embedded "coin first" public or semi-public pay telephones owned by the LECs from the "without requiring a coin or credit card" provision for a period of four years. Generally, AT&T, GTE, Colorado, Contel, Intellicall, and SWB's comments were the same as the comments regarding proposed subsection (f)(1). TTA did agree that the LECs were subject to this requirement and further agreed that the four year period was reasonable. The commission believes that a four year period for LECs to bring their public and semi-public pay telephones into compliance appears reasonable based on the comments. Renumbered subsection (g)(2)(C) is amended to allow the four year period for LECs to meet the requirement.

Colorado contended that proposed subsection (f)(2)(B), requiring an emergency service report to be filed with the commission, should be revised to clearly state that the LECs must file the emergency service report for LEC service only and not on behalf of any other OSP. GTE proposed that the LECs be exempted from this requirement because the LECs are already subject to state regulation. TTA stated that the LECs believe the commission is aware of how the LECs handle emergency calls because the commission staff conducts quality of service investigations on the LECs. Therefore, TTA does not believe further reporting should be required from the LECs. Although this requirement was included in §23.55 as adopted by the commission on an emergency basis, the commission believes it is now appropriate to delete the requirement because the reports were used to determine if any additional emergency service requirements should be established. Renumbered subsection (g) is amended accordingly.

MCI contended that the policy statement contained in proposed subsection (f) (3) (renumbered subsection (g)(3)), regarding end user choice, is not necessary. MCI also stated that it believes that the phrase "end user choice" is misapplied as used in this subsection because the access requirements of proposed subsection (h) (renumbered subsection (i)) make it possible for most end users to use their carrier of choice. The commission believes that the policy statement that consumers should be allowed to access the carrier of choice from telephones intended to be utilized by the public is imperative. The definition of "end user choice" in subsection (b) refers to a system that allows automatic routing of interexchange, operator-assisted calls to the billed party's chosen carrier without the use of access codes. Therefore, end user choice differs from the access requirements of the rule in two very

significant ways. First, the billed party determines the carrier of choice rather than the caller. Second, the routing can be done without the use of access codes. The commission recognizes that end user choice is not technically feasible at this time. However, the commission believes that it should be perfectly clear that it supports the concept that the billed party should be able to choose the carrier using the most convenient and efficient method available. The commission wants OSPs to be aware that the commission supports this concept so that OSPs can make their business decisions accordingly. If the costs to implement the technology necessary to allow end user choice, as defined in the rule, outweigh the benefits, the subsection can be revised by the commission.

TTA contended that proposed subsection (f)(3) (renumbered subsection (g)(3)) should be revised to clarify when and how LECs should upgrade equipment. TTA is concerned that when the technology is available in the marketplace, LECs will be required to completely upgrade equipment. The commission does not believe the subsection, as proposed, requires the LECs to completely upgrade equipment merely because the technology becomes available in the marketplace. Therefore, no change is made.

Colorado suggested that proposed subsection (g)(1) (renumbered subsection (h) (1)), requiring OSPs to have a toll-free telephone number that callers may utilize to voice complaints, should be revised to cross-reference proposed subsection (c)(1)(D) (renumbered subsection (d)(1)(D)), requiring the toll-free complaint number to be posted on telephones intended to be utilized by the public. The commission believes the two subsections are clear as proposed. Therefore, no change is made.

SWB contended that proposed subsection (h)(1)(A) (renumbered subsection (i)(1) (A)) should be revised to allow all 0- calls to be routed to the local exchange carrier. SWB believes that until interLATA restrictions on SWB and asymmetric regulation are eliminated, the commission should recognize that it is in the public interest to preserve the contribution to the LECs' basic local exchange services that flows from the LECs' operator services. Alternatively, SWB suggested that proposed subsection (h)(1)(A)(i) (renumbered subsection (i)(1)(A) (i)) should be revised to clearly state that there is no charge to the calling party for those instances when the nonregulated OSP does transfer or redirect a call to the LEC operator. Regarding the routing of 0- calls, the commission's primary concern is that OSPs receiving 0- calls must be capable of handling emergency calls. The commission believes that renumbered subsection (g) appropriately addresses requirements for emergency calls. Renumbered subsection (g) also provides that end user choice, if available, must be used. Therefore, at this time there does not appear to be a compelling reason to require routing of 0- calls to the LECs. Therefore, no change is made to proposed subsection (h) (1)(A). However, the commission does agree with SWB's suggestion to clarify proposed subsection (h)(1)(A)(i) to clearly state that there will be no charge to the calling party for accessing the LEC. Therefore, renumbered subsection (i) (1)(A)(i)

is revised to parallel renumbered subsection (i)(1)(A)(ii).

Contel contended that proposed subsection (h)(1)(B) (renumbered subsection (i)(1)(B)) mandates that Contel allow access to OSPs by use of 950-XXXX and 1-800 numbers through each access tandem even if the OSP had not ordered service from that tandem. This is not the intent of the commission. If there was confusion, the commission believes the revisions to the beginning of renumbered subsection (i), along with new subsection (c), clearly state that access should not be blocked from telephones intended to be utilized by the public. Therefore, the requirements of proposed subsection (h)(1)(B) (renumbered subsection (i)(1)(B)) apply to telephones intended to be utilized by the public and not to an LEC switch where an interexchange carrier has not ordered service.

Contel contended that proposed subsection (h)(1)(C) (renumbered subsection (i)(1)(C)) should be revised to specify that access to interexchange carriers by 10XXX dialing shall apply only to offices where the interexchange carrier has ordered service. The commission believes the revisions to the beginning of renumbered subsection (i), along with new subsection (c), should resolve any confusion. The requirements of proposed subsection (h)(1)(C) (renumbered subsection (i)(1)(C)) apply to telephones intended to be utilized by the public and not to an LEC switch where an interexchange carrier has not ordered service.

GTE opposed proposed subsection (h)(2) (renumbered subsection (i)(2)) because it requires the LEC to provide the call aggregator with names and addresses or telephone numbers of interexchange carriers that can be accessed by use of 10XXX dialing from the call aggregator's facility. The commission makes no change to the proposed subsection (renumbered subsection (i)(2)) in response to this comment because this information should be used by the LEC in balloting customers that must choose a primary interexchange carrier when applying for local service. Therefore, the information should be available.

TTA recommended that the phrase "that provides local service to the call aggregator" should be inserted after "local exchange carrier" in proposed subsection (h)(2) (renumbered subsection (i)(2)). The commission agrees that this change clarifies which LEC is responsible for providing the call aggregator with the names of interexchange carriers that can be accessed by use of 10XXX dialing from the call aggregator's facilities. Therefore, renumbered subsection (i)(2) is changed accordingly.

TTA contended that proposed subsection (h)(3)(B)(vii) (renumbered subsection (i)(3)(B)(vii)) denies the LEC due process if a generic waiver of equipment is granted. This is because the LEC serving the exchange affected by the generic waiver may not have been notified when the initial waiver was filed. When the initial waiver is filed, the only LEC that must be notified according to the proposed section is the LEC serving the exchange affected by that particular waiver. If a waiver of the access requirements is granted because of technical limitations of a particular make and model of equipment, the waiver is

deemed to apply to other OSPs and call aggregators for that same make and model. LECs other than the LEC notified when the waiver was initially filed may be affected by this extension of the waiver. The commission agrees that other telecommunications utilities will be affected by waivers applicable to specific equipment, and therefore should receive notice of the waiver application. Subsection (i)(3)(B)(i) is amended accordingly.

Another question included in the preamble of the March 2 publication asked whether proposed subsection (i)(1) and (2) (renumbered subsection (j)(1) and (2)) should be revised to exempt LECs with less than a certain number of access lines from having to offer validation, billing, and collection services on a nondiscriminatory basis. AT&T commented that the commission should consider the cost/benefit relationship before requiring smaller LECs to comply with these subsections. Colorado suggested that because some small LECs use contract services for providing validation, billing, and collection services, LECs with less than 5,000 access lines should be exempt from the requirements of proposed subsection (i)(1) and (2). Contel and TTA recommended that proposed subsection (i)(1) and (2) should allow the LECs flexibility in meeting the requirements and timelines. GTE recommended that LECs that do not issue credit cards and that do not maintain a verification database should be exempted from the requirements. GTE further stated that LECs that do not currently offer services to any interexchange carrier should not be required to do so. Hill suggested an exemption for LECs with less than 10,000 access lines, if the LEC can prove that there is no need for the services or that there would be a negative impact on the LEC's operations. Intellicall contended that size alone does not determine a company's ability to provide these services because several small LECs are already providing the services. MCI also commented that the size of the LEC should have no bearing on whether the LEC provides validation, billing, and collection on a nondiscriminatory basis. Rather than granting a generic waiver, Intellicall suggested that an LEC should be required to seek an individual waiver if the LEC can demonstrate why it cannot provide the services. Intellicall also suggested that the LECs be required to offer these services through an intermediary because the expense is reduced for OSPs. ITI commented that it generally supported the proposed subsection. TTA and Colorado stated that the LEC may not control the prices, terms, and conditions when the services are provided through an intermediary. Upon consideration of the comments, the commission agrees with Intellicall that the LECs should provide the services in a nondiscriminatory manner regardless of size. If circumstances prevent an LEC from complying, the general waiver process of the commission is available. The commission does not agree with Intellicall that the LECs should be required to make the services available through intermediaries, if the LEC is capable of providing the services directly. If there are LECs that do not issue credit cards and that do not maintain a verification database, as suggested by GTE, then the commission's general waiver process is available. The commission does not agree

with GTE's interpretation that LECs that do not currently offer services to any interexchange carrier would be required to do so for any interexchange carrier under the language in the subsection. Rather, it is the commission's intent that LECs provide the services in a nondiscriminatory manner. Proposed subsection (i) (renumbered subsection (j)) only requires the LEC to offer the services on the same prices, terms, and conditions that the LEC provides the services to any other interexchange carrier. Therefore, if the LEC does not provide the services to any interexchange carrier, the subsection does not require the LEC to begin offering those services. Upon consideration of TTA and Colorado's comment that the LECs do not control the contracts offered by the intermediaries, the commission believes the LECs can ensure that they contract with an intermediary that will offer the services on the same prices, terms, and conditions to all interexchange carriers. TTA and Contel did not convince the commission that the dates specified for compliance are insufficient. Therefore, no changes are made to the subsection.

United commented that it is inappropriate to include proposed subsection (i)(2) (renumbered subsection (j)(2)), billing and collection requirements, in an operator services rule. The commission believes that it is appropriate to address billing and collection issues in this subsection to the extent that they should be offered in a nondiscriminatory manner. Therefore, no change is made.

AT&T, Brazoria, Contel, GTE, Hill, Intellicall, SWB, TTA, and United contended that the requirements of proposed subsection (i)(3) (renumbered subsection (j)(3)), requiring LECs to provide access code information, are impractical and costly. If the subsection is not deleted, Contel commented that the list should be limited to the OSPs that provide the LEC with the necessary information in writing. GTE commented that the LECs should be allowed to recover costs incurred in providing access code information if the subsection is not deleted. Hill commented that the requirement should be limited to areas where equal access is available and should require the OSPs to be responsible for providing the LECs with the necessary information, if the subsection is not deleted. ITI recommended that the subsection should be revised to require LECs to give callers the access codes of only those OSPs specifically requesting that their codes be provided on request. ITI also suggested that the requirement that LECs provide access codes to callers be limited to only those LECs with one million or more access lines in the state. Intellicall does not want its access code on the list because of the potential for fraud. MCI commented that the concept has merit, but needs further refinement. If the subsection is not deleted, SWB recommended that it be revised to require OSPs to furnish the LECs with appropriate information and to allow the LECs to recover their costs. If the subsection is not deleted, TTA recommended that it be revised to require OSPs to furnish the LECs with appropriate information and that it be limited to 10XXX codes. United recommended that if the subsection is not deleted, it should be revised to allow LECs to recover costs. Upon consideration of the comments, the commission is not convinced

that the requirement should be deleted. This provision makes it easier for the end user to get information, and thus exercise available carrier options in a reasonable manner. The commission makes no decision as to whether the LECs should be allowed to recover from the OSPs costs associated with providing this service. The commission is convinced that it is appropriate for access code information to be provided to the LECs by the OSPs. However, an OSP should not be required to provide the access code information if it believes the risks of fraudulent use outweigh the benefits of wider disbursement of its access code. The commission is also convinced that it is reasonable to limit the number of access codes in some manner. The commission believes that the best way to limit access codes is to limit each carrier to one access code. However, the commission believes the carrier should be allowed to choose the most appropriate single access code. Therefore, the commission has made revisions to renumbered subsections (j)(3) and (1)(2) that implement these changes. The commission is not convinced that only LECs with more than one million access lines should be required to provide this service, as suggested by ITI. However, the commission is concerned that consumers in some areas may still not have a choice of carriers if multiple carriers do not (or cannot) elect to be on the local exchange carrier list. Therefore, the commission has added at renumbered subsection (j)(3) the requirement that the LEC may transfer the caller to the caller's carrier of choice if facilities that allow such transfer are available and if such transfer is otherwise allowed by law.

AT&T recommended that proposed subsection (j) (renumbered subsection (k)), regarding call splashing, should be revised to prohibit call splashing. MCI contended that the proposed subsection addressed the symptoms of a problem rather than addressing the problem. MCI stated the problem is that AT&T continues to instruct its customers to access AT&T by dialing 0+ even though the customer may reach another carrier that cannot validate the customer's credit card. MCI suggested the problem could be resolved by requiring AT&T to require its customers to utilize a proprietary access code or by requiring AT&T to allow access to the validation data necessary for other OSPs to validate the credit cards. TTA suggested that call splashing should only be allowed if a waiver of the access requirements in proposed subsection (h) (renumbered subsection (i)) has been granted. The commission believes that implementing TTA's suggestion at this time is the best solution. Renumbered subsection (k) is changed accordingly.

Another question included in the preamble of the March 2 publication asked whether subsection (k) (renumbered subsection (1)), relating to other requirements, should be revised to exempt the dominant carriers from the requirements of this new section until January 1, 1991. This question created a lot of confusion. It was not intended to ask if dominant carriers should be exempt from the Public Utility Regulatory Act or the commission's substantive rules for nondominant telecommunications utilities. Therefore comments regarding that interpretation are not summarized. Rather, the

question was intended to generate comments about whether dominant carriers should be exempt from this new section until January 1, 1991. AT&T contended that the dominant interexchange carrier should be excluded from the requirements of this new section until it is not subject to regulation of its operator services that is materially different from the regulation applicable to all other interexchange carriers that provide operator services. Colorado suggested that dominant carriers be excluded from the operator services rule until January 1, 1991. MCI contended that any requirements adopted should be applied to all OSPs. Upon consideration of the comments, the commission finds no compelling reason to exempt dominant carriers for a specific time period. Therefore, no change is made to proposed subsection (k) based on these comments. Other commenters, MCI, TTA, Contel, and GTE, stated that confusion exists in the proposed version of subsection (k). The proposed language appears to subject dominant carriers to the commission's substantive rules that apply to nondominant carriers. The commission amends renumbered subsection (1) to address these comments. Colorado and TTA also suggested that nondominant OSPs should be subject to the same quality of service standards as LECs. Although the suggestion appears to have merit, the commission is not prepared to adopt the recommendation without further investigation.

Additional comments were included by Intelicall in support of proposed subsections (f)(2)(A)(vi) and (h).

Several of the LECs, including Contel, GTE, Hill, SWB, and TTA commented that this new section should not apply to LECs because the intent of House Bill 174 was to provide some degree of consumer protection from the nonregulated OSPs. Attempting to apply this new section to LECs will only increase costs to the general body of rate payers, according to these companies. ITI supports the application of this new section to all OSPs in a non-discriminatory fashion. The commission believes that because the requirements are designed to protect consumers, there is no compelling reason to exclude the LECs. Furthermore, applying this new section to LECs is consistent with the House Bill 174 mandate that rules addressing operator services should be nondiscriminatory. The commission has authority to require LECs to comply with this new section pursuant to Texas Civil Statutes, Article 1446c, §16.

The commission makes some clarifying changes to the proposed new section. The second sentence of proposed subsection (a) is deleted because, as proposed, it was redundant. Renumbered subsection (h), relating to customer complaints, now applies only to nondominant OSPs because dominant OSPs are already subject to similar requirements in other commission substantive rules. However, dominant OSPs are required to have a toll-free telephone number to receive complaints and inquiries during normal business hours. A definition for "redirect a call" is added as subsection (b)(14). Renumbered subsection (d)(2) has been revised to eliminate the words "YOU MAY WISH TO INQUIRE BEFORE YOU PLACE A CALL" from the notice. This is done to facilitate space requirements and to elimi-

nate any implication that the LEC operator should be contacted for rate information. Instructions for contacting the presubscribed OSP for rate information are required to be on the information card by renumbered subsection (d)(1)(B).

Additional suggested language changes and other minor modifications were considered by the commission but not incorporated.

In addition, the commission considered fully the late-filed comments submitted by the Central Telephone Company of Texas in support of the comments of TTA, and the reply comments of International Telecharge, Inc.

The new section is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and §18A(h), which grants the commission all necessary power and authority to promulgate and establish procedures for the purposes of enforcing and implementing §18A.

§23.55. Operator Services.

(a) Purpose. The provisions of this section are intended to ensure that competitive operator services are provided in a fair and reasonable manner and to maximize consumer choice by assuring consumers access to their carriers of choice when using telephones intended for use by the public.

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

(1) Operator service—Any service using live operator or automated operator functions for the handling of telephone service, such as toll calling via collect, third number billing, and calling card services. The transmission of 800 numbers, where the called party has arranged to be billed, is not operator service.

(2) Operator service provider (OSP)—Any person or entity that provides operator services by using either live or automated operator functions. When more than one entity is involved in processing an operator service call, the party setting the rates shall be considered to be the OSP. However, subscribers to customer-owned pay telephone service shall not be deemed to be OSPs.

(3) Commission—The Public Utility Commission of Texas.

(4) Call aggregator—Any person or entity that owns or otherwise controls telephones intended to be utilized by the public. For the purposes of this definition, a person or entity controls a telephone if that person or entity has the authority to post notices and/or unblock access.

(5) Rate information—All charges ultimately charged to the end user by the OSP, including any surcharges, fees,

and any other form of compensation charged by the OSP on behalf of the call aggregator.

(6) Call transferring—Handing off a call from one OSP to another OSP.

(7) Call splashing—Call transferring (whether caller-requested or OSP-initiated) that results in a call being rated and/or billed from a point different from that where the call originated.

(8) 0- call—A call made by the caller dialing the digit 0 and no other digits within five seconds. A 0- call may be made after a digit (or digits) to access the local network is (are) dialed.

(9) Automatic number identification (ANI)—The ability to automatically identify the originating telephone number from the local switching system.

(10) Originating line screening (OLS)—A two-digit code passed by the local switching system with the ANI at the beginning of a call that provides information about the originating line.

(11) Administrative review—A process whereby an application is reviewed by the staff and the Office of Public Utility Counsel and ruled on by the presiding examiner without an evidentiary hearing and without an order signed by the commission.

(12) End user choice—A system that allows the automatic routing of interexchange, operator-assisted calls to the billed party's chosen carrier without the use of access codes.

(13) Telephones intended to be utilized by the public—Telephones that are accessible to the public, including, but not limited to, private pay telephones, public and semi-public pay telephones owned by local exchange carriers, telephones in guest rooms and common areas of hotels, motels, or other lodging locations, and telephones in hospital patient rooms.

(14) Redirect the call—A procedure used by OSPs that transmits a signal back to the originating telephone instrument that causes the instrument to disconnect the OSP's connection and to redial the digits originally dialed by the caller directly to the local exchange carrier's network.

(c) Requirements to provide operator service.

(1) An OSP that provides end user operator services for a call aggregator through a telephone intended to be utilized by the public must do so pursuant to a contract with the call aggregator, as a presubscribed interexchange carrier, or, in the case of a local exchange carrier, pursuant to a tariff approved by the commission.

(2) Notwithstanding the provisions of paragraph (1) of this

subsection, an OSP that owns or otherwise controls the telephones that are intended to be utilized by the public shall for those telephones comply with all provisions of this section otherwise required to be included in contracts between OSPs and call aggregators, without the necessity of a contract.

(3) Where an OSP is presubscribed for interLATA operator services at public or semi-public pay telephones owned by a local exchange carrier, the local exchange carrier shall for those telephones comply with all provisions of this section otherwise required to be included in contracts between OSPs and call aggregators.

(4) If a local exchange carrier or presubscribed interexchange carrier provides operator services through telephones intended to be utilized by the public, other than those telephones subject to paragraphs (2) and (3) of this subsection, and pays fees or other forms of compensation to a call aggregator, the local exchange carrier or presubscribed interexchange carrier shall do so pursuant to a contract with the call aggregator.

(d) Information to be provided at the telephone set.

(1) A contract between an OSP and a call aggregator for the provision of operator services through telephones intended to be utilized by the public shall require the call aggregator to attach to each telephone set that has access to the operator service and that is intended to be utilized by the public a card furnished by the OSP that provides:

(A) the name of the OSP;

(B) instructions for accessing the OSP, with a statement that the OSP will quote rate information upon request at no charge to the caller, 24 hours a day, seven days a week, or a statement that instructions for obtaining rate information are available at a designated toll-free telephone number, 24 hours a day, seven days a week;

(C) instructions for accessing the local exchange carrier operator, or a statement that instructions for accessing the local exchange carrier operator are available at a designated toll-free telephone number, 24 hours a day, seven days a week, except, local exchange carriers are exempt from this subparagraph;

(D) instructions for registering a complaint about the service at a designated toll-free telephone number;

(E) instructions in English and Spanish for accessing emergency service; and

(F) a notice that states, "You may use another long distance carrier. Follow your carrier's instructions, or contact the local exchange carrier operator for assistance.", or, in the case of telephones that directly route 0- calls to the local exchange carrier operator, a notice that states, "You may use another long distance carrier. Follow your carrier's instructions, or dial 0 for assistance."

(2) If the OSP's average intrastate charge (which includes all charges ultimately charged to the end user, including surcharges, fees, and any other form of compensation charged by the OSP on behalf of the call aggregator) exceeds 115% of the average intrastate charge of a dominant carrier, the contract between the OSP and the call aggregator for the provision of operator services through telephones intended to be utilized by the public shall require the call aggregator to attach to each telephone set that has access to the operator service and that is intended to be utilized by the public a card furnished by the OSP that legibly and conspicuously states in capital letters: CHARGES FOR (insert company name)'s OPERATOR SERVICES ARE NOT REGULATED. For the purposes of this paragraph, the OSP's average intrastate charge exceeds 115% of the average intrastate charge of a dominant carrier if the requirements of subparagraphs (A)-(D) of this paragraph are not met.

(A) The average operator surcharge of the OSP, which shall be calculated by adding the OSP's highest operator surcharges for 0+ station to station calls, 0- station to station calls, 0+ calling card or credit card calls, 0- calling card or credit card calls, 0+ person to person calls, and 0- person to person calls and dividing the total of such operator surcharges by six, does not exceed 115% of the average operator surcharge of a dominant carrier, which shall be calculated in the same manner. For purposes of this subparagraph, operator surcharges shall include any surcharges, any fees, and any other form of compensation charged by the OSP on behalf of the call aggregator.

(B) The average message telecommunications service (MTS) charge for one-minute, five-minute, and 10-minute calls of the OSP, calculated by determining the OSP's simple average one-minute MTS charge for all mileage bands and all time of day bands, the OSP's simple average five-minute MTS charge for all mileage bands and all time of day bands, and the OSP's simple average 10-minute MTS charge for all mileage bands and all time of day bands, and then averaging the three averages, does not exceed 115% of the average MTS service charge for one-minute, five-minute, and 10-minute calls of the same dominant carrier used in subparagraph (A) of this

paragraph. The average MTS charge of the dominant carrier shall be calculated in the same manner as the OSP's average MTS charge, using the rates for two-point service found in the dominant carrier's MTS tariff.

(C) All charges incurred by the end user are included in the calculation required by either subparagraph (A) or (B) of this paragraph.

(D) The OSP's charge (including any surcharges, any fees, and any other form of compensation charged by the OSP on behalf of the call aggregator) for any operator service call does not exceed 130% of the charge for the equivalent service of the same dominant carrier used in subparagraph (A) of this paragraph.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, in the case of public or semi-public pay telephones owned by the local exchange carrier, where the local exchange carrier is the OSP for intraLATA operator service and another carrier is the OSP for interLATA operator service, the interLATA OSP shall inform the local exchange carrier of the appropriate information to be posted, and the local exchange carrier shall post the information required by paragraphs (1)(A), (B), (D), and (2) of this subsection for the interLATA OSP. In addition, the local exchange carrier shall post the information required by paragraph (1)(E) and (F) of this subsection. After initial information cards are posted, local exchange carriers may file tariffs to recover from the OSPs presubscribed to public and semi-public pay telephones owned by the local exchange carriers the incremental cost for maintaining updated information cards plus a reasonable contribution.

(4) The commission may approve applications for modification of the requirements contained in this subsection upon showing of good cause. Applications for modification may be filed by the call aggregator or by the OSP. The commission shall process applications for modification using the following criteria and procedures.

(A) Each application for modification shall contain a certificate of service attesting that a copy of the request has been served upon the Office of Public Utility Counsel.

(B) Each application for modification shall clearly set forth the good cause for approval of the modification.

(C) Each application for modification shall initially be assigned a project control number, assigned to an examiner, and reviewed administratively.

(i) No later than 30 days after the filing date of the application, inter-

ested persons other than the commission staff and the Office of Public Utility Counsel may file written comments or recommendations concerning the application. No later than 60 days after the filing of the application, the commission staff shall, and the Office of Public Utility Counsel may, file written comments or recommendations concerning the application.

(ii) Within 90 days of filing, after administrative review, the presiding examiner shall approve, deny, or docket the application. The examiner may postpone a decision on the application beyond the 90th day after filing if he or she finds that additional information is needed to determine whether good cause exists.

(D) If the presiding examiner either approves or denies the application for modification, any participating party may request, within 10 days of the examiner's ruling, that the application be docketed, and upon such request, the application shall be docketed.

(E) If the presiding examiner either approves or denies the application for modification and no participating party has requested that the application be docketed, a copy of the examiner's ruling shall be provided to the commission. The commission may, within 40 days of the examiner's ruling, overrule the approval or denial and order that the application for modification be docketed.

(5) The requirements of this subsection shall not apply to telephones located in confinement facilities.

(e) Requirements before call is completed. The provider of operator services shall:

(1) audibly and distinctly identify itself to the customer upon answering calls;

(2) audibly and distinctly identify itself to the billed party if the billed party is different from the caller;

(3) quote rate information at the caller's request, without charge, 24 hours a day, seven days a week; and

(4) permit the caller to terminate the call at no charge prior to completion of the call by the OSP.

(f) Uncompleted call. There shall be no charge to the caller for any uncompleted call.

(1) No OSP shall knowingly bill for uncompleted calls.

(2) If the OSP cannot determine with certainty that a call was completed, it shall provide a full credit for any call of one minute or less upon being informed by a customer that the call was not completed.

(3) An uncompleted call includes, but shall not be limited to:

(A) calls terminating to an intercept recording, line intercept operator, or a busy tone; or

(B) calls that do not answer.

(4) An uncompleted call does not include calls using busy line interrupt, line status verification, or directory assistance services.

(g) 911 calls, 0- calls, and end user choice.

(1) A contract between an OSP and a call aggregator for the provision of operator services through telephones intended to be utilized by the public shall require the call aggregator to allow 911 calls to be outpulsed directly to the public service answering point without requiring a coin or credit card, except embedded public and semi-public pay telephones owned by the local exchange carriers shall be exempt for a period of four years from the without requiring a coin or credit card requirement of this paragraph.

(2) Where end user choice, as herein defined, is not available, a contract between an OSP and a call aggregator for the provision of operator services through telephones intended to be utilized by the public shall, require the call aggregator to allow 0- calls and to directly route all 0- calls to the local exchange carrier operator without charge to the calling party unless the OSP provides access to emergency service providers. In providing access to emergency service providers, the OSP shall:

(A) easily identify the originating telephone number and the location of the originating telephone, except local exchange carriers shall be allowed to identify the location using internal sources such as repair service or business office records if such internal sources are accessible to operators for emergency purposes 24 hours a day;

(B) have a complete and current list of all emergency service provider telephone numbers for each NPA-NXX served, including, but not limited to, police or sheriff, fire, and ambulance;

(C) be available 24 hours a day, seven days a week, without requiring a coin or credit card, except embedded public and semi-public pay telephones owned by the local exchange carriers shall be exempt for a period of four years from the without requiring a coin or credit card requirement of this paragraph;

(D) promptly connect the appropriate emergency service provider;

(E) stay on the line until such time as the operator determines that the caller has been connected to the proper emergency service provider; and

(F) require in the contract between the OSP and the call aggregator for the provision of operator services through telephones intended to be utilized by the public that the call aggregator make a test call when equipment providing access to the OSP is installed, serviced, or relocated and at least semi-annually from each originating telephone number subscribed to the OSP, in order to verify the originating telephone number and the location of the telephone, unless the OSP receives ANI, as defined in subsection (b)(9) of this section, for that telephone number.

(3) When and where available, use of end user choice, as herein defined, is required.

(4) The requirements of this subsection shall not apply to telephones located in confinement facilities.

(5) Nothing in this section shall be deemed to require the initial routing of 0- calls from public or semi-public pay telephones owned by the local exchange carrier to any OSP other than the local exchange carrier itself.

(h) Customer complaints. This subsection shall only apply to OSPs that are not dominant carriers except where otherwise stated.

(1) The OSP shall have a toll-free telephone number that callers may utilize, during normal business hours, to voice complaints and make inquiries. This paragraph also applies to dominant interexchange carriers.

(2) Upon complaint to the OSP by a customer either at its office, by letter, or by telephone, the OSP shall promptly make a suitable investigation and advise the complainant of the results thereof.

(3) In the event the complainant is dissatisfied with the OSP's report, the OSP shall advise the complainant of the Public Utility Commission of Texas complaint process, giving the customer the address and telephone number of the Public Information Division of the commission. If appropriate, the OSP shall also give the customer the commission's TDD number for the speech- and hearing-impaired.

(4) The OSP shall make a suitable investigation of all complaints forwarded from the commission on behalf of a customer. The OSP shall advise the commission of the results of the investigation in writing. Initial response to the commission shall be made within 30 days after the complaint is forwarded by the commission.

(5) The OSP shall keep a record of all complaints, showing the name and address of the complainant, the date and nature of the complaint, and the adjustment or disposition thereof. Such record shall be maintained for a period of two years subsequent to the final settlement of the complaint.

(i) Access. A contract between an OSP and a call aggregator for the provision of operator services through telephones intended to be utilized by the public shall require that the call aggregator allow access to the local exchange carrier operator serving the exchange from which the call is made and to other telecommunications utilities unless otherwise provided in paragraph (3) of this subsection.

(1) The access required by this subsection shall be provided subject to the conditions contained in subparagraphs (A)-(C) of this paragraph.

(A) Access to the local exchange carrier operator shall be accomplished either:

(i) by directly routing all 0- calls to the local exchange carrier operator, without charge to the caller; or

(ii) by transfer or redirection of the call by the OSP, without charge to the caller, in accordance with the requirements of subclauses (I)-(III) of this clause:

(I) the OSP shall transfer or redirect the call to the local exchange carrier operator serving the originating exchange;

(II) the OSP shall transfer or redirect the call to the local exchange carrier operator in such a way that the local exchange carrier operator receives all signaling information (e.g., ANI and OLS) that would have been received by the local exchange operator if the call had been directly routed to the local exchange carrier; and

(III) the OSP shall be in compliance with the requirements of subsection (g)(2) of this section.

(B) Access to interexchange carriers by 950-XXXX and 1-800 numbers shall not be blocked.

(C) Access to interexchange carriers by 10XXX+0 (whether 10XXX+0+ or 10XXX+0-) dialing shall not be blocked if the end office serving the originating line has originating line screening capability. A nonpresubscribed interexchange carrier shall not bill the call aggregator or the presubscribed interexchange carrier for lo-

cal or toll messages originated at the call aggregator's facility by use of 10XXX+0 (whether 10XXX+0+ or 10XXX+0-) dialing if the call aggregator:

(i) has subscribed to the necessary local exchange carrier-provided outgoing call screening to ensure that appropriate originating line screening is transmitted with each call; and

(ii) has provided 30 days notice to the interexchange carrier that originating line screening is available.

(2) The local exchange carrier that provides local service to the call aggregator shall provide to the call aggregator, upon request, the names, with addresses or telephone numbers, of interexchange carriers that can be accessed by use of 10XXX dialing from the call aggregator's facilities.

(3) Waivers to the access requirement may be granted by the commission to prevent fraudulent use of telephone services or for other good cause. An application under subparagraph (B) of this paragraph is not required for any generic waiver granted by subparagraph (A) of this paragraph.

(A) The commission finds that the following generic waivers of the access requirement are required to prevent fraudulent use.

(i) Access to interexchange carriers by 10XXX+0 (whether 10XXX+0+ or 10XXX+0-) dialing may be blocked if the end office serving the originating line does not have originating line screening capability.

(ii) Access to interexchange carriers by 10XXX+1 dialing may be blocked.

(iii) Access to the local exchange carrier operator and to other telecommunications utilities from telephones located in confinement facilities may be blocked.

(B) Applications for waiver of the requirement for access to the local exchange carrier operator or to other telecommunications utilities to prevent fraudulent use of telephone service or for other good cause may be filed by the call aggregator or the OSP. The commission shall process such applications for waiver using the following criteria and procedures.

(i) Each application for waiver shall contain a certificate of service attesting that a copy of the application has been served upon the Office of Public Utility Counsel and affected telecommunications utilities, such telecommunications utilities to include those identified in the list referred to in paragraph (2) of this subsection and the local exchange carrier serving the affected exchange. If the

application for waiver pertains to technical limitations of certain equipment, the application for waiver shall contain a certificate of service attesting that a copy of the application has been served upon the Office of Public Utility Counsel and all telecommunications utilities registered with or certificated by the commission. The certificate shall list the telecommunications utilities on which copies of the application were served.

(ii) If the application for waiver pertains to technical limitations of certain equipment, the equipment shall be clearly identified in the application, including the manufacturer and the model. The application shall indicate the date of purchase of the equipment by the call aggregator, the extent to which equipment is available to allow the access requirements to be met, the associated costs, and the time requirements associated with equipment modifications.

(iii) The access requirement shall not be enforced while the application for waiver is pending. However, if the application for waiver pertains to equipment that was purchased by the call aggregator later than 30 days after the effective date of this section, then the access requirement shall apply while the application is pending.

(iv) Each application for waiver shall initially be assigned a project control number, assigned to an examiner, and reviewed administratively.

(I) No later than 30 days after the filing date of the application, interested persons other than the commission staff and the Office of Public Utility Counsel may file written comments or recommendations concerning the application. No later than 60 days after the filing of the application, the commission staff shall, and the Office of Public Utility Counsel may, file written comments or recommendations concerning the application.

(II) Within 90 days of the filing, after administrative review, the presiding examiner shall approve, deny, or docket the application. The examiner may postpone a decision on the application beyond the 90th day after filing if he or she finds that additional information is needed to determine whether good cause exists.

(v) If the presiding examiner either approves or denies the application for waiver, any participating party may request, within 10 days of the examiner's ruling, that the application be docketed, and upon such request, the application shall be docketed.

(vi) If the presiding examiner either approves or denies the application for waiver and no participating

party has requested that the application be docketed, a copy of the examiner's ruling shall be provided to the commission. The commission may, within 40 days of the examiner's ruling, overrule the approval or denial and order that the request for waiver be docketed.

(vii) If a waiver of the access requirement is granted because of technical limitations of a particular make and model of equipment, the waiver is deemed to apply to other OSPs and call aggregators for that same make and model of equipment, but only if the equipment was purchased by the call aggregator no later than 30 days after the effective date of this section.

(j) Local exchange carrier requirements.

(1) Each local exchange carrier shall make validation information (e.g. local exchange carrier calling card numbers, whether an access line is equipped with billed number screening, or whether an access line is a pay telephone) available to any interexchange carrier requesting it by December 31, 1991, on the same prices, terms, and conditions that the local exchange carrier provides the service to any other interexchange carrier. The local exchange carrier may comply with the requirements of this paragraph by providing its own data base, making arrangements with another local exchange carrier to provide the information, or making arrangements with a third-party vendor.

(2) Each local exchange carrier shall offer billing and collection services to any interexchange carrier requesting it by December 31, 1991, on the same prices, terms, and conditions that the local exchange carrier provides the services to any other interexchange carrier. If validation information is available for calls that the interexchange carrier (or a third-party billing and collection agent operating on behalf of the interexchange carrier) will bill through the local exchange carrier, the interexchange carrier is required to validate the call and is allowed to submit the call for billing only if the call was validated.

(3) If a local exchange carrier receives a request from a caller to access another carrier, the local exchange carrier shall, using the same prices, terms, and conditions for all carriers, either:

(A) transfer the caller to the caller's carrier of choice if facilities that allow such transfer are available and if such transfer is otherwise allowed by law; or

(B) instruct the caller how to access the caller's carrier of choice if that carrier has provided the local exchange carrier with the information referred to in subsection (1)(2) of this section.

(k) Call splashing. Call splashing shall not be allowed unless a waiver of the

access requirements in subsection (i)(1)(A) of this section has been granted pursuant to subsection (i)(3) of this section and unless:

(1) the originating OSP first clearly and explicitly notifies the caller that the call will be splashed and may result in rating and/or billing of the call from a point different from that where the call originated; and

(2) the originating OSP allows the caller to abort the call without charge after notification that the call will be splashed.

(l) Other requirements.

(1) OSPs that are not dominant carriers are subject to the requirements contained in the Public Utility Regulatory Act and the commission's substantive rules for nondominant telecommunications utilities.

(2) If an OSP provides a local exchange carrier with access information, the OSP must provide a single access code, must detail, by NPA-NXX, where the access code can be used to access the OSP, and must provide the local exchange carrier with appropriate instructions for use of the access code. The OSP is responsible for ensuring that the access code specified is available for each NPA-NXX listed and for updating the information.

(m) Enforcement. The commission may investigate any complaint against any OSP, interexchange carrier, or local exchange carrier alleged to have violated the provisions of this section. The company shall be given an opportunity to informally resolve any complaint involving violation of these rules. If no resolution is achieved informally, the commission may upon its own motion or upon request of the original complainant, formally investigate the complaint and, upon proper notice, evidentiary hearing, and determination that a violation has occurred or is about to occur, may take action to stop, correct, or prevent the violation.

(n) Severability. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application. It is the intent of the commission that the provisions of this section are severable.

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

Issued in Austin, Texas on May 2, 1990.

TRD-9004526

Jo Campbell
Commissioner
Public Utility Commission
of Texas

Effective date: May 24, 1990

Proposal publication date: March 2, 1990

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

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**TITLE 22. EXAMINING
BOARDS**

**Part XII. Board of
Vocational Nurse
Examiners**

Chapter 231. Administration

General Practice and Procedure

◆ ◆ ◆
• 22 TAC §231.41

The Board of Vocational Nurse Examiners adopts an amendment to §231.41, without changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1770).

Paragraphs (1), (2), and (11) are adopted to comply with the increase imposed by the National Council Licensure Examination (NCLEX) fee which is effective immediately following the April 1990 licensure examination. Furthermore, in accordance with the Appropriations Act, the fee the board charges for the examination must be increased by an amount equal to NCLEX. The penalty fees are increased to comply with the Vocational Nurse Act, §8(c).

The Texas Peer Assistance Program for Impaired Nurses (TPAPIN) surcharge is established by House Bill 900, which allows the board the authority to implement a surcharge for establishing a peer assistance program to which impaired nurses may be referred in lieu of the board taking disciplinary action against their license.

The proposed increase in renewal fees and the reactivation fee is necessary to cover costs necessary to complete these processes. Rising computer costs and other associated expenses make the increase a necessity.

The adoption of this section establishes the fees to be charged by the Board of Vocational Nurse Examiners.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures, and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on April 30, 1990.

TRD-9004431 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: May 23, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 835-2071

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Disciplinary Action

◆ ◆ ◆
• 22 TAC §231.103

The Board of Vocational Nurse Examiners adopts an amendment to §231.103, without changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1771).

The adoption of this amendment allows for individuals with mental health impairment to be accepted into the program.

Furthermore, adoption of this amendment deletes the requirement that the mental health impairment be associated with chemical abuse.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures, and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on April 30, 1990.

TRD-9004430 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: May 23, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 835-2071

◆ ◆ ◆
Chapter 233. Education

General Provisions

◆ ◆ ◆
• 22 TAC §233.1

The Board of Vocational Nurse Examiners adopts an amendment to §233.1, without changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1771).

The amendment is adopted to encourage entry into vocational nursing programs to meet nursing shortages in Texas.

The amendment will also provide greater flexibility for programs to recognize and evaluate an applicant's relevant work experience, as well as prior nursing education.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures, and to carry in effect the purposes of the law.

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

Issued in Austin, Texas, on April 30, 1990.

TRD-9004432 Marjorie A. Bronk, R.N.,
M.S.H.P.
Executive Director
Board of Vocational Nurse
Examiners

Effective date: May 23, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 835-2071

◆ ◆ ◆
**TITLE 31. NATURAL
RESOURCES AND CON-
SERVATION**

**Part IX. Texas Water
Commission**

**Chapter 335. Industrial Solid
Waste and Municipal
Hazardous Waste**

**Subchapter J. Hazardous Waste
Generation, Facility, and
Disposal Fees System**

◆ ◆ ◆
• 31 TAC §335.325

The Texas Water commission adopts an amendment to §335.325, without changes to the proposed text as published in the March 20, 1990, issue of the *Texas Register* (15 TexReg 1584).

The Solid Waste Disposal Act authorizes the commission to assess fees against the operators of hazardous waste land disposal facilities. Fees are assessed for each dry-weight ton of hazardous waste which is deposited in a land disposal unit. Revenues from these assessments support the state's efforts to remediate abandoned waste disposal sites under federal and state Superfund Programs.

The Solid Waste Disposal Act requires that the commission establish a fee rate, to be revised as necessary, which will result in the deposit of between \$10 million and \$12 million in each biennium to the Hazardous Waste Disposal Fee Fund. Based on the projection of land disposal activity and the availability of all sources of revenue to the fund, a reduction in the current rate, from \$10 to \$8.00 per dry weight ton, is adopted.

The Texas Chemical Council provided comments in support of the proposal and suggested that a further reduction in the fee rate could be justified based on supplemental sources of revenue to be realized from interest earnings and fees on commercial facilities authorized by the 71st Legislature. Others providing comments expressed the concern that a reduction in revenues might restrict the state's ability to ensure adequate funding for state and federal Superfund program efforts. The commission feels that the reduction to \$8.00 per dry-weight ton is consistent with statutory authority and ensures the availability of funds to meet program requirements into the next biennium. Additional sources of revenue, such as commercial facility fees are available, but regulations to implement this source are not yet in place and have not yet

demonstrated actual levels of revenue to be contributed. In addition, the provisions of Senate Bill 1544 and Senate Concurrent Resolution 106, both of which passed in the 71st Legislature, Regular Session, require the commission to comprehensively evaluate the revenue mechanisms for all hazardous waste related programs and identify required levels of funding and needed improvements to fee programs. The longer term needs of the state's remediation activities and the revenues to be derived from various sources will be evaluated in that context during the next legislative regular session consistent with statutory obligations.

The amendment is adopted under the Texas Solid Waste Disposal Act, the Texas Health and Safety Code Annotated, Chapter 361, (Vernon Supplement 1989), as amended by Senate Bill 1502, Acts of the 71st Legislature, 1989, and Senate Bill 1544, Acts of the 71st Legislature, 1989, which provides the Texas Water Commission with the authority to establish a hazardous waste fee 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 May 2, 1990.

TRD-9004566 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: May 28, 1990

Proposal publication date: March 20, 1990

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

◆ ◆ ◆
TITLE 34. PUBLIC FINANCE
Part IV. Employees Retirement System

Chapter 81. Insurance

• **34 TAC §§1.5, §1.7**

The Employees Retirement System of Texas adopts amendments to §§1.5 and §1.7, without changes to the proposed text as published in the March 13, 1990, issue of the *Texas Register* (15 TexReg 20).

Under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA), persons participating in the Texas Employees Uniform Group Insurance Program (UGIP) are entitled to continue participation for a period of time, even though some event occurs which would otherwise terminate their participation. Recently, COBRA was amended by the Omnibus Budget Reconciliation Act. These amendments will bring the UGIP rules into compliance with the new federal law.

Under the amended rules, persons enrolled in UGIP may not be denied COBRA coverage because they are covered under another group health plan if the other plan contains a preexisting conditions limitation or exclusion applicable to the qualified participants. Persons enrolled in UGIP will be advised of their rights under the new federal legislation and the amended rules.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Insurance Code, Article 3.50-2, §4, which provides the Board of Trustees of 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.

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

Issued in Austin, Texas, on May 4, 1990.

TRD-9004546 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Effective date: May 25, 1990

Proposal publication date: March 13, 1990

For further information, please call: (512) 476-6431, ext. 213

◆ ◆ ◆
TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 19. Breath Alcohol Testing Regulations

Texas Ignition Interlock Device Regulations

• **37 TAC §§19.21-19.26**

The Texas Department of Public Safety adopts new §§19.21-19.26. Section 19.23 is adopted with changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1779). Sections 19.21, 19.22, and 19.24-19.26 are adopted without changes and will not be republished.

The new sections will ensure the public that Texas ignition interlock devices conform to and meet basic scientific parameters and standards in accordance with legislative intent.

The new sections promulgate regulations for the approval of models and classes of these devices, standards for the calibration and maintenance, and responsibility of manufacturers of these devices. Written notice from the department to a manufacturer approving a device is admissible in any civil or criminal proceeding in this state. The manufacturer shall reimburse the department for any cost incurred by the department in approving such device. The department may not be held liable in any civil or criminal proceeding arising out of the use of a device approved under these sections. Section 19.23 is adopted with changes to subsection (b) correcting an error in the last sentence regarding alcohol concentration of 0.03 g/210 liters or greater.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 6687b, §23A and §25(a), which provide the Texas Department of Public Safety with the authority to promulgate rules and regulations for administration of this Act.

§19.23. Technical Requirements.

(a) Accuracy. The midpoint value for the interlock device shall be 0.03 g/210 liters alcohol concentration. The accuracy of the device shall be 0.030 g/210 liters plus or minus 0.005 g/210 liters. The accuracy will be determined by analysis of an external standard generated by a reference sample device.

(b) Precision. The device shall correlate with a known alcohol concentration of 0.03 g/210 liters with accuracy set forth in subsection (a) of this section. A correlation of 95% will be considered reliable precision; 95 of 100 times the device must respond to, detect, and prevent the motor vehicle engine from operating when the operator has an alcohol concentration of 0.03 g/210 liters or greater, or any other limits as set by the scientific director.

(1) The proportions of false positive results shall not exceed 5.0%.

(2) The proportion of false negative and uncertain results shall not exceed 5.0%.

(c) Specificity. A test of alcohol-free samples shall not yield a positive result. Endogenously produced substances capable of being present in the breath shall not yield or significantly contribute to positive results.

(d) Temperature. The device shall meet the requirements of subsections (a) and (b) of this section when used at ambient temperatures of -20 degrees Centigrade to 83 degrees Centigrade or other limits as set by the scientific director.

(e) Barometric pressure. The device shall meet the requirements of subsections (a) and (b) of this section irrespective of atmospheric pressure or, as a minimum, operate according to said requirements at altitudes from 0 to 8,000 feet above sea level.

(f) Vibrational stability. The device shall meet the requirements of subsections (a) and (b) of this section when subjected to simple harmonic motion having an amplitude of 0.38mm (0.015 inches) applied initially at a frequency of 10 Hz and increased at a uniform rate to 30 Hz in 2 1/2 minutes, then decreased at a uniform rate to 10 Hz in 2 1/2 minutes. The device shall also meet the requirements of subsections (a) and (b) of this section when subjected to simple harmonic motion having an amplitude of 0.19mm (0.0075 inches) applied initially at a frequency of 30 Hz and increased at a

uniform rate to 60 Hz in 2 1/2 minutes, then decreased at a uniform rate to 30 Hz in 2 1/2 minutes.

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

Issued in Austin, Texas on May 2, 1990.

TRD-9004538

Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: May 25, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 465-2000



TITLE 43.
TRANSPORTATION
Part I. State Department
of Highways and Public
Transportation
Chapter 25. Maintenance and
Operations Division
Oversize and/or Overweight
Permits for Certain Oil Well
Related Vehicles

• **43 TAC §25.91**

The State Department of Highways and Public Transportation adopts an amendment to §25.91, without changes to the proposed text as published in the March 9, 1990, issue of the *Texas Register* (15 TexReg 1287).

In order to minimize the adverse effects on the depressed status of the petroleum industry, this section is amended to postpone the mandatory enforcement date for the reduction of axle weights for all oil well servicing, clean-out, and drilling vehicles from 30,000 pounds per axle to not more than 25,000 pounds per axle.

Paragraph (10) is amended to reflect that the mandatory enforcement date is changed from January 1, 1990 to January 1, 1991.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Articles 6666 and 6701d-16, which provide the State Highway and Public Transportation Commission with the authority to establish rules for the conduct of the work of the State Department of Highways and Public Transportation, and for the issuance of oversize and overweight permits for the movement of oil well servicing, clean-out, and drilling vehicles.

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

Issued in Austin, Texas, on May 2, 1990.

TRD-9004440

Diane L. Northam
Administrative Procedures
Technician
State Department of
Highways and Public
Transportation

Effective date: May 23, 1990

Proposal publication date: March 9, 1990

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



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 in open meeting adopted an amendment to the premium eligibility requirements for Workers' Compensation experience rating set forth in §III(1) of the *Texas Experience Rating Plan Manual*. The adopted rule amends the premium eligibility requirement for Workers' Compensation experience rating to at least \$10,000 premium developed during the last year of the experience period or at least premium of \$5,000 developed during the last two or more years of the experience period.

The amended premium eligibility requirements for Workers' Compensation experience rating apply on a uniform and standard basis to new and renewal Workers' Compensation policies at their next normal anniversary rating date on and after 12:01

a.m. June 1, 1990.

The Board adopted the amended rule under the authority and jurisdiction of the Insurance Code, Articles 5.55-5.68-1, 5.77, 5.78 and 5.96.

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 May 3, 1990.

TRD-9004517

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 1, 1990

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



The State Board of Insurance has adopted a filing submitted by the State Department of Highways and Public Transportation (department) of a revised form for the outdoor advertiser's bond.

In accordance with the provisions of the Texas Insurance Code, Article 5.97, a text of the proposed filing has been filed in the Office of the Chief Clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and

a public hearing was not requested by any party.

The outdoor advertiser's bond has been revised to specify an effective date for the bond. This action has been taken at the request of the department in order to give continuity to the transfer of sign permits from one owner to another. In order to transfer sign permits both owners must have on file valid outdoor advertiser's bonds.

There is no rate consequence to this form revision.

This filing becomes effective on and after 12:01 a.m., on the 15th day after notice of this action has been published in the *Texas Register*.

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 May 3, 1990.

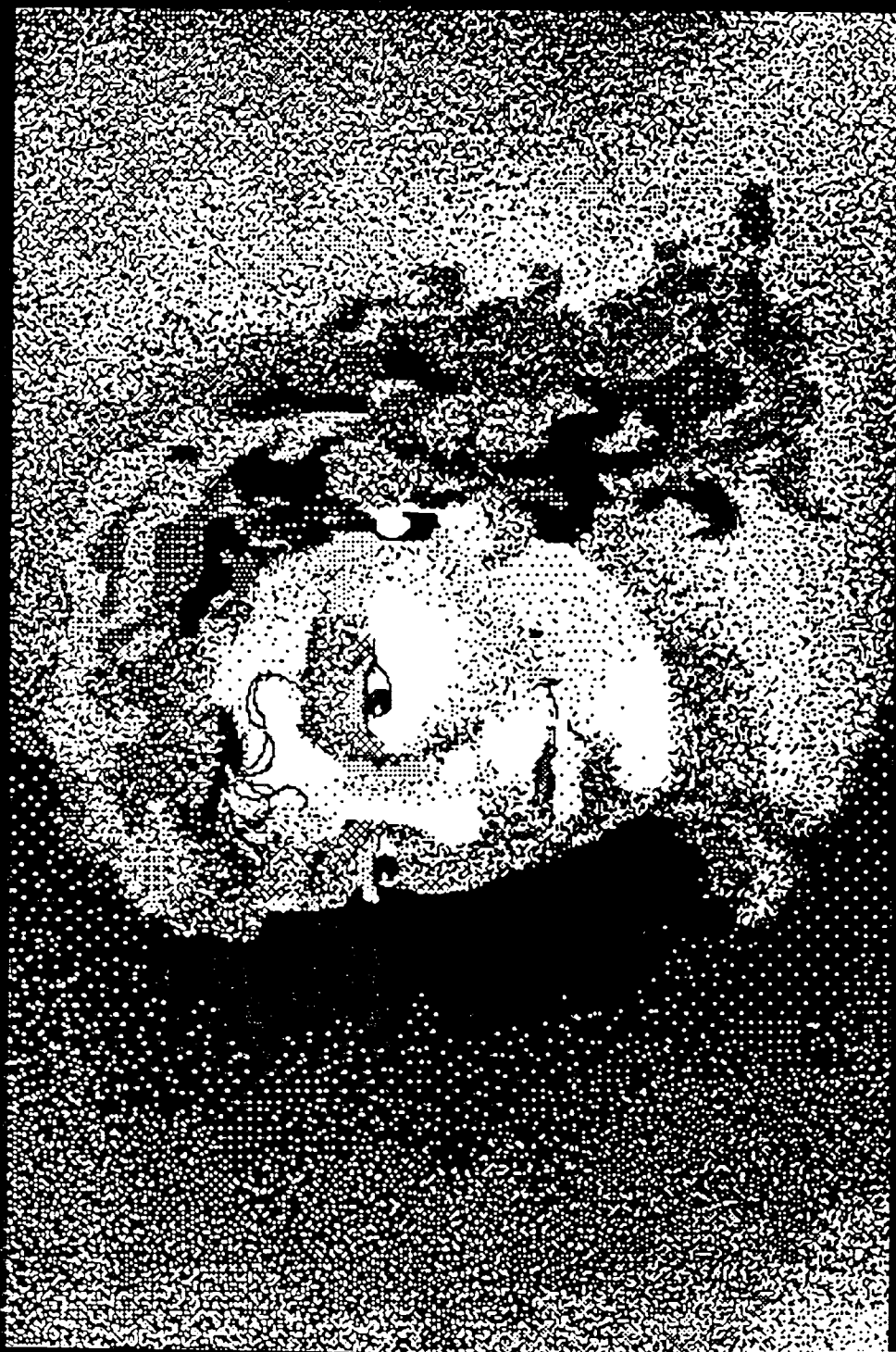
TRD-9004514

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: May 26, 1990

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





Name: Marina Shterenberg

Grade: 10

School: Richardson High School, Richardson

Open Meetings

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

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

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

Texas Department of Agriculture

Tuesday, May 15, 1990, 1:30 p.m. The Boll Weevil Pest Management Zone Committee of the Texas Department of Agriculture will meet at Texas A&M Research and Extension Building, Highway 44, Corpus Christi. According to the complete agenda, the committee will meet with the Lower Coastal Bend Boll Weevil Pest Management Zone Committee to discuss the planting situation, the upcoming cotton destruction program and the election of a new committee.

Contact: Annette Cardenas, P.O. Box 12847, Austin, Texas 78711, (512) 463-7517.

Filed: May 7, 1990 4:17 p.m.

TRD-9004600

Tuesday, May 15, 1990, 3 p.m. The Texas Department of Agriculture will meet at the District Office, 855 Central, Suite 31-B, Odessa. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Annotated §103.001, et. seq. by Bomer Produce Company, as petitioned by Griffin and Brand Sales.

Contact: Bruce Fant, P.O. Box 12847, Austin, Texas 78711, (512) 463-7589.

Filed: May 4, 1990, 10:46 a.m.

TRD-9004544

Tuesday, May 15, 1990, 7 p.m. The Southern Rolling Plains Cotton Producers Board of the Texas Department of Agriculture will meet at Miles Co-operative Gin, Board Room, 1 1/2 miles northwest of Miles on FM 1692. According to the agenda summary, the board will read and approve minutes; treasurer's report; report of activities; committee reports; old and new business.

Contact: Kenneth Gully, P.O. Box 30036, San Angelo, Texas 76903, (915) 469-3638.

Filed: May 7, 1990, 4:08 p.m.

TRD-9004597

Thursday, May 17, 1990, 10 a.m. The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review alleged violations of Texas Agriculture Code and/or Title IV of the Texas Administrative Code by C. L. Cloud, holder of commercial applicator license.

Contact: Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: May 3, 1990, 2:51 p.m.

TRD-9004508

Thursday, May 17, 1990, 1 p.m. The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review alleged violations of Texas Agriculture Code and/or Title IV of Texas Administrative Code by Troy Vaught doing business as Palm Flying Service, Complaint Number 07-86-0018.

Contact: Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: May 3, 1990, 2:51 p.m.

TRD-9004509

Thursday, May 17, 1990, 3 p.m. The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review alleged violation of Texas Agriculture Code and/or Title IV of Texas Administrative Code by Troy Vaught doing business as Palm Flying Service, Complaint Number 07-89-0020.

Contact: Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: May 3, 1990, 2:51 p.m.

TRD-9004510

Agricultural Resources Protection Authority

Saturday, May 12, 1990, 10 a.m. The Agricultural Resources Protection Authority will meet at the State Capitol Building, 1200 Congress Avenue, Texas Supreme Courtroom, Austin. According to the complete agenda, the authority will conduct a public hearing to take testimony on: proposed rules governing appeal to the authority; and proposed rule prohibiting use of chlordane.

Contact: Mack Martinez, 314 Highland Mall Boulevard, Suite 353, Austin, Texas 78752, (512) 453-0164.

Filed: May 3, 1990, 3:26 p.m.

TRD-9004519

Texas Air Control Board

Friday, May 18, 1990, 8:30 a.m. The Joint Meeting of the Budget and Finance Committee and Fee Review Committee of the Texas Air Control Board will be held at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committees will discuss and consider proposed budget increases for fiscal years 1992-1993; and discussion and approval of rebudget items.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 433.

Filed: May 8, 1990, 9:46 a.m.

TRD-9004620

Friday, May 18, 1990, 9:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committee will review and consider to adopt proposed revisions to Regulation VI.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: May 8, 1990, 9:46 a.m.

TRD-9004619

Friday, May 18, 1990, 10 a.m. The State and Federal Affairs Committee of the Texas Air Control Board will meet at 6330 Highway 290 East, Room 332, Austin. According to the complete agenda, the committee will discuss state legislation due to Federal Clean Air Act Amendments.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

Filed: May 8, 1990, 9:46 a.m.

TRD-9004618

Friday, May 18, 1990, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, TACB Auditorium, Austin. According to the agenda summary, the board will discuss approval of minutes of April 20, 1990 meeting; hear public testimony; reports; consideration and action on proposed rule; enforcement report; agreed enforcement orders; and new business.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 433.

Filed: May 8, 1990, 9:46 a.m.

TRD-9004617

Texas Commission on Alcohol and Drug Abuse

Tuesday, May 8, 1990, 1 p.m. The Board of Commissioners of the Texas Commission on Alcohol and Drug Abuse held an emergency meeting at the John H. Winters Human Services Center, Room 125E, Austin. According to the complete agenda, the commissioners discussed approval of February 14, 1990 minutes; public comment; TDC/TYC slide show for commissioners; legislative priorities and LAR for 1992-1993 biennium; report from Texas Summit Committee (Representative Blackwood); update on Dr. Carl Andersen's program at Texas Tech University; report on inter-agency contract with Department of Human Services—Medicaid coverage for adolescents; adoption of rules relating to approval process for facilities receiving court committed clients; licensure information regarding health maintenance organizations; executive director's report; and chairman's report. The emergency status was necessary because of change of location (no other changes).

Contact: Becky Davis or Larry Goodman, 1705 Guadalupe Street, Austin, Texas 78701-1214, (512) 463-5510.

Filed: May 4, 1990, 4:11 p.m.

TRD-9004549

Texas Commission for the Blind

Monday, May 14, 1990, 10 a.m. The Board of the Texas Commission for the

Blind will meet at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the board will conduct executive session pursuant to Article 6252-17, §2(e) and §2(g), Texas Civil Statutes to discuss personnel and pending legal matters; approval of minutes of February 12, 1990; presentation of certificates of recognition; approval of board travel; proposal to rescind \$159.21 relating to client appeals, and proposal of new \$159.21; proposal to rescind \$161.5 pertaining to confidentiality of records, and proposal of new \$161.5; approval of revised operating budget for fiscal year 1990; approval of expenditure for technological aids and appliances for children; proposed adoption of memorandum of agreement between agencies on transition planning; approval of capital purchases; approval of a commission logo; and executive director's quarterly report.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2601.

Filed: May 4, 1990, 3:43 p.m.

TRD-9004547

Thursday, May 17, 1990, 9:45 a.m. The Bryan Regional Office of the Texas Commission for the Blind will meet at 1502 Texas Avenue South, Ramada Inn, Bryan. According to the complete agenda, the office will conduct a public forum for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind and visually impaired Texans and commenting on the agency's state plan. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

Contact: Cecilia Berrios, P.O. Box 12888, Austin, Texas 78711, (512) 459-2611.

Filed: May 3, 1990, 1:58 p.m.

TRD-9004512

Texas Bond Review Board

Friday, May 11, 1990, 10 a.m. The Staff Planning Meeting of the Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the complete agenda, the board will discuss approval of minutes; consideration of proposed issue: University of Texas System—Commercial Paper Notes, Series A, and other business.

Contact: Tom K. Pollard, Room 506, Sam Houston Building, Austin, Texas 78711, (512) 463-1741.

Filed: May 3, 1990, 3:44 p.m.

TRD-9004524

Thursday, May 17, 1990, 10 a.m. The Texas Bond Review Board will meet in the Sergeant's Committee Room, State Capitol,

Austin. According to the complete agenda, the board will discuss approval of minutes; consideration of proposed issue: University of Texas System—Commercial Paper Notes, Series A; and other business.

Contact: Tom K. Pollard, Room 506, Sam Houston Building, Austin, Texas 78711, (512) 463-1741.

Filed: May 3, 1990, 3:43 p.m.

TRD-9004523

Texas Department of Commerce

Tuesday, May 15, 1990, 10 a.m. The Rural Economic Development Commission of the Texas Department of Commerce will meet in the Lt. Governor's Committee Room, State Capitol, Austin. According to the complete agenda, the commission will hear chairman's remarks; review of public hearings by task force chairmen; consideration of technical committees: scope of work, subject matter, appointments, and adoption of technical committee charges; and other business.

Contact: David Ellis, Texas A&M University, College Station, Texas 77843, (409) 845-5332.

Filed: May 4, 1990, 8:27 a.m.

TRD-9004533

Texas Department of Criminal Justice

Tuesday, May 15, 1990, 10 a.m. The Board of the Texas Department of Criminal Justice will meet at the Texas Law Center, 1414 Colorado Street, Room 101/102, Austin. According to the agenda summary, the board will conduct an executive session to discuss Ruiz litigation, pending/contemplated litigation, personnel matters, pending internal affairs investigations, and real estate purchase or exchange; convene Windham School Board; convene regular session of board, recognize the governor, discuss allocation formula, grants and funding, board policy relating to the Board of Pardons and Paroles, subcommittee reports, recognize outstanding employees, discuss updates on operation of private facilities, pending issues of the pardons and paroles division, authorization of construction/remodeling, selection of architect/engineer, and consent items.

Contact: Susan Power, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: May 4, 1990, 2:02 p.m.

TRD-9004543

Texas Department of Criminal Justice Board of Pardons and Paroles

Monday-Friday, May 14-18, 1990, 10 a.m. The Texas Department of Criminal Justice Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, a panel (composed of three board members) on a daily basis, will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: May 4, 1990, 10:48 a.m.

TRD-9004537

Daughters of the Republic of Texas, Inc.

Friday-Sunday, May 11-13, 1990, 8 a.m. Friday and Saturday, 8:45 a.m. Sunday. The Ninety-ninth Annual Convention of the Daughters of the Republic of Texas, Inc. will meet at the Adams Mark Hotel, Grand Ballroom, Houston. According to the agenda summary, the daughters will on Friday, May 11, 1990 hold assembly call and opening ceremonies; on Saturday, May 12, 1990: determination of quorum, announcement of closed session; ceremonial opening; report of credential committee; reports and recommendations of officers, committee chairmen, board of management regarding state owned properties, French Legation, the Alamo, D.R.T. Library, D.R.T. Museum; recess to executive session; re-open meeting; vote on unfinished public business; recess to meeting at 1:45 p.m. -reading of minutes of earlier session, recess to May 13. Sunday, May 13, 1990-determination of quorum, announcement of closed session; ceremonial opening; final credentials report, report of bylaws committee, amendments to bylaws affecting state owned properties, amendments to bylaws not affecting state owned properties, recess to executive session, if necessary; re-open, conclude business; recess to 2:45 p.m. reading of minutes; adjourn public business session.

Contact: June Franklin Naylor, 2706 East 17th, Odessa, Texas 79761, (915) 366-8360.

Filed: May 3, 1990, 4:52 p.m.

TRD-9004539

Texas Employment Commission

Tuesday, May 15, 1990, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; executive session to discuss contemplated litigation involving comprehensive language services program; actions, if any, resulting from executive session; consideration and approval of contract for architectural engineering services relating to agency-owned facilities in Fort Worth; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 20; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 7, 1990, 2:42 p.m.

TRD-9004577

Texas Department of Health

Monday, May 14, 1990, 2 p.m. The Texas Board of Health Special Meeting of the Texas Department of Health will meet in Room M-739, 1100 West 49th Street, Austin. According to the agenda summary, the board will discuss emergency and proposed rules concerning establishment of financial eligibility for the chronically ill and disabled children's services program; review and approve increases to be included in the Texas Department of Health budget request for 1992-1993; announcements and comments (no board of health action required).

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

Filed: May 4, 1990, 4:34 p.m.

TRD-9004559

Texas Department of Human Services

Tuesday, May 15, 1990, 1:30 p.m. The Adolescent Pregnancy and Parenthood Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, Third Floor, West Tower, Conference Room 3W, Austin. According to the complete agenda, the council will discuss approval of minutes; welfare reform; legislative appropriation request proposed service plans; APPAC report to the legislature; program updates; and wrap up.

Contact: Liz Silbernagel, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4163.

Filed: May 7, 1990, 8:16 a.m.

TRD-9004557

State Board of Insurance

Wednesday, May 16, 1990 8:30 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Boulevard, Austin. According to the complete agenda, the board will hear an appeal by Joe Anthony Chapa of Commissioner's Order 90-0217.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas 78701-1998, (512) 463-6328.

Filed: May 7, 1990, 3:47 p.m.

TRD-9004596

Monday, May 21, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment to Articles of Incorporation of Cigna Insurance Company of Texas, Irving, to increase stated capital. Docket Number 10803.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 7, 1990, 1:33 p.m.

TRD-9004574

Monday, May 21, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the complete agenda, the section will conduct a public hearing to consider the amendment to the Articles of Incorporation of The Variable Annuity Life Insurance Company, Houston. Docket Number 10807.

Contact: Lisa Lyons, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: May 7, 1990, 1:33 p.m.

TRD-9004576

Texas Department of Licensing and Regulation

Thursday, May 24, 1990, 10 a.m. The Industrialized Housing and Buildings of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, Room 1012, 920 Colorado Street, Austin. According to the complete agenda, the department will review minutes of last meeting; department update; old business: proposed adoption of 1990 edition of the National Electrical Code; new business: approval of alternate materials and methods of construction (Corlite Building Systems), code interpretation (occupant load), council

determination of life safety item, third party performance review, and approval of third parties; and hear public comments.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: May 7, 1990, 3:03 p.m.

TRD-9004578

Midwestern State University

Thursday, May 10, 1990, 3 p.m. The Board of Regents Executive Committee of the Midwestern State University met at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the complete agenda, the committee received reports concerning the career planning and placement office, the five year strategic master plan and university liability insurance; ratification of Daniel Building and Marchman Hall change orders; discussion of the acquisition of property was discussed in closed session as allowed by the Texas Open Meetings Act, §2(f).

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 1:59 p.m.

TRD-9004585

Thursday, May 10, 1990, 3:30 p.m. The Board of Regents Finance Committee of the Midwestern State University met at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the complete agenda, the committee discussed new fees and fee changes was recommended for the international student application fee, proficiency examination fee, tuition and fee loan origination fee and publications fee. Recommendations was made concerning holding of grades and transcripts and utilizing credit bureau and collection agencies. Additional scholarship funding was recommended for 1990-1991; summer budget funding was approved and items \$15,000 and under was ratified.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 1:59 p.m.

TRD-9004584

Thursday, May 10, 1990, 4 p.m. The Board of Regents Personnel and Curriculum Committee of the Midwestern State University met at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the complete agenda, the committee approved May graduates and position changes in the 1989-1990 budget; faculty requests concerning non-tenure track status; faculty leaves with pay; emeritus status for retiring faculty and administrators; policy manual

revisions; new instructional programs; and a change in the role and scope table was recommended for approval. Information was presented concerning the health insurance program. Tenure, promotion and a personnel matter was discussed in closed session as allowed by the Texas Open Meetings Act, §2(g).

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 1:59 p.m.

TRD-9004583

Thursday, May 10, 1990, 4:45 p.m. The Board of Regents Student Affairs Committee met at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the complete agenda, the committee discussed information presented concerning the telephone system consultant, Marchman Hall renovation, housing report, American's Greatest College Week '90, and the snack bar name.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 2 p.m.

TRD-9004582

Thursday, May 10, 1990, 5 p.m. The Board of Regents University Development Committee of the Midwestern State University met at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the complete agenda, the committee discussed summary of gifts, grants and pledges, September 1, 1989-April 13, 1990 and resolutions of appreciation for retiring board members and commencement speaker.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 2 p.m.

TRD-9004581

Thursday, May 10, 1990, 5:15 p.m. The Board of Regents Athletics Committee of the Midwestern State University met at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the complete agenda, the committee discussed an update report on athletics that was presented.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 2 p.m.

TRD-9004580

Friday, May 11, 1990, 9 a.m. The Board of Regents of the Midwestern State University will meet at the Hardin Administration Building Board Room, MSU Campus, Wichita Falls. According to the agenda summary, the board will discuss

recommendations received from the following committees: executive, finance, personnel and curriculum and university development. Information will be presented from the student affairs and athletics committees, as well as the president. An executive session will be held to discuss the acquisition of property, tenure and promotion and a personnel matter as allowed by the Texas Open Meetings Act.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: May 7, 1990, 2 p.m.

TRD-9004586

Texas Municipal Retirement System

Saturday, May 19, 1990, 9 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1200 North Interregional-35, Austin. According to the agenda summary, the board will conduct orientation of new board members, consider investment policy, consider and act on proposals for asset allocation study.

Contact: Jimmie L. Mormon, 1200 North Interregional-35, Austin, Texas 78701, (512) 476-7577.

Filed: May 4, 1990, 1:40 p.m.

TRD-9004541

Texas National Research Laboratory Commission

Tuesday, May 15, 1990, noon The Texas National Research Laboratory Commission will meet in the Johnson and Gibbs Law Offices, 100 Founders Square, 900 Jackson Street, Dallas. According to the complete agenda, the commission will consider and act on the following: resolution of the finance committee of the commission awarding sales of the State of Texas general obligation bonds, Series 1990 superconducting super collider project, in the aggregate amount of \$250,000,000 and providing for other matters related to the subject. The finance committee of the commission regarding investment of proceeds of State of Texas general obligation bonds, Series 1990 (SSC project), in the aggregate principal amount of \$250,000,000 and providing for other matters related to the subject.

Contact: Karen L. Chrestay, 1801 North Hampton Road, Suite 400, DeSoto, Texas 75115, (214) 709-6481.

Filed: May 7, 1990, 9:33 a.m.

TRD-9004568

Board of Nurse Examiners

Tuesday-Thursday, May 15-17, 1990, 8 a.m. The Board of Nurse Examiners will meet at the Ramada Airport Hotel, 5660 North IH-35, Conference Center, Room A, Austin. According to the complete agenda, the board will conduct hearings: Disciplinary hearings, add Cheryl Ann Neyland, Tx #4-45653, Article 4525(a)(12); miscellaneous: executive session—pursuant to Article 6252-17a—to discuss pending litigation.

Contact: Louise Waddill, R.N., P.O. Box 140466, Austin, Texas 78714, (512) 835-8650.

Filed: May 3, 1990, 1:57 p.m.

TRD-9004513

Texas State Board of Pharmacy

Tuesday-Wednesday, May 15-16, 1990, 9 a.m. The Texas State Board of Pharmacy will meet at the Wyndham Southpark Hotel, 4140 Governor's Row, (IH-35 and Ben White Boulevard), Austin. According to the agenda summary, the board will commence in open session to: review and discuss the updating of the fiscal year 1991-1995 strategic plan; hear an introduction and review the TSBP budget process; review the fiscal year 1990 expenditures to date; review and approve the fiscal year 1991 operating budget; review and approve the fiscal year 1992-1993 proposed budgets; review the fiscal year 1991-1993 cash flow projections; consider approval of April 19, 1990 disciplinary hearing minutes; consider approval of the fiscal year 1991 calendar of events; hear reports and discuss upcoming meetings, the State Auditor's visit to TSBP, and hear a report on the April 25, 1990 Texas Pharmacy Congress meeting; consider proposed agreed board orders; executive session to discuss pending litigation and personnel matters.

Contact: Fred S. Brinkley, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754, (512) 832-0661.

Filed: May 4, 1990, 10:41 a.m.

TRD-9004535

Texas State Board of Public Accountancy

Wednesday, May 9, 1990, 10 a.m. The Quality Review Committee of the Texas State Board of Public Accountancy held an emergency meeting at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee discussed the status of the Quality Review Program. The emergency status was necessary because of the urgency to meet regarding this committee's program prior to the full board meeting on May 11, 1990.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 4, 1990, 4:38 p.m.

TRD-9004558

Thursday, May 10, 1990, 10 a.m. The Quality Review Committee of the Texas State Board of Public Accountancy held an emergency meeting rescheduled from Wednesday, May 9, 1990 at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee discussed the status of the Quality Review Program. The emergency status was necessary because of the urgency to meet regarding this committee's program prior to the full board meeting on May 11, 1990.

Contact: Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: May 7, 1990 1:41 p.m.

TRD-9004594

Texas Public Finance Authority

Monday, May 14, 1990, 9:30 a.m. The Board of the Texas Public Finance Authority will meet at 1201 Brazos Street, Room 314, Austin. According to the complete agenda, the board will discuss approval of minutes; consider request for financing from SPGSC to fund purchase of OCS State Office Building; selection of bond counsel and financial advisor for SPGSC bond issue, if approved; request for financing from TDCJ to fund construction, renovation and major repair of certain correctional facilities; selection of bond counsel and financial advisor for TDCJ bond issue, if approved; adoption of policy and procedures for submission of bond issuance applications to Texas Bond Review Board; and discuss schedule for future TPFA board meetings.

Contact: Shannon Needham, 1201 Brazos, Room 313, Austin, Texas 78701, (512) 463-5544.

Filed: May 3, 1990, 11:33 a.m.

TRD-9004494

Public Utility Commission of Texas

Monday, May 14, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the division will conduct a prehearing conference in Docket Number 9516: petition of Magic Valley Electric Cooperative, Inc. for authority to change lighting tariffs.

Contact: Mary Ross McDonald, 7800

Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: May 3, 1990, 3:36 p.m.

TRD-9004529

Monday, May 14, 1990, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9495: petition of the City of Buda and the City of Dripping Springs for extended area service to the Austin Metro calling area.

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

Filed: May 3, 1990, 3:36 p.m.

TRD-9004530

Tuesday, May 15, 1990, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets: 6668 and 6753, 8425, 8646, 8914 and 9305.

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

Filed: May 7, 1990, 3:32 p.m.

TRD-9004588

Wednesday, May 16, 1990, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9521: application of Southwestern Bell Telephone Company for an addition to existing Plexar-Custom Service for AT&T microelectronics in Mesquite.

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

Filed: May 4, 1990, 3:31 p.m.

TRD-9004554

Wednesday, May 18, 1990, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9499: petition of Texas Utilities Electric Company to show commercial operation date for Comanche Peak Steam Electric Station Unit One.

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

Filed: May 7, 1990, 3:31 p.m.

TRD-9004589

Monday, May 21, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9513: application of Southwestern Bell Telephone Company to revise the digital link service tariff to identify six features of Microlink II packet switching digital service.

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

Filed: May 4, 1990, 3:31 p.m.

TRD-9004555

Monday, May 21, 1990, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a prehearing conference in Docket Number 9525: application of Guadalupe-Blanco River Authority for a rate increase.

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

Filed: May 7, 1990, 3:30 p.m.

TRD-9004591

Monday, May 21, 1990, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct an interim rate hearing in Docket Number 9525: application of Guadalupe-Blanco River Authority for a rate increase.

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

Filed: May 7, 1990, 3:30 p.m.

TRD-9004590

Monday, July 9, 1990, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a hearing on the merits in Docket Number 9471: application of E.N.M.R. Telephone Cooperative, Inc., for exemption from filing the "Telecommunications Utilities Earnings Reports" as required by P.U.C. Substantive Rule 23.11 and 23.12.

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

Filed: May 7, 1990, 3:29 p.m.

TRD-9004593

Tuesday, July 10, 1990, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800

Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a hearing on the merits in Docket Number 9476: application of Southwest Arkansas Telephone Cooperative, Inc., Texarkana, Arkansas, for exemption from filing the "Telecommunications Utilities Earnings Reports": as required by Substantive Rule 23.11 and 23.12.

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

Filed: May 7, 1990, 3:33 p.m.

TRD-9004587

Monday, July 30, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the division will conduct a hearing on the merits in Docket Number 8329 (REMAND): application of Gulf States Utilities Company for approval of an amendment to schedule SUS.

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

Filed: May 3, 1990, 3:36 p.m.

TRD-9004528

Texas Rehabilitation Commission

Thursday May 10, 1990, 9 a.m. The Council on Disabilities, State Plan Task Force of the Texas Rehabilitation Commission held an emergency meeting at the Texas Department of Aging, 1949 South IH-35, Austin. According to the complete agenda, the council held a general discussion of the State Plan Revision and new format; and developed recommendations to be presented at the May 18, 1990 Council on Disabilities board meeting. The emergency status was necessary because of an unforeseeable situation requiring this emergency task force meeting. Statewide responses to plan revision indicated a need for the task force to determine a format different from that presented in the present plan.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4353.

Filed: May 7, 1990, 4:16 p.m.

TRD-9004598

Friday, May 18, 1990, 10 a.m. The Council on Disabilities of the Texas Rehabilitation Commission will meet at the Texas Rehabilitation Commission, Room 1410, 4900 North Lamar Boulevard, Austin. According to the complete agenda, the council will call to order; roll call; hear citizen comments; hear minutes of March

23, 1990 meeting; election of vice chair and secretary; hear task force/committee reports (state plan, demographic survey, transportation, barrier free park, ADA, award committee) hear executive director's report (LAR, operating budget); and discuss old business.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4353.

Filed: May 7, 1990, 4:16 p.m.

TRD-9004599

Texas State Soil and Water Conservation Board

Wednesday, May 16, 1990, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Conference Room, Temple. According to the complete agenda, the board will review and take appropriate action on the following: minutes of the March 21, 1990 board meeting; district director appointments; division and reorganization of the Upper Pecos SWCD #213; allocation of 1990 fiscal year grants to districts—conservation assistance, technical assistance, Subchapter H technical assistance; 1992-1993 legislative appropriation request; NACD public land, range and pasture meeting, San Antonio; NACD spring board meeting, Washington, D.C.; public information/education report; progress report on statewide watershed study; nonpoint source management program—program status report, 1990 NPS assessment, USDA water quality projects, ACP special water quality projects, groundwater protection committee, TWC rules for concentrated animal feeding operations; reports from agencies and guests; 1990 annual meeting of soil and water conservation district directors, Austin, October 22-24, 1990; Public Law 83-566 watershed applications—Veleno Creek, Salomoneno Creek; Villa Creek, Escobas Creek, Keechi Creek; 1990 conservation awards program; Galveston Bay Estuary program; Gulf of Mexico program; expenditure report; membership in the National Association of Conservation Districts; state board member travel, NACD south central region meeting, Oklahoma City, Oklahoma, July 15-17, 1990; next board meeting—July 18, 1990; election of officers; 1990 Federal Farm Bill.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250.

Filed: May 4, 1990, 8:57 a.m.

TRD-9004534

Texas Tech University

Thursday, May 10, 1990, 1 p.m. The Committee of the Whole of the Board of Regents of the Texas Tech University met

in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee held an executive session: Texas Civil Statutes, Article 6252-17(e) consultation with president and general counsel re pending and contemplated litigation, settlement offers, settlement negotiation and matters confidential pursuant to Code of Professional Responsibility of State Bar of Texas. Discussion of prospective gifts to the University and Health Sciences Center and contractual negotiations contemplated and those in progress; evaluation and duties of Texas Tech University and Texas Tech University Health Sciences Center officers and employees; conference with various employees for the purpose of receiving information and asking questions of employees.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:09 p.m.

TRD-9004499

Thursday, May 10, 1990, 1 p.m. The Research Affairs Committee of the Board of Regents of the Texas Tech University met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of the March 15, 1990 committee meeting minutes; update on research; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:08 p.m.

TRD-9004500

Thursday, May 10, 1990, 1 p.m. The Development and Public Affairs Committee of the Board of Regents of the Texas Tech University met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of the March 15, 1990 committee meeting minutes; considered: acceptance of gift-in-kind with value in excess of \$10,000; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:08 p.m.

TRD-9004501

Thursday, May 10, 1990, 1 p.m. The Campus and Building Committee of the Board of Regents of the Texas Tech University met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of the March 16, 1990 committee meeting minutes; considered: establishing project budget for residence halls asbestos survey; award construction contract for reroofing central heating and cooling plant II; solicitation of proposals from independent cable television companies for installation of ca-

ble television service to residence halls; renaming of buildings; naming Wind Engineering Research Building; ratify acceptance date for renovation of science building; heard reports; and report on leases at Greek Circle.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:08 p.m.

TRD-9004502

Thursday, May 10, 1990, 1 p.m. The Finance Committee of the Board of Regents of the Texas Tech University met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of the March 15, 1990 committee meeting minutes; considered: operating budget for fiscal year 1991; budget adjustments for February; revision of board policy 04.04, budget rules and procedures; revision of board policy 04.05, contracting policy and procedures; fees to be assessed and charged to regularly enrolled and prospective students beginning fall semester, 1990; award natural gas contract for October 1, 1990 to September 30, 1991; award contract for printing *The University Daily* for fiscal year 1991 and fiscal year 1992; heard reports; discussed request for legislative appropriations for fiscal years ending August 31, 1992, and August 31, 1993.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:08 p.m.

TRD-9004503

Thursday, May 10, 1990, 1 p.m. The Academic, Student and Administrative Affairs Committee of the Board of Regents of the Texas Tech University met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of the March 15, 1990 committee meeting minutes; considered: policy related to House Bill 638, faculty proficiency in the English language; revisions to student affairs handbook and code of student conduct effective August 1, 1990; ratification of leaves of absence and commissioning of peace officer; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:08 p.m.

TRD-9004504

Friday, May 11, 1990, 9 a.m. The Board of Regents of the Texas Tech University will meet in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the board will discuss reports and action on: minutes; president's report; academic, student and administrative affairs; finance; campus and building; development and public affairs; and committee of the whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:07 p.m.

TRD-9004506

Texas Tech University Health Sciences Center

Thursday, May 10, 1990, 1 p.m. The Finance Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of the March 15, 1990 committee meeting minutes; considered: operating budget for fiscal year 1991; budget adjustments for March and April; revision of board policy 04.04, budget rules and procedures, and 04.05, contracting policy and procedures; fees to be assessed and charged to regularly enrolled and prospective students beginning with 1990-1991 academic year; award of natural gas contract for October 1, 1990 to September 30, 1991; award concession contracts for: candy, chips, pastries, canned soft drinks at El Paso Regional Academic Health Center and for snacks, candy and soft drinks at Amarillo Regional Academic Health Center, for three years; heard reports; and request for legislative appropriations for fiscal years ending August 31, 1992, and August 31, 1993.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:09 p.m.

TRD-9004497

Thursday, May 10, 1990, 1 p.m. The Committee of the Whole of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee considered: adjustment of risk classification for anesthesiologists; establishing premium rates for risk classes one through five for September 1, 1990 to August 31, 1991. Held executive session: Texas Civil Statutes, Article 6252-17; consultation with president and general counsel re pending and contemplated litigation, settlement offers, settlement negotiations and matters confidential pursuant to Code of Professional Responsibility of State Bar of Texas; discussed prospective gifts to the University and Health Sciences Center and contractual negotiations contemplated and those in progress; evaluation and duties of Texas Tech University and Texas Tech University Health Sciences Center officers and employees; conference with various employees for the purpose of receiving information and asking questions of employees.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:07 p.m.

TRD-9004507

Thursday, May 10, 1990, 1 p.m. The Development and Public Affairs Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed approval of the March 15, 1990 committee meeting minutes; and heard reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:09 p.m.

TRD-9004496

Thursday, May 10, 1990, 1 p.m. The Finance Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed approval of the March 15, 1990 committee meeting minutes; consider: operating budget for fiscal year 1991; budget adjustments for March and April; revision of board policy 04.04, budget rules and procedures, and 04.05, contracting policy and procedures; fees to be assessed and charged to regularly enrolled and prospective students beginning with 1990-1991 academic year; award of natural gas contract for October 1, 1990 to September 30, 1991; award concession contractors for: candy, chips, pastries, canned soft drinks at El Paso Regional Academic Health Center and for snacks, candy and soft drinks at Amarillo Regional Academic Health Center, for three years; reports; request for legislative appropriations for fiscal years ending August 31, 1992, and August 31, 1993.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:09 p.m.

TRD-9004497

Thursday, May 10, 1990, 1 p.m. The Academic, Student, Clinic and Administrative Affairs Committee of the Board of Regents of the Texas Tech University Health Sciences Center met in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the committee discussed the approval of March 16, 1990 committee minutes. Considered: policy related to House Bill 638, faculty proficiency in English language; affiliation agreements with: RIOSA, Rehabilitation Institute of San Antonio for Occupational Therapy students' clinical education; University of North Dakota College of Nursing to allow family practice nurses to complete nurse practitioner training at our facilities; Griffin Memorial Hospital (Norman, Oklahoma) for occupational therapy students' clinical education; St. Mary of the Plains Hospital for resident services; Methodist Hospital for

resident services. Ratify: commissioning of peace officer and leave of absence. Reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:09 p.m.

TRD-9004498

Friday, May 11, 1990, 10:05 a.m. The Board of Regents of the Texas Tech University Health Sciences Center will meet in the Board Suite, Administration Building, Campus, Lubbock. According to the complete agenda, the board will discuss reports and action on: minutes; academic, student, clinical and administrative affairs; finance; development and public affairs; and committee of the whole.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 3, 1990, 2:07 p.m.

TRD-9004505

University of Texas at Austin

Friday, May 11, 1990, 10:30 a.m. The Intercollegiate Athletics Council for Men of the University of Texas at Austin will meet at the Four Seasons Hotel, 98 San Jacinto Boulevard, Stone's Crossing Room, Austin. According to the agenda summary, the council will meet in executive session and in open session to approve minutes of March 1, 1990, items from executive session, schedules and schedule changes, awards, academics, budget and budget items, new business, tickets/ticket policy, construction, development, and old business.

Contact: Betty Corley, P.O. Box 7399, Austin, Texas 78713.

Filed: May 7, 1990, 3:40 p.m.

TRD-9004592

University of Texas Health Science Center at San Antonio

Wednesday, May 16, 1990, 3 p.m. The Institutional Animal Care and Use Committee of the University of Texas Health Science Center at San Antonio will meet at 422A President's Conference Room, 7703 Floyd Curl Drive, San Antonio. According to the agenda summary, the committee will discuss approval of minutes; protocols for review; subcommittee reports; and other business.

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

Filed: May 7, 1990, 1:35 p.m.

TRD-9004575

University Interscholastic League

Thursday, May 10, 1990, 8:30 a.m. The UIL Advisory Council of the University Interscholastic League met at the Hyatt Regency Hotel, Texas II Room, 208 Barton Springs Road, Austin. According to the agenda summary, the council studied areas and report to legislative council; areas considered were structure, facilities, finance, judging subjectives, scheduling of contests, sportsmanship and corporate sponsorship program.

Contact: Bonnie Northcutt, P.O. Box 8028, UT Station, Austin, Texas 78713-8028, (512) 471-5883.

Filed: May 4, 1990, 12:17 p.m.

TRD-9004540

Texas Water Commission

Monday, May 14, 1990, 3:30 p.m. The Texas Water Commission will meet in Room 123, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the executive director's report on agency administration, policy, budget procedures, and personnel matters.

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

Filed: May 3, 1990, 3:24 p.m.

TRD-9004520

Tuesday, May 15, 1990, 1:30 p.m. The Advisory Committee-Water District and River Authority Supervision of the Texas Water Commission will meet in Room 513F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the complete agenda, the committee will conduct a public meeting of the Advisory Committee on Water District and River Authority Supervision.

Contact: Dean Robbins, P.O. Box 13087, Austin, Texas 78711, (512) 463-7941.

Filed: May 4, 1990, 3:34 p.m.

TRD-9004551

Wednesday, May 16, 1990, 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 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 actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: May 4, 1990, 3:33 p.m.

TRD-9004552

Thursday, May 24, 1990, 10 a.m. The Texas Water Commission will meet in Room 1149B, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on application for a water certificate of convenience and necessity by Werd's Water Works, Docket Number 8200-C.

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

Filed: May 7, 1990, 4:12 p.m.

TRD-9004615

Tuesday, June 19, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Comanche County Courthouse, County Courtroom On the Square, Comanche. According to the agenda summary, the examiner will consider the application by Hans Bonnema for proposed permit number 03176 authorizing disposal of waste and wastewater from a dairy. The dairy is on the south side of Lanceford Lane, approximately 2.25 miles east of the intersection of Highway 377 and Lanceford Lane in Brown County.

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

Filed: May 4, 1990, 3:34 p.m.

TRD-9004550

Tuesday, June 19, 1990, 10 a.m. The Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on petition for conversion and creation of Chisholm Trail Special Utility District and the transfer of CCN 11590 from Chisholm Trail Water Supply Corporation.

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

Filed: May 7, 1990, 4:12 p.m.

TRD-9004616

Wednesday, June 20, 1990, 3 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing to determine whether to affirm, modify, or set aside emergency order 90-12E issued April 25, 1990 to Dow Chemical Company-Texas operations to authorize them to store, process, and dispose of pesticide waste as a participant in the Texas Pesticide Amnesty Day Program. The facility is located in Freepport, Brazoria County.

Contact: Mark Alvarado, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: May 3, 1990, 3:24 p.m.

TRD-9004531

Monday, July 2, 1990, 1 p.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Terrell City Hall, Council Chambers, 201 East Nash Street, Terrell. According to the agenda summary, the examiner will consider application by the City of Terrell for renewal of permit number 10747-02 authorizing discharge of treated domestic wastewater effluent into Bachelor Creek; thence to Kings Creek; thence to Cedar Creek Reservoir in segment number 0818 of the Trinity River Basin.

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

Filed: May 4, 1990, 3:34 p.m.

TRD-9004548

◆ ◆ ◆ Regional Meetings

Meetings Filed May 3, 1990

The Archer County Appraisal District Board of Directors met in the District Office, 211 South Center, Archer City, May 9, 1990, at 5 p.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Barton Springs/Edwards Aquifer Conservation District Regular Board of Directors meeting was held at 1124A Regal Row, Austin, May 7, 1990, at 7 p.m. Information may be obtained from Bill E. Couch, 98 San Jacinto Boulevard, Austin, Texas 78701-4039, (512) 472-8021.

The Barton Springs/Edwards Aquifer Conservation District Called Meeting was held at 1124A Regal Row, Austin, May 7, 1990, at 10 a.m. Information may be obtained from Bill E. Couch, 98 San Jacinto Boulevard, Austin, Texas 78701-4039, (512) 472-8021.

The Brazos Valley Development Council Executive Committee met at the Council Offices, 3006 East 29th Street, Suite Two, Bryan, May 10, 1990, at 1:30 p.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

The Central Appraisal District of Johnson County Board of Directors met at 109 North Main, Suite 201, Room 202, Cleburne, May 10, 1990, at 5 p.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (512) 645-3987.

The Dallas Area Rapid Transit Arts Committee met at 601 Pacific Avenue, Conference Room 7A, Dallas, May 8, 1990, at 1:30 p.m. Information may be obtained

from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Mobility Impaired Committee met at the DART Office, 601 Pacific Avenue, Board Room Dallas, May 8, 1990, at 2:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Operations Committee met at 601 Pacific Avenue, Board Room, Dallas, May 8, 1990, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Board of Directors met at 601 Pacific Avenue, Board Room, Dallas, May 8, 1990, at 6:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District Board of Directors met at 1420 West Mockingbird Lane, Suite 500, Dallas, May 9, 1990, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.

The Gillespie Central Appraisal District Board of Directors will meet in the City Hall Assembly Room, Fredericksburg, May 11, 1990, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, May 7, 1990, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Lavaca County Central Appraisal District Board of Directors will meet at the District Office, 113 North Main, Hallettsville, May 14, 1990, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Nolan County Central Appraisal District Board of Directors will meet in the Nolan County Courthouse, Sweetwater, May 15, 1990, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, May 8, 1990, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 747-0181.

The South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, May 8, 1990, at 10 a.m. Information may be obtained from

Jerry D. Casstevens, P.O. Box 3730 Freedom Station, Lubbock, Texas 79452-3730, (806) 747-0181.

The Wheeler County Appraisal District Board of Directors met at the District Office, County Courthouse Square, Wheeler, May 9, 1990, at 2 p.m. Information may be obtained from Larry M. Schoenhals, P.O. Box 1200, Wheeler, Texas 79096, (806) 826-5900.

TRD-9004493

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Meetings Filed May 4, 1990

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main, San Antonio, May 11, 1990, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Blanco County Central Appraisal District Board of Directors met at the Blanco County Courthouse Annex, Johnson City, May 8, 1990, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624.

The Dallas Area Rapid Transit Operations Committee met at 601 Pacific Avenue, Dallas, May 8, 1990, at 4 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The El Oso Water Supply Corporation Board of Directors met in their offices in Karnes City, May 8, 1990, at 8 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539.

The Grand Parkway Association met at 5757 Woodway, 140 East Wing, Houston, May 9, 1990, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 654-4586.

The Gregg Appraisal District Appraisal Review Board will meet at 2010 Gilmer Road, Longview, May 11, 1990, at 9 a.m. Information may be obtained from William T. Carroll, 2010 Gilmer Road, Longview, Texas 75604, (214) 759-0015.

The Hale County Appraisal District Appraisal Review Board met at the Golden Corral Family Steakhouse, 2606 Olton Road, Plainview, May 10, 1990, at 7 p.m. Information may be obtained from Linda Jaynes, 302 West 8th Street, Plainview, Texas 79072, (806) 293-4226.

The Hays County Appraisal District Board of Directors met at 632 "A" East Hopkins, Municipal Building, San Marcos, May 10, 1990, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 632 "A" East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

The Hickory Underground Water Conservation District Number #1 Board met at 2023 South Bridge, Brady, May 10, 1990, at 7 p.m. Information may be obtained from Vickie Roddie, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

The Hunt County Appraisal District Board of Directors met at the District Office, Board Room, 4801 King Street, Greenville, May 10, 1990, at 7 p.m. Information may be obtained from Joe P. Davis or Shirley Smith, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth, Lampasas, May 9, 1990, at 8:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, May 17, 1990, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

The Liberty County Central Appraisal District Board of Directors will meet 315 Main Street, Liberty, May 23, 1990, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, May 9, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, May 9, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, May 10, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, May 10, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Permian Basin Regional Planning Commission Board of Directors met at the Planning Commission Offices, 2514 Pliska Drive, Midland, May 9, 1990, at 1:30 p.m. Information may be obtained from Terri Moore, 2514 Pliska Drive, Midland, Texas 79711, (915) 563-1061.

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, May 8, 1990, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730 Free-

dom Station, Lubbock, Texas 79452-3730, (806) 762-8721.

The Texas Municipal Power Agency Board of Directors met at Gibbons Creek Steam Electric Station Administration Building, 2-1/2 miles north of Carlos on FM-244, May 10, 1990, at 9 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013.

The Upshur County Appraisal District Appraisal Review Board will meet in the District Office, Warren and Trinity Streets, Gilmer, May 14, 1990, at 9 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The Upshur County Appraisal District Board of Directors will meet at the District Office, Warren and Trinity Streets, Gilmer, May 14, 1990, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-9004532

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Meetings Filed May 7, 1990

The Bell County Tax Appraisal District Board of Directors held an emergency meeting at the District Building, 411 East Central Avenue, Belton, May 9, 1990, at 7 p.m. The emergency status was necessary to make necessary adjustments to the proposed budget prior to submission to the taxing units. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29.

The Brazos River Authority Administrative Committee will meet in Conference Room A, Dallas Love Field Terminal Building, 8008 Cedar Springs, Dallas, May 16, 1990, at 1 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441.

The Brown County Appraisal District Board of Directors will meet at 403 Fisk Avenue, Brownwood, May 14, 1990, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Carson County Appraisal District Board of Directors will meet at 102 Main Street, Panhandle, May 23, 1990, at 9 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068-0970, (806) 537-3569.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, May 16, 1990, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, May 23, 1990, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 76-9381.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, May 24, 1990, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Central Appraisal District of Taylor County Appraisal Review Board will meet at 1534 South Treadaway, Abilene, May 25, 1990, at 1:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Fisher County Appraisal District Board of Directors will meet at the Fisher County Appraisal/Tax Office, Roby, May 15, 1990, at 7:30 p.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, May 10, 1990, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Heart of Texas Council of Governments Heart of Texas Private Industry Council will meet at HOTCOG Conference Room, 320 Franklin, Waco, May 17, 1990, at 5:30 p.m. Information may be obtained from Mary McDow, 300 Franklin, Waco, Texas 76701, (817) 756-7822.

The Hood County Appraisal District Board of Directors will meet at the District Office, 1902 West Pearl, Granbury, May 15, 1990, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Jones County Appraisal District Board of Directors will meet in the District Office, 1137 East Court Plaza, Anson, May 17, 1990, at 8:30 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422.

The Lamb County Appraisal District Appraisal Review Board will meet at 331 LFD Drive, Board Meeting Room, Littlefield, May 17, 1990, at 7 p.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at the District Office, 113 North Main, Hallettsville, May 15, 1990, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lower Neches Valley Authority Board of Directors will meet at LNVA Conference Center-Rayburn Country, Sam Rayburn, May 15, 1990, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Nortex Regional Planning Commission Executive Committee will meet at the Wichita Falls Activities Center, Room 214, 10th and Indiana, Wichita Falls, May 17, 1990, at noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas 76307, (817) 322-5281.

The Nortex Regional Planning Commission North Texas State Planning Region Consortium will meet at the Wichita Falls Activity Center, Room 214, 607 10th Street, Wichita Falls, May 17, 1990, at 1 p.m. Information may be obtained from Judge Bobbie Owen, Jack County Courthouse, Jacksboro, Texas 76056, (817) 567-2241.

The North Texas Municipal Water District Board of Directors will meet in the Administrative Offices, 505 East Brown Street, Wylie, May 24, 1990, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, (214) 442-5405.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, May 16, 1990, at 3 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The San Antonio River Authority Employees Retirement Fund Board of

Trustees will meet at Stockdale Community Building, 700 West Main Street, Stockdale, May 16, 1990, at 1:20 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The San Antonio River Authority Board of Directors will meet at Stockdale Community Building, 700 West Main Street, Stockdale, May 16, 1990, at 1:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The San Antonio River Industrial Development Authority Board of Directors will meet at 100 East Guenther Street, San Antonio, May 16, 1990, at 10 a.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The South East Texas Regional Planning Commission Executive Committee will meet at the City of Beaumont Council Chambers, Beaumont, May 16, 1990, at 7 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384.

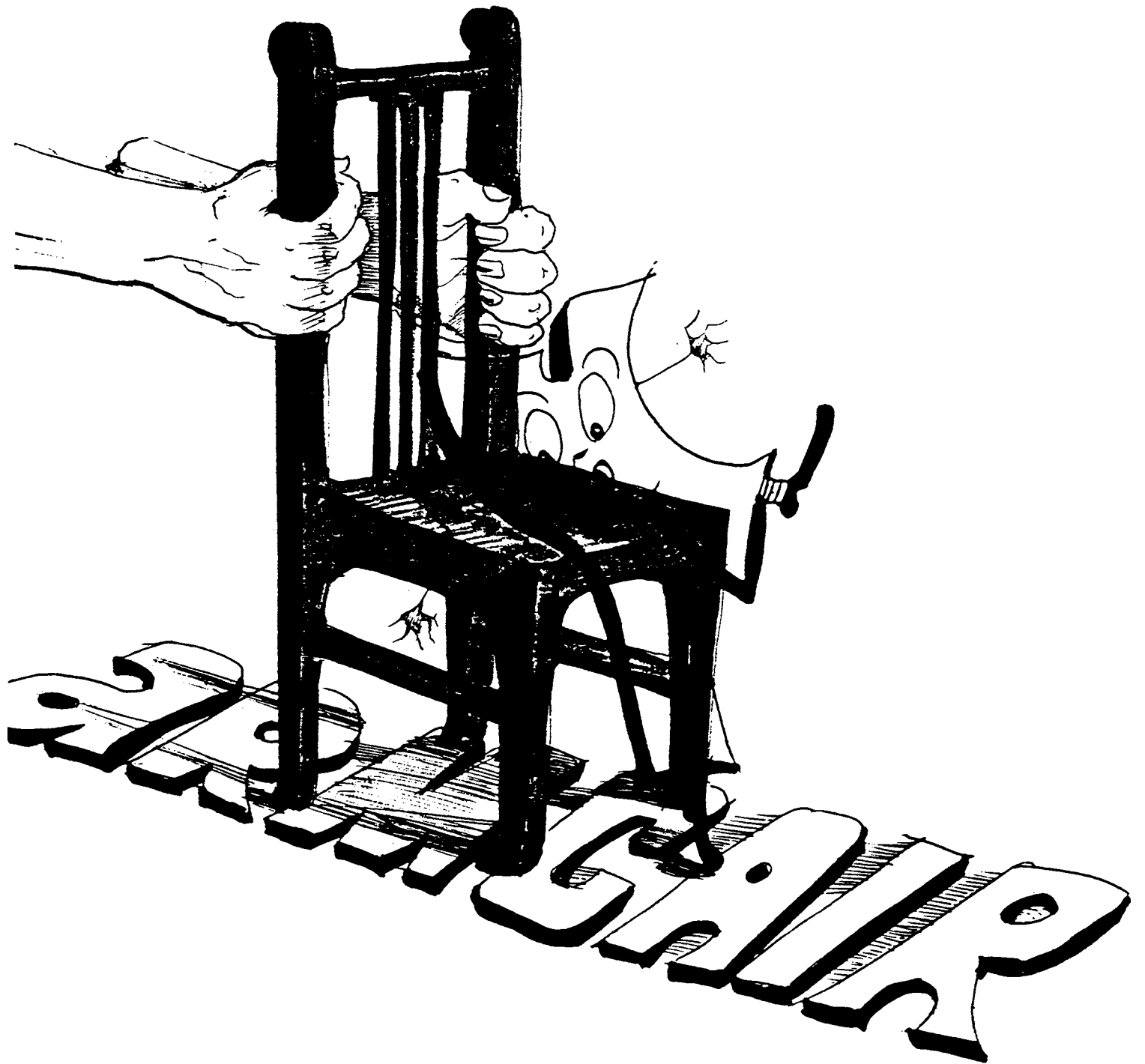
The TWCA Risk Management Fund Underwriting Committee held an emergency meeting at Gulf Coast Waste Disposal Authority, 910 Bay Area Boulevard, Houston, May 9, 1990, at 1:30 p.m. The emergency status was necessary to address critical underwriters issues upon which decision must have been made prior to May 16, 1990 board meeting. Information may be obtained from Leroy Goodson, 910 Bay Area Boulevard, Houston, Texas 77058.

TRD-9004556

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Meetings Filed May 8, 1990

The Capital Area Planning Council Executive Committee will meet at 2520 IH 35 South, Suite 100, Austin, May 15, 1990, at 2 p.m. Information may be obtained from Richard G. Bean, 2520 IH 35, South, Suite 100, Austin, Texas 78704-5798, (512) 443-7653.

TRD-9004602
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Name: Marina Shterenberg

Grade: 10

School: Richardson High School, Richardson

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

Extension of Deadline for Written Comments

In the April 24, 1990, issue of the *Texas Register* (15 TexReg 2363), the Texas Air Control Board (TACB) published a notice of public hearings on proposed rule amendments to be held on May 17, 1990. The purpose of the hearings was to receive testimony concerning proposed revisions to the TACB general rules; Regulation I, concerning control of air pollution from particulate matter; and the state implementation plan. The deadline of May 18, 1990, for written comments has been extended to June 18, 1990. All comments at the hearings, as well as written comments received by 4 p.m. on June 18, 1990, in the TACB central office in Austin, will be considered by the board prior to any final decision on the proposed changes.

Copies of the proposed revisions are available at the central office of the TACB located at 6330 U. S. Highway 290 East, Austin, Texas 78723, and at all regional offices. For further information, contact Betty Rogers at (512) 451-5711.

Issued in Austin, Texas, on May 3, 1990.

TRD-9004542 Steve Spaw, P.E.
Executive Director
Texas Air Control Board

Filed: May 4, 1990

For further information, please call: (512) 451-5711, ext. 354

Texas Commission on Alcohol and Drug Abuse

Notice of Request for Proposals

The Texas Commission on Alcohol and Drug Abuse, under the authority of the Health and Safety Code, Title 6, Subtitle B, Chapter 464, gives notice of the Councils on Alcohol and Drug Abuse Request for Proposals (RFP). The commission is soliciting applications for the initiation, support, and enhancement of the basic services provided by councils on alcohol and drug abuse. Basic council services are defined as information for casefinding purposes, telephone screening, in-person, confidential problem identification, assessment and evaluation, referral and placement, follow-up, and 24-hour telephone information service with personnel on duty or on call to provide immediate response.

To request a copy of the RFP, call the Grants Management office at (512) 463-5510, or write to: Texas Commission on Alcohol and Drug Abuse, Grants Management, 1705 Guadalupe, Austin, Texas 78701-1214.

Applications must be submitted for review through the Texas Review and Comment System (TRACS). The submission closing date for TRACS is May 15, 1990. The closing date for receipt of applications by the commission

is 5 p.m. on June 29, 1990. Approved programs will be funded for the award period of September 1, 1990-August 31, 1991.

Approximately \$3.3 million is available under this RFP. The amount for which a new council may apply shall not exceed \$85,000 for an annual award amount. An existing council may request an annual amount between \$35,000 and \$85,000 depending on the population of the proposed catchment area.

The final funding decision will be made by the executive director of the commission. The executive director's decision will rely on the technical merit of the application but will also take into account overall program and geographic balance, availability of funds, potential contribution of the proposed services, funding priorities and restrictions, and other policy considerations.

Eligible applicants are private nonprofit organizations which are incorporated, or in the process of becoming incorporated, as a council on alcohol and drug abuse.

Technical assistance will be offered by the Grants Management office of the commission.

Issued in Austin, Texas, on April 18, 1990.

TRD-9004521 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Filed: May 3, 1990

For further information, please call: (512) 463-5510

Attorney General's Office—Environmental Protection Solid Waste Enforcement Notices

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed final judgment.

Case Title and Court. State of Texas, Plaintiff vs. Andrew P. Hart doing business as Hart Creosoting Company, defendant; Cause Number 13,105, In the district court of Jasper County, 1st Judicial District.

The Complaint. Andrew P. Hart is an individual who operates a creosoting plant, Hart Creosoting Company, Jasper.

The state alleges that defendant improperly discharged waste into the waters in the state; operated a hazardous waste facility without authorization from the Texas Water Commission; failed to properly inspect the facility; failed to conduct proper personnel training; failed to regularly test emergency equipment; failed to make arrangements with local emergency response authorities; failed to maintain adequate protective cover on the dikes around its surface impoundments; failed to conduct an adequate

groundwater monitoring program; failed to maintain a written closure plan; and failed to maintain financial assurance for closure.

The Judgment. The proposed agreed final judgment requires the defendant to pay \$4,800 in civil penalties and costs of court.

The proposed agreed final judgment also requires the defendant to develop and implement a groundwater assessment plan; to develop and implement an interim corrective action plan; to develop and implement an amended closure plan; to develop and implement a post-closure plan; and to submit to the TWC a post-closure permit application and a groundwater compliance plan application.

For a complete description of the allegations and proposed settlement, the original petition and proposed agreed final judgment should be consulted.

Comments and requests for copies of these pleadings may be directed to Nancy E. Olinger, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012.

Issued in Austin, Texas, on May 4, 1990.

TRD-9004561 Rafael Quintanilla
Assistant Attorney General, Group
Manager, Public Agency Representation
Office of the Attorney General

Filed: May 4, 1990

For further information, please call: (512) 463-2040



Notice is hereby given by the State of Texas of the proposed resolution of an environmental enforcement lawsuit under the Texas Solid Waste Disposal Act. The following is a summary of the nature of the lawsuit and the proposed agreed judgment.

Case Title and Court. State of Texas, plaintiff, v Liberty Waste Disposal Company, Joiner Enterprises, Inc., C. P. Joiner, Opal Joiner, Carlyne Joiner Kelley, Alfred Lynn Stoever, Brandy Cherece Stover, a minor, Shawn Anthony Stoever, a minor, and Ed L. Reed and Vera Sanchez, as Trustees of the Joiner Liquidating Trust, defendants. Cause Number 85-24,140, 189th Judicial District Court, Harris County.

The Allegations in the Petition. Liberty Waste Disposal Company had a permit from the Texas Water Commission to dispose of Class II industrial solid waste at a landfill facility in Highlands, Harris County.

The state alleged various violations of the permit, and alleged violations of the Texas Water Commission rule, promulgated under the Texas Solid Waste Disposal Act, forbidding discharges of industrial solid waste into the waters in the state and forbidding management of industrial solid waste so as to create a nuisance.

The Proposed Agreed Judgment. The proposed agreed judgment would require C. P. Joiner, Opal Joiner, Liberty Waste Disposal Company, and Vera Sanchez as trustee for the Joiner Liquidating Trust to pay \$50,000 in civil penalties and \$50,000 in investigative costs; to carry out a groundwater investigation plan and report the results thereof to the Texas Water Commission; to repair the cover and cap at the site; to do long-term maintenance and monitoring at the site; and if releases to the groundwater are found, to do further groundwater assessment and to create and carry out a groundwater remediation plan.

For a complete description of the allegations and proposed settlement, the state's second amended original petition and the proposed agreed judgment should be consulted. For copies of these papers, telephone or write to Brian E. Berwick, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012.

Any comments may be directed to Brian E. Berwick, Texas Attorney General's Office, Environmental Protection Division, P.O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, within 30 days after the publication of this notice.

Issued in Austin, Texas, on May 4, 1990.

TRD-9004560 Rafael Quintanilla
Special Assistant, Public Agency
Representation
Office of the Attorney General

Filed: May 4, 1990

For further information, please call: (512) 463-2040



State Banking Board Notice of Hearing Cancellation

As no opposition has been noted in the application for domicile change by the Home Trust Company, Houston, the hearing previously scheduled for Thursday, May 10, 1990, has been cancelled.

Issued in Austin, Texas on May 2, 1990.

TRD-9004511 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 3, 1990

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



Texas Cancer Council Request for Proposal

Background. Pursuant to the Texas Health and Safety Code, Chapter 102, the Texas Cancer Council (council) is the state agency charged with guiding implementation of the Texas cancer plan. The goals of the plan are: **prevention:** to lower the risks of developing cancer; **detection and diagnosis:** to detect, diagnose, and treat cancer earlier when cure is more likely; **treatment:** to improve the accessibility, availability, and quality of cancer resources, data services, and programs in Texas; and **community cancer control:** to advance control of cancer through development and application of new prevention, detection, diagnostic, and therapeutic methods and techniques in the community.

Proposals Solicited. The Texas Cancer Council requests proposals for projects which further implementation of the Texas cancer plan.

Proposals must clearly address goals and objectives contained in the Texas cancer plan and must conform to the proposal format instructions.

Applicants may submit proposals which address more than one goal of the Texas cancer plan.

Copies of the Texas cancer plan are available from the council.

Funding Available. Multiple contracts will be awarded for innovative and worthy projects.

Approval and funding will be based on the project's merit, design, cost, and its relationship and relative benefit to implementation of the Texas cancer plan. The council retains the right to negotiate the project design and budget of approved proposals prior to execution of contracts.

The following approximate total amounts will be allocated for each goal of the Texas cancer plan: prevention: \$1,321,478; detection diagnosis: \$1,510,260; treatment: \$755,130; community cancer control: \$188,783.

Total funding levels for each goal will depend on: the number of meritorious proposals received by the council; the way in which proposals are categorized relative to Texas cancer plan goals; the final level of funding available for fiscal year 1991; and the council's decisions following competitive reviews of proposals.

Proposal Format and Instructions. The proposal format and instructions are available from: Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711, (512) 463-3190.

General Information. The Texas Cancer Council retains the right to accept or reject any or all proposals and is under no legal requirement to execute any contract on the basis of making this request for proposals.

The Texas Cancer Council does not make advance payments for services and does not pay indirect costs. Vouchers for services may be submitted monthly or quarterly.

Private, public, and private-public cooperative proposals are welcome. Cost-sharing by contractors is expected.

Since the council is primarily an initiative-funding agency, applicants must document long-range plans and future funding alternatives that will be pursued for proposed projects.

Procedure and Deadline for Submission of Proposals. Proposals must be received by the Texas Cancer Council by 5 p.m. on Monday, June 11, 1990. Eight complete copies of the proposal are required (one original and seven copies). Hand-delivery address: Texas Cancer Council, 701 Brazos, Suite 1005, Austin, Texas 78701; Mailing address: Texas Cancer Council, P.O. Box 12097, Austin, Texas 78711.

Contact Person. For more information, contact Emily Untermeyer, Executive Director, Texas Cancer Council, (512) 463-3190.

Issued in Austin, Texas, on May 3, 1990.

TRD-9004562 Emily F. Untermeyer, M.P.H.
Executive Director
Texas Cancer Council

Filed: May 3, 1990

For further information, please call: (512) 463-3190

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State Comptroller of Public Accounts
Local Sales Tax Changes Effective July 1, 1990

In addition to the local sales tax changes published in the April 24, 1990, issue of the *Texas Register* (15 TexReg 2369) the city sales tax rate in the City of Wylie will increase by 1/2% effective July 1, 1990. The additional sales tax is for economic and industrial development. The combined state and city sales tax rate will be 7 1/2%.

Issued in Austin, Texas, on May 2, 1990.

TRD-9004437 Bob Bullock
Comptroller of Public Accounts

Filed: May 2, 1990

For further information, please call: (512) 463-4004

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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 ⁽³⁾/Agricultural/ Commercial ⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/07/90-05/13/90	18.00%	18.00%
Monthly Rate - Art. 1.04 (c) ⁽¹⁾	05/01/90-05/31/90	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/90-06/30/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	04/01/90-06/30/90	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) ⁽³⁾	04/01/90-06/30/90	15.13%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	04/01/90-06/30/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	04/01/90-06/30/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/90-06/30/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	05/01/90-05/31/90	10.00%	10.00%

⁽¹⁾For variable rate commercial transactions only. ⁽²⁾Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S. ⁽³⁾Credit for personal, family or household use. ⁽⁴⁾Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on April 30, 1990.
TRD-9004428 Al Endsley
Consumer Credit Commissioner

Filed: May 2, 1990

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



Texas Education Agency

Extension of Deadline Date and Extension of Project Dates for Request for Proposals

The Texas Education Agency is extending the deadline for submitting proposals and extending the starting date for the project for an induction program for beginning teachers in Texas through the development of a comprehensive training, assistance, and support program. This request for proposal (RFP #701-90-041) originally appeared in the March 27, 1990, issue of the *Texas Register* (15 TexReg 1706).

The deadline for submitting proposals has been extended from 5 p.m. on Wednesday, May 16, 1990, to 5 p.m. on Monday, May 21, 1990.

The starting date for the project has been extended from Friday, June 1, 1990, to Tuesday, June 5, 1990.

Issued in Austin, Texas, on May 3, 1990.

TRD-9004567 W. N. Kirby
Commissioner of Education

Filed: May 7, 1990

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



Governor's Office of Budget and Planning Contract Award Notice

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Office of Budget and Planning furnishes this notice of a consultant contract award.

Publication date. The consultant proposal request was published in the November 14, 1989, issue of the *Texas Register* (14 TexReg 6046).

Description of services. The request was for a consultant to provide construction monitoring services for retrofit demonstration projects recommended under the LoanSTAR program.

Name and address. The consultant contract has been awarded to O'Connell Robertson and Associates, 811 Barton Springs Road, Suite 900, Austin, Texas 78704.

Value and dates of contract. The total dollar value of the contract is \$315,000. The contract period extends from April 5, 1990-August 31, 1991, by which date all work associated with this contract must be completed.

Issued in Austin, Texas, on May 1, 1990.

TRD-9004492 Sheila W. Beckett
Director
Governor's Office of Budget and Planning

Filed: May 3, 1990

For further information, please call: (512) 463-1931



Texas Department of Health Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control ordered United Technology (doing business as York Calibration Service), 1821 Alan-A-Dale, Arlington, Texas 76013, holder of Radioactive Material License Number 5-3984, to immediately cease operations and/or storage of radioactive material at any location not specifically authorized by the license. The licensee was also ordered to submit to the agency a complete listing of all radioactive material which is or has been in its possession for the six months prior to the order date.

The order was issued because the company had stored radioactive moisture/density gauge components at a location not authorized by the license.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, from 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on April 27, 1990.

TRD-9004446 Robert A. MacLean, M.D.
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 2, 1990

For further information, please call: (512) 835-7000



Emergency Impoundment Order

Notice is hereby given that the Bureau of Radiation Control ordered M & W Wireline Services, holder of Radioactive Material License Number LO3824, to surrender to the agency for impoundment a three-curie americium 241/beryllium sealed source and any other radioactive material in its possession. The order was issued because the licensee no longer has access to the storage location authorized by their license. Therefore, the source of radiation was stored at a location not authorized by the license.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, from 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on April 27, 1990.

TRD-9004447 Robert A. MacLean, M.D.
Deputy Commissioner of Professional
Services
Texas Department of Health

Filed: May 2, 1990

For further information, please call: (512) 835-7000



HIV Services Grant Public Hearing

The Texas Department of Health will hold a public hearing to receive public comments on proposed new sections concerning the HIV Services Grant Program (25 TAC §§98.1-98.8, 98.21-98.30, and 98.41-98.44). The proposed sections were published in the April 10, 1990, issue of the *Texas Register* (15 TexReg 2005). The hearing will be held on Tuesday, May 15, 1990, at 9:30 a.m. in the auditorium of the Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on May 7, 1990

TRD-9004563 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: May 7, 1990.

For further information, please call: (512) 458-7209



Texas Higher Education Coordinating Board

Award of Consultant Contract

Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Higher Education Coordinating Board announces the award of a contract for bond counsel on issuance of bonds for the Hinson-Hazlewood College Student Loan Program. The proposal was published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 736).

The bond counsel will advise the board and staff on legal issues of proposed investment policies, bond issuances, and new or pending legislation.

McCall, Parkhurst and Horton of 717 North Harwood, Ninth Floor, Dallas, Texas 75201, was awarded the contract. The contract begins on April 23, 1990, and terminates on April 24, 1995. The fee schedule is \$155 per hour for attorneys and \$65 per hour for legal assistants with a minimum fee of \$5,000 and a maximum fee of \$65,000 per bond issue, plus necessary out-of-pocket expenses. No reports are expected from this contract.

Issued in Austin, Texas on April 30, 1990.

TRD-9004433 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: May 2, 1990

For further information, please call: (512) 462-6420



Under the provisions of Texas Civil Statutes, Article 6252-11c, the Texas Higher Education Coordinating Board announces the award of a contract for financial advisor on bond financing of the Hinson-Hazlewood College Student Loan Program. The proposal was published in the February 9, 1990, issue of the *Texas Register* (15 TexReg 736).

The financial advisor will advise and assist the board and the staff in new bond issues, of potential impact of new or existing laws, and of new techniques in debt restructuring beneficial to the loan programs.

First Southwest Company of 500 First City Center, 1700 Pacific Avenue, Dallas, Texas 75201 was awarded the contract. The contract begins on April 23, 1990, and terminates on April 24, 1995. The fee schedule is \$.50 per \$1,000 par amount of bonds issued with a minimum fee of \$10,000 plus related cost reimbursement. No reports are anticipated from this contract.

Issued in Austin, Texas on April 30, 1990.

TRD-9004434 James McWhorter
Assistant Commissioner for Administration
Texas Higher Education Coordinating Board

Filed: May 2, 1990

For further information, please call: (512) 462-6420



State Board of Insurance Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for admission to do business in Texas of Financial Benefit Life Insurance Company, a foreign life insurance company. The home office is in Boca Raton, Florida.
2. Application for admission to do business in Texas of Family Heritage Life Insurance Company of America, a foreign life insurance company. The home office is in Beachwood, Ohio.
3. Application for admission to do business in Texas of Toyota Motor Insurance Company, a foreign casualty insurance company. The home office is in Des Moines, Iowa.
4. Application for admission to do business in Texas of Genelco, Incorporated, a foreign third party administrator. The home office is in St. Louis, Missouri.
5. Application for admission to do business in Texas of Pacific Heritage Administrators, Incorporated, a foreign third party administrator. The home office is in Portland, Oregon.
6. Application for admission to do business in Texas of Interactive Medical Systems Corporation, a foreign third party administrator. The home office is in Raleigh, North Carolina.
7. Application for admission to do business in Texas of Johnson Brokers and Administrators, Incorporated, a foreign third party administrator. The home office is in Tulsa, Oklahoma.

Issued in Austin, Texas, on April 26, 1990.

TRD-9004518 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: May 3, 1990

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

Texas State Board of Pharmacy Public Hearing Notice

The Texas State Board of Pharmacy will conduct a public hearing beginning at 2 p.m., Wednesday, May 16, 1990, at the Wyndham Hotel South, 4140 Governor's Row, Austin. The purpose of the hearing is to receive testimony regarding the following proposed sections which were published in the March 16, 1990, edition of the *Texas Register*: §§291.71-291.76, relating to requirements for use of automated technology in a Class C (institutional) pharmacy.

The board has determined that the preceding sections are necessary to help ensure that the practice of pharmacy in Texas is conducted in a manner which protects the health and safety of the citizens of Texas.

The public is encouraged to attend the hearing and to present evidence or opinions regarding the proposed sections. Written testimony is encouraged. The board would appreciate receiving a copy of all written testimony before the hearing. The testimony and questions regarding the public hearing should be addressed to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas

State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4533.

Issued in Austin, Texas, on May 4, 1990.

TRD-9004536 Fred S. Brinkley, Jr., R.Ph.
 Executive Director/Secretary
 Texas State Board of Pharmacy

Filed: May 4, 1990

For further information, please call: (512) 832-0661

Public Utility Commission of Texas Consultant Proposal Request

Notice of Request for Proposals. Pursuant to Texas Civil Statutes, Article 6252-11c, the Public Utility Commission of Texas (PUC), the state agency charged with the regulation of the rates and services of public utilities (electric and telephone), announces a request for proposals (RFP) for consulting services concerning the reasonableness of the gas costs that Texas Utilities Electric Company has incurred between 1983 and 1988. The RFP is available at PUC.

The Public Utility Commission seeks a firm with experience with the natural gas industry to assist in the reconciliation of gas costs of Texas Utilities Electric Company in the pending rate proceeding, Docket 9300. The firm will have to review a number of gas contracts, prepare a report on the reasonableness of the costs incurred under those contracts, and then testify to their findings.

Contact Person. Parties interested in offering services to conduct such an audit should contact Bret Slocum, Deputy General Counsel, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas, (512) 458-0213, for a complete copy of the RFP.

Closing Date. Audit proposals should be received by PUC no later than 5 p.m., June 6, 1990. The period of performance is estimated to be July 12, 1990, to October 12, 1990, with participation in the hearing occurring some time after that.

Award Procedure. Selection of the consultant will be based on demonstrated competence, experience, knowledge, and qualifications in the areas of service desired and on the reasonableness of the proposed cost for the services. All proposals received shall be subject to evaluation by a committee of qualified PUC personnel to select the proposal which most clearly meets the requirements of the RFP. The general counsel will make a recommendation to PUC commissioners, who will approve the final selection. Consultants may be asked to make an oral presentation of their proposal prior to the commissioners' final selection.

The PUC reserves the right to accept or reject any or all proposals submitted. The PUC is under no legal or other requirement to execute a resulting contract on the basis of this notice or the distribution of the RFP. Neither this notice nor the RFP commit PUC to pay for any costs incurred prior to the execution of a contract.

Issued in Austin, Texas, on May 4, 1990.

TRD-9004553 Mary Ross McDonald
 Secretary
 Public Utility Commission of Texas

Filed: May 4, 1990

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

Railroad Commission of Texas

Correction of Error

The Railroad Commission of Texas submitted proposed amendments which contained an error as published in the April 13, 1990, issue of the *Texas Register* (15 TexReg 2094).

In §9.168(b), the "closed" bracket at the end of the text is a typographical error and should be omitted.

State Securities Board

Correction of Error

The State Securities Board submitted proposed sections which contained errors as published in the April 20, 1990, issue of the *Texas Register* (15 TexReg 2205).

In §115.3(c)(1)-(2), the character "em>" should be omitted.

In §117.1(b); paragraph (18) should read as follows. "(18) Major repairs and rehabilitation—The repair, rehabilitation, or reconstruction of a property where the aggregate costs exceed 10% of the fair market value of the property at the time of such services."

In §117.5(a)(2)(C)(iii) the clause should read as follows. "the sponsor pays the program amount in cash equal to the cost of the property (or contract rights) to the program (including all cash payments and carrying costs related thereto);"

In §117.7(c)(3) the word "within" should read "with".

In §117.9(d), the word "as" should be substituted for the word "a" in the third line.

In §121.1(a)(8)(D), the word "enumerated" should be substituted for the word "numerated" in the eighteenth line.

In §121.2 (d)(3), the word "and" should be substituted for the word "an" which appears after the comma in the twenty-sixth line.

In §121.2(i), the word "thids" in the third line should read "this".

In §121.4(a)(2) the word "by" should follow the phrase "met by the court or" in the twelfth line.

In §121.5(b)(5), the word "such" should be added to the beginning of the sixth line.

In §121.6(b)(1), the word "not" should be substituted for the word "no" in the thirteenth line.

In §121.8(b)(1)(G), the word "on" should be substituted for the word "or" in the second line.

In §121.8(e)(2)(B)(i), the word "of" should be substituted for the word "or" in the third line.

Texas Workers' Compensation Commission

Contract Award Notice

In compliance with the provisions of the Texas Civil Statutes, Article 6252-11c, the Texas Workers' Compensation Commission furnishes this notice of a consultant contract award.

Publication date. The consultant proposal request was published in the March 16, 1990, issue of the *Texas Register* (15 TexReg 1543).

Description of services. The request was for a consultant to provide services related to data processing and computer acquisition, to include designing necessary data collection forms, reviewing and evaluating software packages of other states, and developing plans leading to the cost-effective and timely implementation of the Texas Workers' Compensation System.

Name and address. The consultant contract has been awarded to Deloitte and Touche, 2000 MBank Tower, 221 West 6th Street, Austin, Texas 78701-3404.

Value and dates of contract. The total dollar value of the contract is \$192,608. The contract period extends from May 7, 1990-December 31, 1990, by which date all work associated with this contract must be completed.

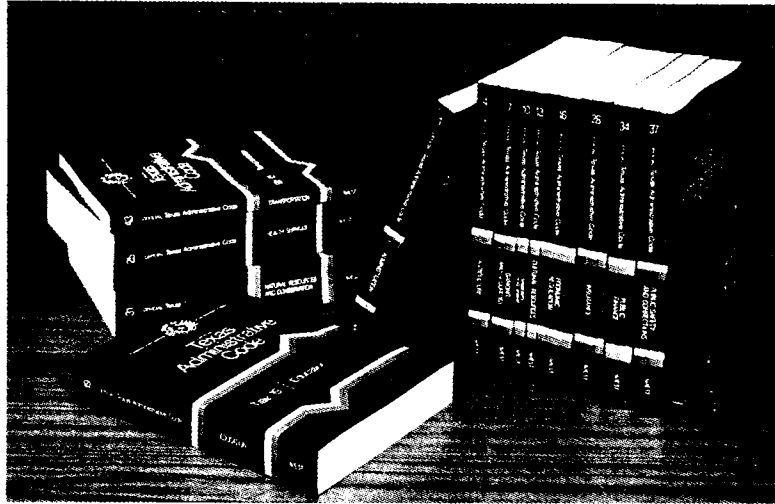
Issued in Austin, Texas, on May 1, 1990.

TRD-9004427 George E. Chapman
Executive Director
Texas Workers' Compensation Commission

Filed: May 2, 1990

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