

Texas Register

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

In Addition-miscellaneous information required to be published by statute or provided as a public service

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

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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"

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Texas Administrative Code

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

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1 indicates the title under which the agency appears in the *Texas Administrative Code*;

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§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).



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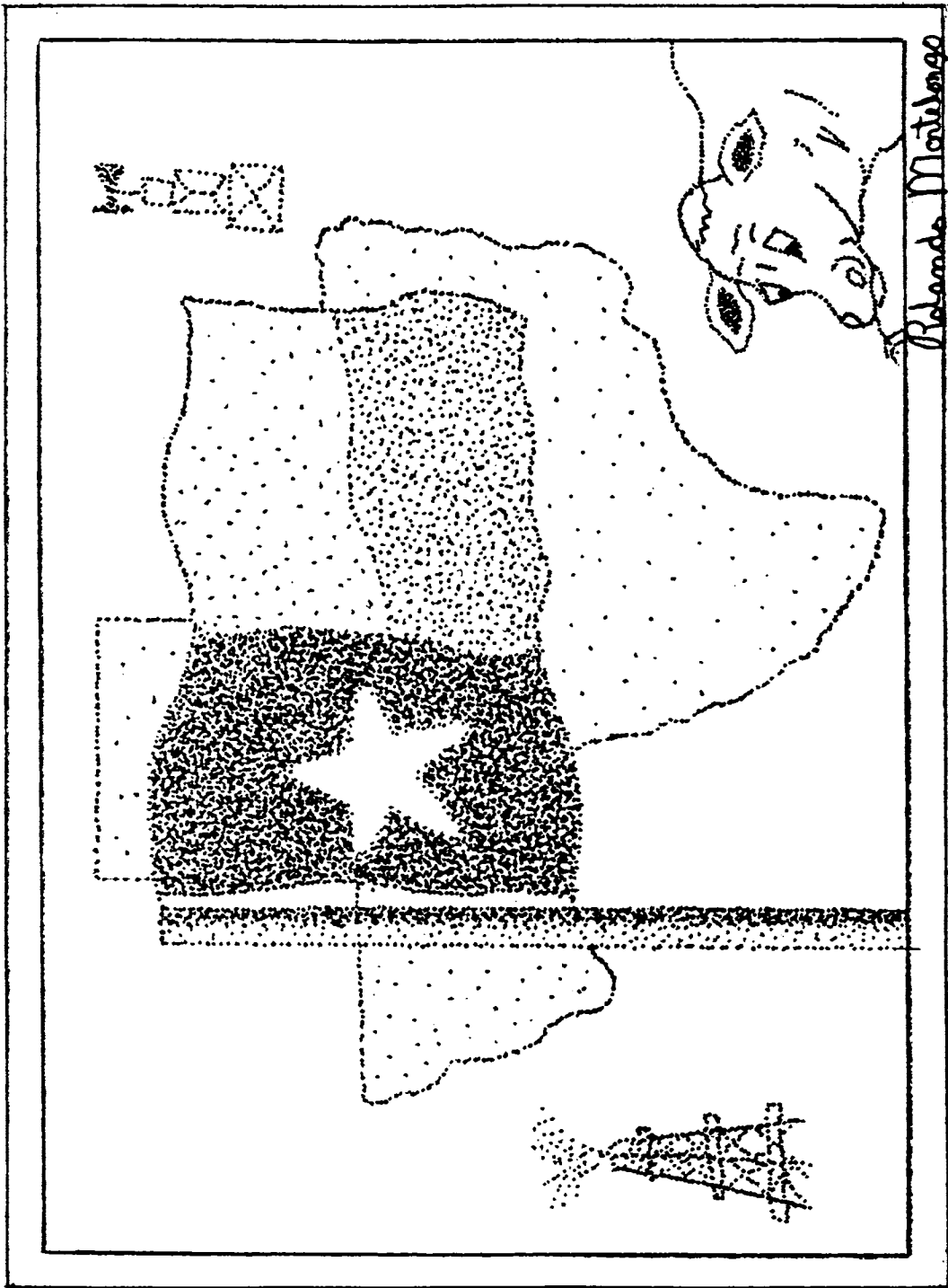
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Part V. Texas Board of Pardons and Paroles

37 TAC §145.22—3476

37 TAC §149.1—3477

**Part VI. Texas Department of Criminal Justice
[Texas Adult Probation Commission]**

37 TAC §152.3—3477

37 TAC §152.7, §152.9—3484

37 TAC §163.31—3484

37 TAC §165.41, §165.43—3485

37 TAC §195.61—3490

37 TAC §197.21—3491

37 TAC §321.15, §321.16—3492

Part IX. Texas Commission on Jail Standards

37 TAC §§271.1-271.3—3623

37 TAC §271.2—3515

**TITLE 40. SOCIAL SERVICES AND
ASSISTANCE**

Part I. Texas Department of Human Services

40 TAC §§4.1004, 4.1006, 4.1010, 4.1012—3515

40 TAC §9.101—3092, 3351

40 TAC §9.204—3092, 3351

40 TAC §§10.3101-10.3190—3162, 3320

40 TAC §§10.3301-10.3307, 10.3320-10.3324—3162,
3322

40 TAC §§10.3401-10.3454—3162, 3322

40 TAC §§10.3501-10.3506—3430

40 TAC §10.3507—3431

40 TAC §12.22, §12.23—3641

40 TAC §14.1—3690

40 TAC §§14.101, 14.103-14.105, 14.109—3690

40 TAC §§14.202, 14.203, 14.204—3692

40 TAC §15.200, §15.210—3092, 3351

40 TAC §16.901—3163

40 TAC §16.1101—3092, 3352

40 TAC §§16.1301-16.1305—3163

40 TAC §§16.1501, 16.1504-16.1509, 16.1511-16.1513—
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40 TAC §§16.1514—3163, 3223

40 TAC §§16.1901, 16.1903, 16.1904, 16.1906, 16.1907,
16.1910-16.1912, 16.1914-16.1919—3167

40 TAC §§16.2901-16.2908—3167

40 TAC §§16.3001-16.3009, 16.3011-16.3017—3168

40 TAC §16.3010—3092, 3352

40 TAC §§16.3101-16.3107—3168

40 TAC §§16.3201-16.3212—3168

40 TAC §§16.3301-16.3304—3168

40 TAC §§16.3401-16.3404—3169

40 TAC §§16.3501-16.3507—3169

40 TAC §§16.3801-16.3805, 16.3807—3169

40 TAC §16.3806—3162, 3327

40 TAC §16.3901, §16.3902—3169

40 TAC §16.3903—3092, 3352

40 TAC §§16.4101-16.4103—3169

40 TAC §§16.4901-16.4913—3170

40 TAC §16.5101, §16.5102—3170

40 TAC §§16.5901-16.5903—3170

40 TAC §§16.6101-16.6111, 16.6113,-16.6120—3170

40 TAC §16.6112—3162, 3328

40 TAC §§16.7101, 16.7102, 16.7104—3171

40 TAC §16.7103—3092, 3352

40 TAC §16.9801—3092, 3353

40 TAC §16.9802—3171

40 TAC §19.1—3171

40 TAC §19.101—3172

40 TAC §§19.201-19.219—3177

40 TAC §§19.301-19.305—3184

40 TAC §19.401—3186

40 TAC §§19.501-19.505—3186

40 TAC §§19.601-19.604—3188

40 TAC §19.701—3193

40 TAC §§19.801-19.813—

40 TAC §§19.901-19.912—3199

40 TAC §§19.1001-19.1010—3202

40 TAC §§19.1101-19.1106—3203

40 TAC §§19.1201-19.1208—3205
40 TAC §§19.1301-19.1310—3206
40 TAC §§19.1401-19.1402—3210
40 TAC §§19.1501-19.1521—3212
40 TAC §§19.1501, 19.1504 ---3212
40 TAC §§19.1601-19.1612—3223
40 TAC §§19.1701-19.1708—3227
40 TAC §§19.1801-19.1809—3230
40 TAC §§19.1901-19.1933—3241
40 TAC §§19.2001-19.2013—3254
40 TAC §§19.2101-19.2107—3265
40 TAC §29.601—3266
40 TAC §29.1126—3266
40 TAC §§29.2201-29.2203—3162, 3431
40 TAC §§29.2401-29.2404—3267
40 TAC §31.101--31.107—3092, 3354
40 TAC §41.702—3092, 3354
40 TAC §46.5001—3694
40 TAC §§48.2101-48.2109—3092, 3355
40 TAC §48.2501—3092, 3356
40 TAC §§48.2601-48.2605, 48.2611—3582
40 TAC §48.2911, §48.2918—3694
40 TAC §48.2916—3162, 3328

40 TAC §48.5902—3415
40 TAC §48.9302—3583
40 TAC §48.9802, §48.9808—3695
40 TAC §51.50—3695
40 TAC §54.403—3411
40 TAC §§79.1701-79.1707—3092, 3356

Part IX. Texas Department on Aging

40 TAC §255.37—3642

TITLE 43. TRANSPORTATION

Part i. State Department of Highways and Public Transportation

43 TAC §§1.300-1.305—3075, 3269

43 TAC §21.33—3751

43 TAC §31.3—3643

43 TAC §§31.50, 31.53, 31.55, 31.57—

Part III. Texas Department of Aviation

43 TAC §§65.1-65.20—3625

43 TAC §§65.1-65.21—3625

Part IV. Texas High-speed Rail Authority

43 TAC §§81.1, 81.11, 81.21, 81.31, 81.41, 81.51, 81.61—3514

43 TAC §§81.100, 81.110, 81.120, 81.130, 81.140, 81.150, 81.160—3515

43 TAC §§83.1, 83.11, 83.21, 83.31—3515

43 TAC §§83.100, 83.110, 83.120—3517

◆ ◆ ◆

The Governor

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

Appointments Made June 18, 1990

To be a member of the **Statewide Media Task Force on Dropout Prevention** for a term at the pleasure of the Governor: James A. Baker, 539 Rancho Bauer, Houston, Texas 77079. Mr. Baker is filling a new position pursuant to H.C.R. 142, 71st Legislature, Regular Session.

To be a member of the **Hospital Licensing Advisory Council** for a term to expire December 7, 1995: Susanna E. Bedell, M.D., 1021 South Sycamore, Palestine, Texas 75801. Dr. Bedell will be filling the unexpired term of Dr. Richard Ballard of McAllen, who resigned.

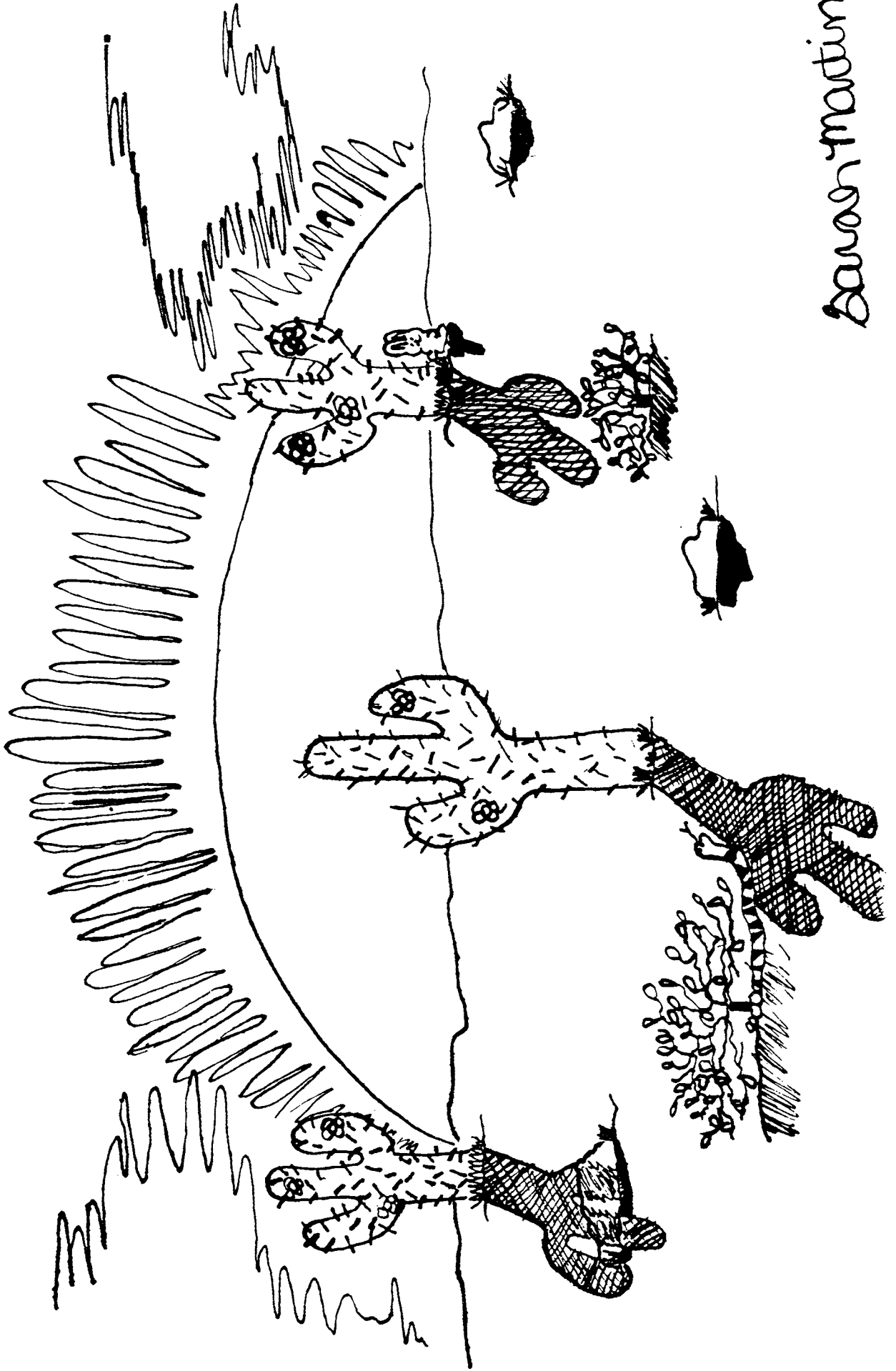
To be a member of the **Project Child Save Steering Committee** for a term to expire September 1, 1993: William Alan Keever, 4115 Park Lane, Dallas, Texas 75220. Mr. Keever is filling a new position pursuant to House Bill 2116, §71.016, 71st Legislature, Regular Session.

Appointments Made June 20, 1990

To be a member of the **Midwestern State University Board of Regents** for a term to expire February 25, 1996: Gary H. Shores, 2105 Berkeley Drive, Wichita Falls, Texas 76308. Mr. Shores will be replacing Larry Lambert of Wichita Falls, whose term expired.

TRD-9006398





Baron Martin

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 1.

ADMINISTRATION

Part I. Office of the Governor

Chapter 3. Criminal Justice Division

Subchapter A. Criminal Justice Administration of the Crime Victims Assistance

• 1 TAC §3.606

The Criminal Justice Division (CJD) of the Office of the Governor adopts on an emergency basis an amendment to §3.606 of the Crime Victims Assistance Program rules. The CJD is now in the process of reviewing applications for federal funds that are available under the federal Victims of Crime Act of 1984 (VOCA). The amendments are being adopted on an emergency basis to ensure that the applicants for VOCA funds have complete and accurate information essential for the implementation of their grant and are fully aware of statutory and administrative requirements that may affect their proposed projects.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provides the Criminal Justice Division with the authority to adopt such rules, regulations, and procedures as may be necessary to carry out the provisions of the Act.

§3.606. Project Requirements.

(a) Eligible projects. Only those projects which provide services to victims of crime are eligible for grant funding. Such services must directly benefit individual crime victims, must address needs directly resulting from the crime, and may include the required coordination of those services and the training of service providers. Additionally, to be eligible each project must:

(1)-(10) (No change.)

(b) Classification of projects. Projects of crime victim assistance shall be classified according to the six following categories:

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

(4) category four—crime victim assistance projects whose principal mission is to offer services to previously underserved populations of victims of violent crime. Those populations are comprised of:

(A) survivors of victims of homicide;

(B) victims of physical assault (excluding sexual assault, spousal abuse, and child abuse);

(C) families of kidnapped children if the kidnapping can be confirmed as an act of violent crime (as distinguished from violation of a court order relating to parental custody);

(D) victims of theft resulting in significant hardship, victims of burglary of a habitation, and victims of robbery [other victims who show demonstrable evidence of severe traumatic or psychological suffering resulting from the impact of the crime];

(5) category five—other victim assistance—this category shall include, but not be limited to, the following:

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

(6) category six—comprehensive victim assistance—this category shall include projects that provide assistance to victims of all types of crime.

(c) Prioritization of project applications.

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

Issued in Austin, Texas, on June 13, 1990.

TRD-9006388 Rider Scott
Executive Director
Criminal Justice Division,
Office of the Governor

Effective date: June 20, 1990

Expiration date: October 18, 1990

For further information, please call: (512) 463-1919

TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

Chapter 85. Rules of Operation For Pawnshops

• 7 TAC §85.2

The Office of Consumer Credit Commissioner is renewing the effectiveness of the emergency adoption of new §85.2, for a 60-day period effective June 28, 1990. The text of new §85.2 was originally published in the March 2, 1990, issue of the *Texas Register* (15 TexReg 1135).

Issued in Austin, Texas on June 21, 1990.

TRD-9006406 Al Endsley
Consumer Credit
Commissioner
Office of Consumer Credit
Commissioner

Effective date: June 28, 1990

Expiration date: August 27, 1990

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 9. Title Insurance

Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas.

• 28 TAC §9.20

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §9.20, for a 60-day period effective June 22, 1990. The text of new §9.20 was originally published in the March 2, 1990, issue of the *Texas Register* (15 TexReg 1135).

Issued in Austin, Texas, on June 20, 1990.

TRD-9006378 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 22, 1990

Expiration date: August 21, 1990

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

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

• 28 TAC §27.417

The State Board of Insurance adopts on an emergency basis an amendment to §27.417, concerning retail sales general requirements. A previous amendment to §27.417, which added subsection (o), was adopted on an emergency basis and became effective on March 16, 1990. Notification of the emergency adoption appeared in the March 23, 1990, issue of the *Texas Register* (15 TexReg 1615). The amendment is necessary to clarify the type of fireworks device that is being prohibited by subsection (o). The State Board of Insurance finds that an imminent

peril to the public health, safety, and welfare requires adoption of this amendment on an emergency basis to give clear notice to fireworks vendors prior to the Fourth of July fireworks season on June 24th of the ineligibility of any items which may have been marketed as permissible items in the past. The amendment specifies that the type of sky rocket being prohibited is one with a reusable guide wire or stick, which is temporarily or permanently attached.

The amendment is adopted on an emergency basis under the Insurance Code, Article 1.04, which provides the State Board of Insurance with the authority to determine policy and rules in accordance with the laws of this state; and under the Insurance Code, Article 5.43-4, which provides the State Board of Insurance with the authority to adopt rules necessary for the protection, safety, and preservation of life and property by licensing and regulating the display, sale, and storage of fireworks and other matters and activities concerning fireworks.

§27.417. *Retail Sales General Requirements.*

(a)-(n) (No change.)

(o) The display or offer for sale or sales of sky rockets with reusable guide wire or stick, which is temporarily or permanently attached, which fail to meet the requirements for propellant charge, casing size, and overall length specified in the Insurance Code, Article 5.43-4, §2(b)(1), is prohibited.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006420

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 22, 1990

Expiration date: July 14, 1990

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

◆ ◆ ◆

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 1.

ADMINISTRATION

Part I. Office of the Governor

Chapter 3. Criminal Justice Division

Subchapter A. Criminal Justice Administration of the Crime Victims Assistance

• 1 TAC §3.606

(Editor's Note: The Office of the Governor proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the new section is in the Emergency Rules section of this issue.)

The Criminal Justice Division (CJD) of the Office of the Governor proposes an amendment to §3.606, concerning the Criminal Justice Division's administration of the Crime Victims Assistance Program. The amendments were proposed on an emergency basis to ensure that the applicants for funds under the Victims of Crime Act of 1984 (VOCA) have complete and accurate information concerning project requirements.

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

Mr. Scott also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the assurance that applicants will be fully informed concerning the administrative policies and procedures and the special requirements for funding under the Crime Victims Assistance Program. 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 Knox Fitzpatrick, Associate Director, Criminal Justice Division, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, for a period of 30 days following publication in this issue of the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 4413(32a), §6(a)(11), which provides the Criminal Justice Division of the Governor with the authority to adopt

rules, regulations, and procedures as may be necessary.

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

Issued in Austin, Texas on June 13, 1990.

TRD-9006389 Rider Scott
Executive Director
Criminal Justice Division,
Office of the Governor

Earliest possible date of adoption: July 30, 1990

For further information, please call: (512) 463-1919

◆ ◆ ◆ Part V. State Purchasing and General Services Commission

Chapter 113. Central Purchasing Division

Purchasing

• 1 TAC §113.2, §113.3

The State Purchasing and General Services Commission proposes amendments to §113.2 and §113.3, concerning the processing of requisitions which contain restrictive specifications. The amendments are proposed to authorize the return of requisitions which contain restrictive specifications to more effectively insure compliance with competitive bidding requirements.

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

Mr. Arnett, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be efficient and effective requisition processing which better insures compliance with competitive bidding requirements. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to John R. Neel, General Counsel, State Purchasing and General Services Commission, P.O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposed sections in the *Texas Register*.

The amendments are proposed under Texas Civil Statutes, Articles 3 and 13, Article 601b, which provide the State Purchasing and General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of Articles 3 and 13.

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

Restrictive specifications—Specifications that unnecessarily limit competition by eliminating items or suppliers capable of satisfactorily meeting actual needs or, which establish evaluation criteria and methodology favoring a supplier or particular item thereby destroying the plane of equality among bidders.

§113.3. Requisition Processing.

(a) (No change.)

(b) Review of specifications and/or conditions of purchase.

(1) It is the avowed intention of the commission to conduct open competitive bidding to the maximum degree. When the commission finds specifications and/or conditions of purchase which have a limiting effect upon otherwise available competition, but which are not proprietary to one vendor, within the meaning of the Act and these sections, the commission purchaser [it] may not return the requisition to the agency prior to [for that reason but a commission purchaser may talk with the agency purchaser and discuss] discussing with the agency purchaser the limiting effect of the specification and/or condition of purchase and the ultimate economic effect, if any, which it may have, and recommended changes necessary to protect competition. Requisitions which contain such specifications and/or conditions of purchase may [not] be returned to the agency if there is [absent] some specific invalidating reason. Restrictive specifications which fail to satisfy the purpose of "competitive bidding" as defined in §113.2 of this title (relating to Definitions), that is, which restrict competition, favor a supplier or manufacturer, provide reason sufficient for return of a requisition. A requisition which has been returned to an agency due to restrictive specifications may only

be processed if a written request for processing is received from the agency head.

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

(c)-(d) (No change.)

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

Issued in Austin, Texas, on June 21, 1990.

TRD-9006409

John R. Neel
General Counsel
State Purchasing and
General Services
Commission

Earliest possible date of adoption: July 30, 1990

For further information, please call: (512) 463-3446

TITLE 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 165. Allocation of the State's Limit on Certain Private Activity Bonds

• 10 TAC §§165.1, 165.3, 165.5-165.7

The Texas Department of Commerce (commerce) proposes amendments to §§165.1, 165.3, and 165.5-165.7, concerning the establishment of requirements and procedures for the submission of applications for allocation reservations for the state ceiling on certain private activity bonds and the consideration of those applications by commerce. The sections provide clarification of the information required to reserve a portion of the state's ceiling and to clarify certain approval standards.

Dan A. McNeil, manager, business finance, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

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

Comments on the proposal may be submitted to 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 amendments are proposed under Texas Civil Statutes, Article 5190.9a, which provide the Texas Department of Commerce with the authority to adopt rules pertaining to the adoption, implementation, and administration of the allocation of the state's ceiling on private activity bonds.

§165.1. General Provisions.

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

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

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

(13) Carryforward—The amount of the state ceiling that has not been reserved before December 15 and any amount previously reserved that becomes available on or after that date because of the cancellation of a reservation.

(14)(13) Certificate of allocation—The notice given by the department to an issuer confirming the issuance of bonds receiving a portion of the state ceiling pursuant to the Act and the code.

(15)(14) Certificate of delivery—The notice given to the department by the issuer stating the closing date of the bonds and the amount of bonds issued and delivered at closing.

(16)(15) Certificate of reservation—The notice given by the department to an issuer reserving a specific amount of the state ceiling for a specific issue of bonds.

(17)(16) Close or closing—The issuance and delivery of bonds by an issuer in exchange for the required payment therefore, or in the case of mortgage credit certificates, the date when an issuer elects not to issue qualified mortgage bonds and establishes a mortgage credit certificate program under the code. The term does not include a delivery of bonds if the expenditure of the proceeds of the bonds is conditioned on obtaining credit enhancement in support of the bonds.

(18)(17) Closing date—The date on which the bonds have been issued and delivered in exchange for the required payment therefore.

(19)(18) Closing documents—Those documents that are required to be filed by the issuer not later than the fifth day after the day on which the bonds are closed.

(20)(19) Closing fee—The non-refundable fee in the amount of \$1,000 or 0.025% of the principal amount of the bonds certified as provided by the Act, §6(a)(2), whichever is greater. The foregoing notwithstanding, an issuer exchanging a portion of the state ceiling for mortgage credit certificates shall submit to the department a closing fee in the amount of \$1,000 or 0.0125% of the amount of the state ceiling reserved, whichever is greater.

(21)(20) Code—The Internal Revenue Code of 1986, as the same from time to time may be amended.

(22)(21) Department—The Texas Department of Commerce.

(23)(22) Election—An election by an issuer of qualified mortgage bonds to convert its bond authority to mortgage credit certificates under applicable sections of the code.

(24)(23) Executive director—The executive director of the department.

(25)(24) Finance team members—Members associated with the specific bond issue and project or mortgage credit certificate program which include the issuer, user, bond counsel, placement agent, or underwriter, trustee, or any other members.

(26)(25) Governing body—The board, council, commission, commissioners' court, or legislative body of the governmental unit.

(27)(26) Governmental unit—A city, county, or other political subdivision which may create and utilize a corporation, or act for and on its behalf.

(28)(27) Housing finance corporation—A corporation created under the Texas Housing Finance Corporations Act, Texas Local Government Code, Chapter 394.

(29)(28) Issued—Bonds that have actually been delivered and paid for in full. The date of issuance shall be the date on which the bonds have been delivered and paid for in full.

(30)(29) Issuer—Any department, board, authority, agency, subdivision, municipal corporation, political subdivision, body politic, or instrumentality of the State of Texas of every kind or type whatsoever and any nonprofit corporation acting for or on behalf of any of the foregoing.

(31)(30) Joint housing finance corporation—A housing finance corporation acting on behalf of more than one local governmental unit as provided in the Texas Housing Finance Corporations Act, §394.012, Texas Local Government Code, Chapter 394.

(32)(31) Local governmental unit—Any city or county.

(33)(32) Local population—The population in the local governmental unit or units on whose behalf a housing finance corporation is created as determined by the most recent federal census estimate. If two local governmental units which overlap have created housing finance corporations, prior to the submission of either the application for reservation or the application for carryforward by either housing finance corporation, there shall be excluded from the population of the larger local governmental unit that portion of the population of any smaller local government-

tal unit having a population as determined by the most recent federal census estimate of 20,000 or more which is within the larger local governmental unit, unless the smaller local governmental unit assigns its authority to issue qualified mortgage bonds, based upon its population, to the larger local governmental unit.

(34)[(33)] Locally voted issue—An issue of bonds which has been authorized pursuant to a referendum approved by the voters of a political subdivision of the State of Texas.

(35)[(34)] Mortgage credit certificate—A certificate of the nature described in the code, §25.

(36)[(35)] Prepayments—Reduction of the principal amount of a loan that was originated from bond proceeds resulting in a corresponding reduction of the principal amount of the bond proceeds.

(37)[(36)] Private activity bond—A private activity bond within the meaning given that term under the code.

(38)[(37)] Project—Any eligible facility, as described in the application for reservation or carryforward, proposed to be financed, in whole or in part, by an issue of bonds. With respect to qualified mortgage bonds or student loan bonds, the department shall consider the project or purpose to be the provision of financial assistance to qualifying mortgagors or students within all or any portion of the jurisdiction of the issuer.

(39)[(38)] Qualified application—A completed application for reservation or an application for carryforward.

(40)[(39)] Qualified bond—A qualified bond within the meaning given that term under the code.

(41)[(40)] Qualified mortgage bond—A qualified mortgage bond within the meaning given that term under the code, including mortgage credit certificates.

(42)[(41)] Qualified small issue bond—A qualified small issue bond within the meaning given that term under the code.

(43)[(42)] Related person—Related person within the meaning given that term under the code.

(44)[(43)] Reservation—A reservation of a portion of the state ceiling for a specific bond issue.

(45)[(44)] Reservation date—The earliest date on which a qualified application for reservation is accepted for filing with the department pursuant to the Act and a portion of the state ceiling is or becomes available to the issuer.

(46)[(45)] Rules—Any statement of general applicability that implements, interprets, or prescribes law or policy, or describes the department's procedures and practice.

(47)[(46)] Significant expenditures—Expenditures greater than the lesser of \$1 million or 10% of the reasonably anticipated cost of the project.

(48)[(47)] Staff—The staff of the department.

(49)[(48)] State—State of Texas.

(50)[(49)] State ceiling—The amount of the authority in the state to issue tax exempt private activity bonds during the calendar year, as determined under the code.

(51)[(50)] State voted issue—An issue of bonds which has been authorized pursuant to a statewide referendum approved by the voters of the state.

(d)-(f) (No change.)

§165.3. Filing Requirements for Applications for Reservation.

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

(c) Bond authorization requirements. Not later than 35 calendar days after an issue's reservation date, the issuer shall submit to the department:

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

(4) if applicable, an amended agreement pursuant to subsection (b)(5); [paragraph (5) of this subsection.]

(5) a bond authorization requirements checklist, on the form prescribed by the department.

(d) Closing fee. Not later than the fifth calendar day after the day on which the bonds are closed the issuer shall submit the remaining two-thirds of the fee.

(e) Closing documents. Not later than the fifth calendar day after the day on which the bonds are closed the issuer shall file with the department:

(1) a closing documents checklist, on the form prescribed by the department;

(2)[(1)] a certificate of delivery on the form prescribed by the department;

(3)[(2)] a certified copy of the bond resolution authorizing the issuance of bonds, and setting forth the specific principal amount of the bond issue;

(4)[(3)] if one is required, a copy of the approval of the governmental unit or governmental units, certified by a public official with the authority to certify such approval. This requirement shall not apply to any bonds for which the code does not require such a public hearing and approval of a governmental unit or governmental units;

(5)[(4)] other documents relating to the issuance of bonds, including a statement of the bonds';

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

(6)[(5)] an official statement.

(f)-(g) (No change.)

(h) Application restrictions.

(1) In order to submit an application for reservation an issuer or borrower must have been in existence on January 1 of the current year.

(2) On or before January 10, an issuer may not submit more than one application for the same borrower or related person for a project or projects in the same county.

(3) No issuer may submit an application for reservation for the same or substantially similar project as any other issuer.

§165.5. Consideration of Qualified Applications by the Department.

(a)-(h) (No change.)

(i) Upon notice by the department that a portion of the state ceiling will be available to the issuer for less than the requested amount, the issuer or authorized representative must confirm in writing its acceptance or denial of the amount available, within three business days. Refusal by an issuer to accept a certificate of reservation for less than the amount requested in a qualified application shall not change the chronological order in which such issuer will be offered a certificate of reservation. If an issuer accepts a certificate of reservation for less than the requested amount, the issuer shall maintain its current position, and will be offered the next available reservation amounts until the original request has been satisfied. However, the deadline restrictions will be calculated from the date of reservation for each reservation amount.

§165.6. Expiration and Extension Provisions.

(a) The expiration date for a certificate of reservation shall be the first business day which occurs on or after the 60th calendar day after the date on which the reservation date is given.

(b) The department may, for good cause shown by the issuer in a written statement, submitted to the department prior to such expiration date, extend the expiration date for an additional period which shall expire on the specific date requested by the issuer or at the department's discretion, on any date not later than 15 calendar days after the original expiration date. The department shall not, however, have any obligation to provide such an extension, and no issuer shall have any right to such an extension.

(c) (No change.)

(d) When a closing on bonds covered by a certificate of reservation has occurred, the issuer's reservation will be canceled if the closing documents and fee described in §165.3(d) of this title (relating to Filing Requirements for Applications for Reservation) herein are not filed with the department not later than the fifth calendar day after the day of closing.

§165.7. Cancellation, Withdrawal, and Penalty Provisions.

(a) If the issuer does not timely submit the bond authorization requirement described in §165.3(c) of this title (relating to Filing Requirements for Applications for Reservation), the issuer's reservation is canceled and during the 90-calendar-day period beginning on the reservation date of the canceled reservation.

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

(b) If the closing documents and fee are not received within five calendar days after the closing described in §165.3(d) of this title (relating to Filing Requirements for Applications for Reservation), the issuer's reservation is canceled and during the 120-calendar-day period beginning on the reservation date of the canceled reservation:

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

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

Issued in Austin, Texas, on June 21, 1990.

TRD-9006407

William D. Taylor
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: July 30, 1990

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

◆ ◆ ◆
Chapter 180. Industrial Projects

• 10 TAC §180.2

The Texas Department of Commerce proposes an amendment to §180.2, concerning the establishment of rules and procedures for the Industrial Revenue Bond Program. The amendment to the section provides clarification for the industrial revenue bond application process.

Dan A. McNeil, manager, business finance, 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. McNeil also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to make the application process more efficient and more cost effective for the user. 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 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 5190.6, §24, which provides the Texas Department of Commerce with the authority to adopt rules governing the Industrial Revenue Bond Program.

§180.2. Industrial Revenue Bond Program.

(a) General.

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

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

(A)-(Q) (No change.)

(R) Guarantor-

(i) Any **individual, partnership, corporation, or any other private entity** [person] that is a party to a contract with the user, if such **entity** [person] is contractually obligated to make payments to or on behalf of the user in amounts at least equal to the payments required to be made by the user under its lease, sale, or loan agreement with the corporation, provided the user has assigned to the corporation its contractual rights to receive such payments in order to secure said user's obligations under the lease, sale, or loan agreement.

(ii) Any **individual, partnership, corporation, or any other private entity** [person] directly guaranteeing the user's payments in the amounts required under the lease, sale, or loan agreements.

(iii) Any **individual, partnership, corporation, or any other private entity** [person] directly guaranteeing payment of bonds issued to finance the project.

(S)-(X) (No change.)

(4) (No change.)

(b) Application contents.

(1) Generally.

(A) The project description prepared by the user shall include:

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

(iv) a detailed showing of the estimated costs of the project, together with a list of the sources from which payment will be made, which statement shall show actual, or if not possible, estimated, cost of items as follows:

(I)-(III) (No change.)

(IV) financing charges, specifically designated fees and expenses of original purchasers, issuer, issuer's counsel, underwriters, financial advisers, placement agents, bond counsel, other legal counsel, bond delivery and printing expenses, the cost of preparing and processing the application, engineering fees, plans, specifications, surveys, and all other fees and/or expenses in connection with the financing;

(V)-(VI) (No change.)

[(VII) fees and expense of the corporation, separately stated; if none, so state;]

(VII)[(VIII)] all other expenses, such as the costs of financing or refinancing of any project, including the refunding of any outstanding obligations, mortgages, or advances issued, made, or given by any person for any of the aforementioned costs; if none, so state;

(VIII)[(IX)] contingencies; if none, so state;

(IX)[(X)] inventory, raw materials, and other supplies;

(X)[(XI)] research and development costs.

(v) (No change.)

(B) (No change.)

(2)-(4) (No change.)

(5) Guarantor.

(A) The description of guarantor shall provide the same information required of the user in paragraph (4)(A) of this subsection. [The letter of credit bank does not constitute a guarantor under the department's rules.]

(B) (No change.)

(6) The bonds.

(A) (No change.)

(B) Investment letters shall include investment letters from the original purchasers of the bonds, or the purchasers of the bonds from the underwriter, in the form to be delivered at closing, substantially to the effect that said purchaser:

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

(C) The letter regarding the bonds shall include a letter from the underwriter, and/or a letter from the placement agent or financial adviser, submitted on letterhead, that the bonds are marketable; provided, that the following requirements are met: [that the requirements in subsection (b)(13) of this section are met, however, delivery of the investment described in subparagraph (B) of this paragraph shall constitute compliance with this requirement.]

(i) either the user or any guarantor has a current rating on any of its outstanding securities from Moody's Investors Service of Ba or higher or from Standard and Poor's Corporation of BB or higher; or

(ii) the bonds sought to be issued have received a rating from either Moody's or Standard and Poor's of at least Baa or BBB, respectively.

(D) (No change.)

(7)-(12) (No change.)

(13) Supplemental Information. In addition to the other requirements of this subsection, if an application is one in which:

[(A) neither the user nor any guarantor has a current rating on any of its outstanding securities from Moody's Investors Service of Ba or higher or from Standard and Poor's Corporation of BB or higher;

[(B) the bonds sought to be issued have not received a rating from either Moody's or Standard and Poor's of at least Baa or BBB, respectively; or

[(C) an investment letter satisfying the requirements of paragraph (6)(B) of this subsection is not provided, then such application for approval must also contain the following.

[(i) Independent analysis. A report of an independent financial analyst or other consultant, approved by the department, analyzing the other information contained in the application, which report may, at the request of the department, also contain a feasibility analysis of the project. The cost of preparing such report shall be borne by the user, but may be reimbursed from the proceeds of the bonds.

[(ii) Project costs to be paid by user. Evidence, satisfactory to the department, that:

[(I) not more than 80% of the cost of the project will be financed out of bond proceeds.

[(I) either the user has paid or will pay the remaining cost of the project which will not be financed out of bond proceeds; and

[(II) if the bonds are secured by a lien against the project, such lien is superior to any lien(s) against the project securing a borrowing by the user for the purpose of paying the remaining cost of the project in accordance with subclause (I) of this clause.]

(c) (No change.)

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

Issued in Austin, Texas, on June 21, 1990.

TRD-9006408

William D. Taylor
Executive Director
Texas Department of
Commerce

Earliest possible date of adoption: July 30, 1990

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter O. Late Season Migratory Game Bird Proclamation

• 31 TAC §§65.333-65.335

The Texas Parks and Wildlife Commission proposes amendments to §§65.333-65.335, concerning the Late Season Migratory Game Bird Proclamation. The proposed amendments realign opening and closing season hunting dates, provides a two pintail duck daily bag limit, and modifies goose bag limits.

Robin Riechers, staff economist, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Riechers, also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide additional hunting opportunity consistent with waterfowl populations. There will be no effect on small businesses as a result of enforcing the sections. It is anticipated there will be minimal economic cost to persons who are required to comply with the sections as proposed.

The department has filed a local employment impact statement with the Texas Employment Commission pursuant to Texas Civil Statutes, Article 6252-13a, §4A.

Comments on the proposed amendments may be submitted to Robert Jessen, Waterfowl Program Leader, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, 1-800-792-1112, extension 4578 or (512) 389-4578.

The amendments are proposed under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.333. Open Seasons.

(a) (No change.)

(b) The season is closed on migratory game birds on public roads and highways, or rights-of-way of public roads and highways; the state-owned riverbeds in Dimmit, Uvalde, and Zavala Counties, including, but not limited to, the Nueces and Frio Rivers; and state wildlife preserves and sanctuaries, unless an open season is otherwise provided. The open seasons for the taking of migratory game birds on any federal wildlife refuge shall be in accordance with the special hunting regulations duly adopted and published by the United States Fish and Wildlife Service.

(1) Ducks and coots.

(A) High Plains Mallard Management Unit: November 17, 1990 [18, 1989]-January 6, 1991 [7, 1990] from one-half hour before sunrise to sunset in that portion of Texas lying west of a line from the international toll bridge at Del Rio, thence northward following U.S. Highway 277 through San Angelo to Abilene, thence along State Highway 351 from Abilene to Albany and U.S. Highway 283 from Albany to Vernon, thence easterly along U.S. Highway 183 to the point of intersection with the Texas Oklahoma state line in Wilbarger County.

(B) Remainder of the state: November 17-25, 1990 [18-26, 1989] and December 8, 1990 [9, 1989]-January 6, 1991 [7, 1990], from one-half hour before sunrise to sunset.

(C) (No change.)

(2) Geese.

(A) West of U.S. Highway 81: October 20, 1990 [21, 1989]-January 20, 1991 [21, 1990].

(B) East of U.S. Highway 81: Light goose species (snow, blue, and Ross'), November 10, 1990 [11, 1989]-February 17, 1991 [18, 1990]. Dark goose species (Canada, black-brant and white-fronted) November 10, 1990 [11, 1989]-January 20, 1991 [21, 1990].

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

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

§65.334. *Bag and Possession Limits.*

(a) (No change.)

(b) The bag and possession limits are as follows.

(1) Ducks and coots.

(A) Ducks: the daily bag limit is three ducks daily which may include no more than two mallards (no more than one of which may be a female mallard), one mottled duck, two [one] pintail, one redhead, one hooded merganser, and two wood ducks. Possession limit shall be twice the daily bag.

(B) (No change.)

(2) Geese.

(A) (No change.)

(B) East of U.S. Highway 81: daily bag limit is five light geese (Snow, blue, and Ross') and daily bag limit for dark geese is one Canada or black brant or [and] one white-fronted goose. Possession limit is twice the daily bag.

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

(c)-(f) (No change.)

§65.335. *Extended Falconry Season.*

(a) (No change.)

(b) It is lawful to take migratory game birds during the following prescribed open seasons.

(1) Ducks and coots. October 27, 1990, [November 18] for 107 consecutive days from one-half hour before sunrise to sunset.

(2) Geese.

(A) West of U.S. Highway 81: October 20, 1990, [21] for 107 consecutive days from one-half hour before sunrise to sunset.

(B) East of U.S. Highway 81: November 10, 1990, [11] for 107 consecutive days from one-half hour before sunrise to sunset.

(3) Sandhill cranes. October 27, 1990, [November 11] for 107 consecutive days from one-half hour before sunrise to sunset in that portion of Texas lying west of a line beginning at the international toll bridge at Brownsville, thence north and east along U.S. Highway 77 to its junction with U. S. Highway 87 at Victoria, thence east-

ward along U.S. Highway 87 to its junction with Farm Road 616 at Placedo, thence northeast along Farm Road 616 to its junction with State Highway 35, thence northeast along State Highway 35 to its junction with State Highway 6 at Alvin, thence west and north along State Highway 6 to its junction with U.S. Highway 290, thence westward along U.S. Highway 290 to its junction with Interstate Highway 35 at Austin, thence north along Interstate Highway 35 (following 35 West through Fort Worth) to the Texas-Oklahoma state line. Special provision: Section 65.333(b)(3)(D) of this title (relating to open seasons) concerning sandhill crane permits applies.

(4) Common snipe or Wilson's snipe or jacksnipe. October 27, 1990, [28] for 107 consecutive days from one-half hour before sunrise to sunset.

(5) Woodcock. October 27, 1990, [28] for 107 consecutive days from one-half hour before sunrise to sunset.

(c)-(d) (No change.)

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

Issued in Austin, Texas, on June 22, 1990.

TRD-9006444

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption: July 30, 1990

For further information, please call: 1-800-792-1112, ext 4505 or (512) 389-4505

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TITLE 34. PUBLIC
FINANCE
Part I. Comptroller of
Public Accounts
Chapter 3. Tax Administration
Subchapter O. State Sales and
Use Tax
• 34 TAC §3.288

The Comptroller of Public Accounts proposes an amendment to §3.288, concerning direct payment procedures and qualifications. House Bill 2475 has reinstated the exclusion for taxable items that are held for shipment outside Texas and taxable items that will be processed, fabricated, manufactured, or attached to other property and shipped outside Texas.

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

Mr. Lock also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in providing them with new information regarding their tax responsibilities under changes made by the legislature. There is no anticipated economic cost to persons who are required to comply with the proposed section.

The amendment is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.288. *Direct Payment Procedures and Qualifications.*

(a)-(h) (No change.)

(i) If storage facilities contain [are maintained containing] taxable items purchased under a direct payment exemption certificate and at the time of storage [both in Texas and outside the state, tax must be accrued and paid on the inventory at the time of purchase. However, a tax-free inventory of out-of-state purchases may be kept if separate records are maintained on the out-of-state purchases and] it is not known whether the taxable items [purchased outside the state] will be used in Texas, then the taxpayer may elect to report the use tax either [A taxpayer maintaining a tax-free inventory should report tax] when the taxable items are first stored in Texas or are first removed from inventory for use in Texas, as long as use tax is reported in a consistent manner. Use tax is not applicable to purchases of taxable items that are to be transported outside Texas for use solely outside Texas or on purchases of taxable items that are to be processed, fabricated, or manufactured into other property or attached or incorporated into other property and then transported outside Texas for use solely outside Texas. See §3.325 of this title (relating to Refunds and Payments Under Protest) and §3.338 of this title (relating to Allowance of Credit for Tax Paid to Suppliers) for refund and credit provisions. See also §3.346 of this title (relating to Use Tax).

(j)-(l) (No change.)

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

Issued in Austin, Texas, on June 21, 1990.

TRD-9006401

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: July 30, 1990

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

Part IX. Bond Review Board

Chapter 181. Bond Review Board

Subchapter B. Public School Facilities Funding Program Rules

- 34 TAC §§181.21, 181.23, 181.25, 181.27, 181.29, 181.31, 181.33, 181.35.

The Texas Bond Review Board proposes new §§181.21, 181.23, 181.25, 181.27, 181.29, 181.31, 181.33, and 181.35, concerning public school facilities funding program rules. The proposed sections include the rules covering the administration by the board of the Public School Facilities Loan Program. Under this program Texas public school districts may apply to the board for a loan to finance or refinance costs associated with the acquisition, construction or renovation of capital assets or instructional facilities. The board authorizes the state treasurer to issue bonds to fund loan agreements between the board and participating school districts. The proposed rules specify the application procedures, school district qualifications, eligible costs, bond issuance, administration of bond proceeds, and the guarantee of state bonds.

Tom K. Pollard, executive director of the Bond Review Board, has determined that for the first five-year period the sections are in effect there will be fiscal implications as a result of enforcing or administering the new sections. The fiscal impact on state government will be negligible. Local school districts participating in the program will experience a reduction in borrowing costs associated with the financing of instructional facilities. The exact amount of this cost reduction cannot be estimated as it depends on the future volume of school district participation in the program which cannot be determined at this time. These rules will have no effect on small businesses.

Mr. Pollard also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be from the reduced cost of financing local school facilities. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments may be submitted to Tom K. Pollard, Executive Director, Texas Bond Review Board, P.O. Box 13292, Austin, Texas 78711-3292.

The new sections are proposed under §5(d), Chapter 815, Acts of the 71st Legislature, 1989, which provides the Texas Bond Review Board the authority to adopt rules governing administration of the Public School Facilities Funding Act.

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

Agreement—The document signed by the board and the district which specifies the terms and conditions of program financing.

Authorized representative—One or more individuals designated by the governing body of a school district in its application. An authorized representative may act on behalf of the district in all respects, including execution of financing documents and requisitioning funds.

Board—The Bond Review Board created by Chapter 1078, Acts of the 70th Legislature, 1987 (Texas Civil Statutes, Article 717k-7).

Capital assets—

(A) Permanent fixtures, including mechanical or electrical equipment, of an instructional facility; and

(B) other property that constitutes furnishings of an instructional facility.

District—Any duly-constituted public school district in the State of Texas.

Instructional facility—Real property, a building or other improvement to real property, or a fixture that is used predominantly for teaching or is required by state law.

Loan committee—A six member body, one member to be appointed by each of the five board members and one member designated by the Central Education Agency.

Local account—A fund within a depository account designated by a district exclusively for receipt of requisitioned funds.

Participating district—A district which has received financing under the program.

Program—The financing program authorized by the Public School Facilities Funding Act.

State bonds—Any debt instruments issued by the treasurer to fund the program.

§181.23. Application Procedures.

(a) The board will notify districts when applications are being accepted for financing of new projects or refinancing of existing projects. After such notification by the board, districts may apply to the board at any time. Each application shall be immediately referred to the loan committee. The loan committee will make a written recommendation to the board within 20 working days of receipt of a completed application. Such recommendation will include approval or disapproval of specific projects and the estimated costs thereof. The board will act on an application no later than the next regularly scheduled board meeting for which such item may be properly posted. Applications from districts which have not held an election may only receive contingent approval by the board, subject to voter approval of the bonds or

loan. Applications approved on a contingent basis will be funded following voter approval and a determination by the board that no material changes have occurred since contingent approval in the district's ability to repay the approved financing. Contingent approvals shall lapse after six months from the date of board approval, if no election has been held.

(b) The board may approve all or a part of the application as recommended by the loan committee. Board approval may specify parameters relating to the financing as necessary to ensure repayment, including but not limited to, maximum loan term and maximum annual payments.

(c) The board will notify the district of the approval or disapproval of its application by telephone and will mail written notification by certified mail within three working days of board action. Written notification of the approval will be accompanied by the agreement to be signed by an authorized representative of the district and returned to the board by certified mail. A district may reject all or part of the financing approved but not yet issued and will be deemed to have rejected all funding if it fails to timely return the signed agreement. A district may not reject a part or parts of the financing approved by the board if such rejection would cause the financing to fail to meet board rules regarding eligible costs.

(d) The application must be signed by the president of the district's school board and the superintendent of the schools, or duly authorized representatives thereof. Applications submitted prior to voter approval must be accompanied by a resolution of the district's board authorizing submission of the application. Applications must include the following:

(1) name and address of the district;

(2) name and telephone number of an authorized representative and of school district's attorney;

(3) name of paying agent/local bank, telephone number, contact person, wire number;

(4) names of the district's school board members;

(5) current credit ratings, if any;

(6) itemization of the proposed use or uses of loan or bond proceeds;

(7) detailed description of the project or projects to be financed or refinanced;

(8) letter certifying that the project or projects were duly authorized and approved by the school board;

(9) if the election has been held, a copy of the ballot proposition and any other order entered or action taken by the district's board which specifies the purposes

for which approved bond proceeds may be used;

(10) date project or projects approved by voters or expected election date;

(11) an identification of all bonded indebtedness presently outstanding, by series name and principal amount (both the original principal amount and the currently outstanding amount) and the debt service schedule associated with each series;

(12) the district's annual audited financial reports for the most recent three years;

(13) requested loan payback period; and, if application is for the refinancing of an existing project,

(14) name and series of bonds to be refunded;

(15) paying agent for the bonds to be refunded; and

(16) additional information as requested by the board or loan committee.

(e) All communications regarding a district's application or qualification for aid shall be directed to the executive director of the board.

§181.25. District Qualifications.

(a) In approving an application, the board must find that a district has the ability to repay the loan granted or bonds purchased.

(b) A district qualifies for participation in the program if it meets the following criteria:

(1) the district has a property-wealth per student ratio below the statewide average; or

(2) the district has a property-wealth per student ratio below 1.25 times the statewide average, and in addition meets one of the following:

(A) the district has a local effective debt service tax rate greater than the statewide average for the latest year for which data is available;

(B) the district has in the last year requested and obtained a waiver of a legally required teacher-to-student ratio.

(c) If the application is for the refinancing of an existing project, the proposed financing must result in present value savings in percentage terms of at least 5.0% and present value savings in dollar terms of at least \$25,000 per issue refunded in order for the district to qualify for participation in the program. The calculation of savings for purposes of this requirement will be the responsibility of the board.

(d) If it is determined that funds are not available to fund all requests from districts meeting the qualifications listed in subsection (b) of this section, the board will prioritize applications based on the degree to which the qualifications are met.

(e) Prior to submitting a formal application a school district may request from the board an advisory statement as to whether the board will consider purchasing the district's bonds. The request should include a description of the project to be financed or bonds to be refinanced.

§181.27. Eligible Costs. Costs which are eligible for financing under this program include all or any portion of the cost of acquisition, construction, installation, reconstruction, and improvement of capital assets and instructional facilities; the refinancing of any outstanding obligations, mortgages, or advances made, issued or given for financing costs of capital assets and instructional facilities; or bond issuance costs associated with eligible project financings or refinancings. A district which has had funds previously approved for financing or refinancing specific projects may apply to the board to redirect funds to a different project made necessary by unanticipated events.

§181.29. Bond Issuance.

(a) The board will authorize the treasurer to issue bonds necessary to fund agreements between the board and districts.

(b) The treasurer will consider market and other economic conditions in timing the issuance of obligations and will coordinate the issuance with the district.

(c) The board reserves the right to limit the use of proceeds of the initial issuance of bonds and any subsequent issuance of bonds to the refunding of outstanding district bonds and may limit the size of each refunding issue.

§181.31. Finance Administration.

(a) All correspondence regarding the issuance of state bonds shall be sent to the director of public finance programs of the state treasury and not to the board or its members.

(b) The treasurer will maintain a separate fund for each participating district and may, upon the request of such district, invest each district's proceeds until requisitioned for expenditure. Interest earnings on funds invested in each separate fund will be credited to the appropriate district's account.

(c) A district which is not refinancing may receive all bond proceeds at closing or may, at its option, requisition funds from the treasury as needed. The treasurer will accept requisition requests by telephone, with such requests subsequently

confirmed in writing. All requests made before 10 a.m. (central time) will be transferred to the district's local account the same day.

(d) A district's program principal and interest payments must be received by the treasury in immediately available funds no later than the close of business on the due date thereof or, if such date is not a business day, by the close of business on the first preceding business day.

§181.33. Remedies for Late Payment or Default. Should a district be more than 15 days delinquent in any payment due under the program, the treasurer shall certify that fact to the board and to the commissioner of education and shall notify the district by certified mail. Upon certification of payment delinquency, the Central Education Agency shall deduct the total payment past due the program from the foundation school fund payment or payments next due the defaulting district, including any allocations to that district under the Education Code, Chapter 16.

§181.35. Permanent School Fund Guarantee.

(a) The board may apply to the commissioner of education for permanent school fund guarantee for all or part of the state bonds.

(b) If principal and interest payments by the districts and the deductions under §181.31 of this title (relating to Finance Administration) are insufficient to meet the principal and interest payments on state bonds, and such state bonds are guaranteed by the permanent school fund, any remaining deficiency shall be paid by the permanent school fund. Amounts paid by the permanent school fund shall be general obligations of the state until reimbursed by the treasury.

(c) The treasurer shall immediately thereafter reimburse the permanent school fund out of the general revenue fund in an amount equal to the amount paid from it pursuant to this section.

(d) Late payments the treasury receives from a district will be credited to the fund from which reimbursement of the permanent school fund was drawn.

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

Issued in Austin, Texas, on June 22, 1990.

TRD-9006461

Tom K. Pollard
Executive Director
Texas Bond Review Board

Earliest possible date of adoption: July 30, 1990

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

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 31. NATURAL RESOURCES AND CON- SERVATION

Part IX. Texas Water Commission

Chapter 294. Underground Water Management Areas/Critical Areas

Subchapter C. Critical Areas

• 31 TAC §294.23

The Texas Water Commission has withdrawn from consideration for permanent adoption a proposed new §294.23 which appeared in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2577). The effective date of this withdrawal is June 25, 1990.

Issued in Austin, Texas, on June 25, 1990

TRD-9006465 Jim Haley
 Director, Legal Division
 Texas Water Commission

Effective date: June 25, 1990

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



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 IV. Texas Department of Licensing and Regulation

Chapter 70. Industrialized Housing and Buildings

- 16 TAC §§70.10, 70.20-70.22, 70.50, 70.61, 70.63, 70.64, 70.66, 70.67, 70.70, 70.72, 70.73, 70.77, 70.80

The Texas Department of Licensing and Regulation adopts amendments to §§70.10, 70.20-70.22, 70.50, 70.61, 70.63, 70.64, 70.66, 70.67, 70.70, 70.72, 70.73, 70.77, and 70.80, without changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2550).

The amendments clarify the existing rules, thereby making compliance and enforcement easier and also assuring compliance with model code changes.

The sections will provide clarity and consistency.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 5221f-1 and Article 9100, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas, on June 21, 1990.

TRD-9006445
Larry Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Effective date: July 13, 1990

Proposal publication date: May 4, 1990

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

- 16 TAC §§70.78, 70.90-70.95, 70.120

The Texas Department of Licensing and Regulation adopts new §§70.78, 70.90-70.95, and 70.120, without changes to the proposed text as published in the April 6,

1990, issue of the *Texas Register* (15 TexReg 1919).

The sections' language was changed and was not included in the proposed adoption. The sections are needed for the enforcement of the Industrialized Housing and Buildings Act, Article 5221f-1.

The sections will provide clarity and consistency.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5221f-1 and Article 9100, which provide the Texas Department of Licensing and Regulation with the authority to promulgate rules necessary to effectuate the purpose of the Act.

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

Issued in Austin, Texas on June 21, 1990.

TRD-9006446
Larry Kosta
Executive Director
Texas Department of
Licensing and
Regulation

Effective date: July 13, 1990

Proposal publication date: April 6, 1990

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 294. Underground Water Management Areas/Critical Areas

Subchapter C. Critical Areas

- 31 TAC §§294.20-294.22, 294.24-294.25

The Texas Water Commission (TWC) adopts new §§294.20-294.22, 294.24, and 294.25. Section 294.24 and §294.25, are adopted with changes to the proposed text as published in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2577). Sections 294.20-294.22 are adopted without changes and will not be republished. Section 294.24 is changed to add Exhibit A to the map which is attached to §294.24. The map attached to

§294.25 is also changed to add Exhibit A and to delete the words Figure 11a from the map of Reagan County. The only other change to the proposed text in §294.25 is to correct an inadvertent error in §294.25(a) by making that subsection more clearly correspond to the detailed description and map delineating the Reagan, Midland, and Upton County Critical Area by providing that northeastern Upton County be included in the critical area. TWC withdraws §294.23 and will repropose the designation of the El Paso County Critical Area at a later date.

The Briscoe, Hale, Swisher County Critical Area, the Dallam County Critical Area, the Hill County Critical Area, and the Reagan, Midland and Upton County Critical Area are designated pursuant to the Texas Water Code, §§52.051-52.054, in order to protect and conserve the groundwater resources of the state. The new sections define the areas which are included in these critical areas.

The TWC received numerous written and oral comments on the proposed critical area designations. These comments will be addressed below for each critical area designation.

Section 294.21 provides for the designation of the Briscoe, Hale, and Swisher County Critical Area.

Commenters on the proposed designation of the Briscoe, Hale, Swisher County Critical Area included several individuals from the counties; a representative of Modern Well Service & Supply; a representative of the City of Plainview; a representative of Hale County; and a representative of the Hale County Farm Bureau.

Two commenters believed that the critical area designation was unnecessary because the water table in this area had stabilized and was no longer falling. TWC responds that the water table in this area has significantly declined since irrigation began in this area. The amount of pumpage or discharge continues to far exceed the amount of recharge and short term increases in water levels will not return the aquifer to its pre-irrigation levels.

Two commenters believed that the critical area designation was unnecessary because farmers in the area are exercising more restraint in using water and are very conservation-minded now.

TWC responds that the critical area process addresses more than just pumpage volumes. The process addresses total groundwater management, including services, groundwater level changes over the next 20 years, and water quality.

One commenter was concerned that if the commission promulgates a rule designating the critical area and orders a public hearing as to whether an election should be held for

district creation or annexation but the voters fail to vote for district creation, the municipalities in this area will not be able to receive funds for water and sewer improvements. TWC recognizes that the Texas Water Code, §52.063, provides that if the voters in a critical area do not approve the creation of a district, a city, county or district located in the area may not receive certain financial assistance from the state. TWC will consider this possibility if it holds a hearing and issues any order concerning an election for district creation or annexation.

One commenter was critical of the fact that the Critical Area Advisory Committee was not unanimous on the recommendations in the Technical Summary prepared by the Water Commission staff. The commenter had understood that another meeting would be held with the Advisory Committee before the report was issued. TWC recognizes that another meeting was contemplated. However, statutory deadlines for the submission of the executive director's critical area report forced cancellation of that meeting. Opportunity was still available to comment during the public hearings that have been held, however. Written comments could also have been provided, and TWC believes from this comment that all substantive comment regarding the possibility of critical area designation and the underlying technical information have been received.

One commenter questioned whether the critical area designation could have an adverse economic effect, such as decreased property values, on the area. Provisions in the Water Code setting forth the criteria for designating an area as critical do not include impacts upon property values. Nevertheless, TWC believes that the designation should not have an adverse impact. Rather, the designation could have a positive effect because it indicates that the area is actively pursuing groundwater management practices.

Several commenters were concerned that the effect of the critical area designation would be the creation of an underground water conservation district. Several commenters believed that an underground water district would result in costs to the local citizens without a resulting beneficial impact on water conservation. TWC responds first, that the designation of an area as critical does not mean a district should or will be created. The commission may call another hearing on the merits of district creation or annexation before issuing an order calling for an election on district creation or annexation. Also, under the Water Code, §52.057, the commission will issue an order calling an election for the creation of a district only if the commission finds that land and other property in the critical area would benefit from the creation, that there is a public need for the district, and that district creation would further the public welfare. Finally, the issue of district creation or annexation still rests with the local voters and not upon any actions the commission is authorized to take.

One commenter believed that the area already has water conservation practices which are as good as those practices in underground water conservation districts. In particular, the commenter noted the area has had many sprinkler systems installed and the farmers use the latest well-completion tech-

nology to save water because the farmers no longer have good pumping capacity. TWC agrees that many, but not all, citizens in this area may be employing good conservation practices. However, groundwater level declines are still occurring in these counties.

One commenter observed that there are more farms in Hale County that are capturing tailwater into collection systems than in areas with underground water districts. TWC recognizes that many, but not all, of the farmers in this area may be practicing adequate water conservation measures.

One commenter believed that the area does not need many of the services provided by a district, and that many of the services that a district would provide are already available in the area. Specifically, efficiency testing for irrigation wells, educational programs, depreciation records, and loan programs for water conservation equipment are all available through the Hale County Soil & Water Conservation District. TWC recognizes that these services are available from other sources. However, an underground water conservation district would provide other benefits to the area in that these other agencies do not have as much authority as a district to protect and conserve underground water.

One commenter believed that the need for well spacing had long passed because the farmers now have difficulty in developing a well that will produce water. Again, TWC agrees that well spacing may no longer be required in this area, but also responds that a district would provide benefits to the area other than well spacing.

One commenter believed that the only way to prolong the life of the water in the area would be to meter wells and limit the amount of water that could be pumped. That commenter believed that if that occurred, farmers would simply cut off their wells and dry land farm. TWC does not agree that metering and limiting pumpage of underground water is the only way to conserve this water. For example, water conservation measures and other steps to avoid waste may accomplish this goal.

One commenter questioned whether the area would be required to become an underground water conservation district if it is designated as a critical area. That commenter also questioned how big the district would have to be. As stated earlier, TWC responds that TWC would have to have another hearing prior to issuing an order calling an election for the creation of a district or annexation to another district. At that hearing, the size of any proposed district would be an issue. If the TWC issues an order calling an election for district creation or annexation to another district, the landowners in the district would then vote on such creation or annexation.

One commenter questioned what light the area would be held in by the Water Commission if the area did not elect to create a district. TWC responds that the only penalty for failure to create a district is that discussed above concerning state financial assistance to cities, counties, and districts.

One commenter stated that being in the High Plains Underground Water District had helped him because he was able to obtain a low interest loan from this district to install a sprinkler system. TWC agrees that

underground water conservation districts may provide many such benefits to an area.

One commenter supporting the critical area designation stated that the designation alone was not enough to protect the water resources and that the full exercise of regulatory powers by applicable local, state, and federal agencies was required. TWC agrees that corporation of the different regulatory authorities is important.

Section 294.22 provides for the designation of the Dallam County Critical Area.

Commenters on the proposed designation of the Dallam County Critical Area included eight ranchers/farmers, a county commissioner, three citizens, and a representative of the City of Texline.

Several commenters indicated that the recommendations in the Technical Summary prepared by the Water Commission staff did not represent a consensus of the members of the Critical Area Advisory Committee. The commenters had understood that further meetings would be held with the advisory committee before the final report containing a recommendation to the commission would be issued. TWC recognizes that another meeting was originally contemplated. However, statutory deadlines for the submission of the executive director's critical area report forced cancellation of that meeting. Opportunity was still available to comment during the public hearings that have been held, however. Written comments could also have been provided, and TWC believes from this comment that all substantive comment regarding the possibility of critical area designation and the underlying technical information have been received.

One commenter expressed concern that critical area designation would result in fines and penalties being assessed against the landowners in a designated critical area for misuse of water. TWC responds that it recognizes the power of underground water conservation districts to promulgate and enforce rules. However, districts are governed by the Texas Water Code, Chapter 52, which does not address penalties for various uses of water. Enforcement of a district's rules must be achieved through injunctive relief in state court.

One commenter criticized the critical area designation process, stating that TWC will make a critical area designation based solely on its own findings and without consideration of the views and comments of the landowners in an area being considered for critical area designation. TWC responds that public comment is taken into consideration in the decision-making process.

One commenter believed that a critical area designation was unnecessary because the economics of pumping water would naturally control how much water the farmers in the area withdrew. TWC responds that the critical area process addresses more than just pumpage volumes. The process addresses total groundwater management, including services, groundwater level changes over the next 20 years, and water quality.

Two commenters believed that Dallam County did not need a critical area designation, but did need some control over the entities from outside the county which have

purchased local water rights with the intention of pumping the water to distant locations. The statutes providing for critical area designation and possible district creation or annexation do not address limitations on the lease, sale, or export of underground water.

One commenter expressed concern that there was insufficient local involvement with the creation of the critical area designation report to accurately reflect the actual conditions of water use and water distribution in Dallam County. TWC responds that the Technical Summary was the result of an extensive study of the area being considered for critical area designation.

Two commenters were concerned that once a critical area designation was made, TWC would make the decision as to whether the area must form a district or annex an existing district. TWC responds that the commission must have another hearing before issuing an order calling an election for district creation or annexation. If the commission issues an order calling such election, the landowners in the district would then vote on the creation of a new district or annexation to an existing district.

Two commenters expressed concern over whether notice had been given for the public hearing concerning the critical area designation. TWC responds that all legal notice requirements were met and that proper notice was published in the *Dalhart Texan*, a newspaper of general circulation in Dallam County, as well as in the *Texas Register*.

One commenter suggested that Dallam County was not a critical water area but that there may be a need for considerations or controls over some domestic uses of water that the commenter considered wasteful. TWC believes that the critical area designation would help this commenter's concern.

One commenter believed that the farmers in the area were already utilizing groundwater management practices without any additional designations because the farmers in the area know and understand the importance of good water management practices. TWC agrees that many citizens in the area may be employing good conservation practices. However, groundwater level declines are still occurring.

One commenter was concerned as to what steps would follow a critical area designation, particularly, whether critical area designation means that district formation must follow. As stated earlier, TWC responds that the commission must have another hearing before issuing an order calling an election for district creation or annexation. Also, under the Texas Water Code, §52.057, the commission will issue such order only if the commission finds that land and other property in the critical area would benefit from the creation, that there is a public need for the district, and that the district creation would further the public welfare. Finally, the issue of district creation or annexation still rests with the local voters and not upon any actions the commission is authorized to take.

One commenter questioned whether the commission's decision to designate a critical area could be appealed by the voters of designated area. TWC responds that pursuant to the Texas Water Code, §52.053 the designation of a critical area may not be

appealed under subchapter B nor challenged under the Administrative Procedure and Texas Register Act, §12.

One commenter stated that districts do not guarantee any effect on water conservation, and that most districts do no more to conserve water than the farmers in Dallam County do at this time. The commenter further observed that actual declines of water levels are not prevented by creation of a water district. TWC recognizes that many of the farmers in the area may be practicing water conservation measures and that district creation may not result in an immediate cessation of water declines in the area. However, districts address total groundwater management principles which will produce beneficial long-term effects on the groundwater supplies in an area.

One commenter indicated that although the water situation in Dallam County is not critical at this point in time, safeguards need to be taken now to prevent future critical situations from arising. TWC responds that critical area designation with future consideration of creation of or annexation by an underground water conservation district is a means of preventing any such future water problems.

One commenter was concerned that landowners from outside Dallam County would be allowed to vote on whether a district would be formed and therefore, could outvote the Dallam County residents and have a say in the use and management of Dallam County water. If TWC issues an order proposing district creation or annexation to another district, only the landowners in the proposed district would then vote on such creation or annexation.

Section 294.24 provides for the designation of the Hill Country Critical Area.

Commenters on the proposed designation of the Hill Country Critical Area were a representative of Kendall County; a representative of Kerr County; a representative of Hill Country Underground Water District; an Advisory Committee member representing Kendall County; a representative of Springhills Water Management District; a representative of Phelps Drilling Company; a representative of Kerrville South; a representative of several citizens and entities in the area; a representative of the Board of Directors of Springhills Water Management District; and several residents of the proposed area.

Several commenters expressed concern about the conflicting information they have received regarding the quantity and quality of water available in the future. In particular, commenters noted two Texas Water Development Board ("TWDB") reports, Numbers 60 and 273, prepared in 1967 and 1983, respectively, which the commenters feel indicate sufficient availability of potable water until at least 2020. TWC responds that there is no conflict in the data. Both reports #60 and #273, as well as the technical analysis on the designation of the Hill Country Critical Area, indicate that, while the groundwater is apparently physically present, only a small portion of this groundwater can be realistically recovered by wells on a sustained basis due to the extremely low transmissibility of the aquifers. It would be economically impractical to withdraw all of this apparently

available groundwater because of the number of wells which would have to be drilled. Further, continued withdrawal of area groundwater could result in a decline in the base flow of the Guadalupe River and tributaries in the area.

Several commenters believed that the critical area designation was irrelevant to counties that have an existing underground water conservation district because these counties are already protecting groundwater resources. TWC responds first that the designation of a critical area under the Texas Water Code, §52.052, provides that a technical appraisal of the hydrogeology of the entire area be conducted to determine, in part, whether there exists or may exist within the next 20 years, shortages of surface or underground water or contamination of underground water. In the case of the Hill Country Critical Area, this study concluded that significant, long-term net water-level declines have occurred and that the area has experienced a gradual and significant increase in nitrate concentrations. Thus, criteria for critical area designation are met. Secondly, TWC responds that the designation of an area as critical does not mean a district or districts should or will be created or the area would be annexed to an existing district. If TWC designates an area as critical, it may call a hearing pursuant to the Texas Water Code, §52.055(a), to consider whether a district or districts should be created over all or part of a critical area; or whether all or part of the land in the critical area should be added to an existing district. If TWC finds that the area would benefit from creation of one or more districts or annexation, TWC may call elections for such purpose.

Two commenters from counties with existing conservation districts supported the designation of the Hill Country as a critical area. Both stated that water resources will be a problem in the future. TWC agrees and again emphasizes that the long-term goals of the critical area designation process are to identify those areas of this state experiencing or expected to experience underground water problems within the next 20 years and to determine the best methods for handling such problems either through the creation of underground water conservation districts or through means available to each local governmental entity to assure the availability of a clean and adequate supply of underground water for the future.

One commenter observed that the words "critical area" do not sound comforting to potential buyers or real estate investors. TWC understands this concern but believes that identification of these areas and subsequent careful management of their finite resources may also provide assurance of adequate water supplies for future economic growth.

One commenter remarked that Bandera County has been significantly impacted by land speculation and subdivision development for over 20 years. The commenter stated that for better or worse they were saddled with responsibilities for past developments and challenged as never before to strike a balance between economics and a healthy environment. TWC concurs with this observation and believes that the resource management goals addressed in

the critical area designation process are a key first step in striking a healthy balance between protection of the environment and development of this state.

One commenter discussed the benefits the critical area designation will bring to both areas with an existing water district and those which may use the critical area process to establish a water district. In particular, he felt that critical area designation will help keep water conservation issues in the forefront of a district's concerns. TWC believes that the critical area designation process has already raised public awareness regarding water quantity and quality concerns and expects this trend to continue on both the individual and district level.

Several commenters advocated the creation of single-county water districts rather than one regional water district. TWC responds that consideration of this possibility is premature in that it goes to the issue of district creation, not critical area designation. Should the Hill Country be designated as a critical area, a public hearing may be held pursuant to the Code, §52.055(a), to determine whether a district or districts should be created over all or part of a critical area or whether all or part of the land in the critical area should be added to an existing district pursuant to elections called by TWC.

One commenter discussed the ongoing and active management of water resources within Kerr County by various local entities and argued against the inclusion of Kerr County in the critical area. TWC recognizes these management efforts but must reiterate the fact that Kerr County shares a common underground water resource with other counties in the critical area and is affected by the activities of those neighboring counties. Areas neighboring Kerr County have unusually high to excessive nitrate levels in their groundwater which have and will continue to have an impact upon Kerr County water resources as water carrying contaminants moves freely within the underground aquifers. Additionally, while Kerr County has decreased its reliance upon groundwater by shifting to surface water supplied by the Guadalupe River, the river itself is fed by groundwater discharge. Thus, in this instance, surface water resources share the pollution problems found in underground water just as Kerr County shares in all of the problems experienced in the underground aquifers it has in common with the entire Hill Country area. Further, no entity within Kerr County has the authority to control and regulate pumpage and spacing of wells within the county, which is an important part of successful groundwater management. As the executive director has recommended in his report that action by the commission on any district creation within the Hill Country area be held in abeyance until after the conclusion of the next regular legislative session, should Kerr County wish to create an entity having such regulatory powers, it should have time to approach the legislature.

Two commenters discussed the effects felt in their counties from San Antonio's rapid growth to the north, specifically a moratorium on building because of water-level decline. TWC acknowledges this concern and recognizes that population increases in the Hill Country area will place ever-greater demands

upon groundwater resources. Designation of a critical area is based upon expectations for the next 20 years and population growth was factored into the technical report recommending designation of the Hill Country area as critical in the figures on estimated area-wide total water requirements.

Two commenters acknowledged area water shortages, discussing the low transmissibility of the Trinity Aquifer and how this resulted in difficulty in drilling index wells and the necessity for drilling many wells to intercept sufficient flows. TWC agrees that this is a problem in the Hill Country area. Even with a large supply of groundwater apparently available on a perennial basis, this area has suffered documented significant long-term net water-level declines at and near centers of groundwater withdrawals used for municipal (public) water supplies.

One commenter, a retired hydrometeorologist, stated that normal patterns of precipitation should occur in the next 20 years, producing a normal rate of groundwater recharge. He also stated that droughts are rare and that central Texas has a high potential for flood runoff. TWC responds that water planning in this state has always been based on dry or drought conditions in order to be prepared for the worst-case scenario.

Several commenters questioned the staff's methodology in creating a period of record for a particular well using data interpolated from another well. TWC responds that in order to determine the net long-term water-level decline in an area, one must use the maximum period of record available. A well which experiences an apparent water-level increase over five years can actually be shown to have experienced an overall water-level decrease when a longer period of record is used. Staff used standard hydrogeological methodology in determining periods of record for the entire Hill Country area by combining records from several wells to create a decline history with the maximum period of record available.

One commenter emphasized the nitrate pollution problems his county has experienced while another commenter asserted that Kendall County has no such quality problems. TWC answers by stating that certain counties within the Hill Country area have suffered more severe nitrate levels than others. However, even Kendall County has experienced increases in nitrate levels. Although only one concentration exceeded the maximum contaminant level set by the Texas Department of Health, 45% of the analyses indicated a gradual but significant increase over the ambient or naturally-occurring levels of historical nitrate concentration. Water, and any pollution it may carry, does not stop at county lines.

Several commenters questioned the purpose of the critical area designation when laws and regulations, such as those promulgated by the Commissioners' Court of Kendall County, already exist which regulate spacing of wells and septic tanks. TWC responds that designation of the Hill Country Critical Area is intended to assure the availability of a clean and adequate supply of underground water throughout the entire area. It is the stated purpose of the legislature to assure that the local areas will determine the best methods for handling underground water problems either through the creation of underground

water conservation districts or through other means available.

Several commenters specifically objected to the inclusion of Kendall County in the Critical Area, arguing that Kendall County did not meet any of the three stated criteria: land subsidence, water quality, and water quantity. Again, this discussion referenced reports on Kendall County previously prepared by the Texas Water Development Board. TWC reiterates its earlier comments as to the figures on Kendall County. It is agreed that the Hill Country area does not experience land subsidence problems at the present time but the problems with current water quality and water quantity are well-documented; recovery of only a small portion of the available water is realistic due to the low transmissibility of the aquifers and pollution from nitrates and other sources has significantly increased over naturally-occurring levels.

One commenter stated that through its current permitting system, Kendall County has better groundwater protection in place than would occur under the control of an underground water conservation district. TWC points out that this may be the reason the legislature provided for other means of local supervision of groundwater resources.

Two commenters raised concerns over any additional taxing authority being created in their area. TWC understands this concern but it is not a criterion in designating an area as critical. Additionally, TWC would point out that conserving underground water resources is of vital importance to the future of this state. Further, should an underground water conservation district receive voters' approval, the maximum rate of tax which can be levied is .50 per \$100 of assessed valuation. Such tax rate is also subject to voter approval.

One commenter expressed concern with further regulation of landowners' rights. TWC appreciates this concern but would explain that management of groundwater resources is essential to assure the availability of a clean and adequate supply of water for the future, which, in effect, protects rights to groundwater.

Section 294.25 provides for the designation of the Reagan, Upton, and Midland County Critical Area.

Commenters on the proposed designation of the Reagan, Upton, and Midland County Critical Area included a representative of Glasscock County Underground Water Conservation District and several individuals residing within the area.

One commenter said that he did not think that the state was qualified to improve water quality or quantity. TWC responds that the Texas Water Commission is following the mandate of the Texas Water Code, Chapter 52, Subchapter C.

One commenter wanted to know if the Glasscock County Underground Water Conservation District worked. Another commenter responded that the Glasscock County Underground Water Conservation District was functioning properly and serving beneficial purposes. TWC believes that district creation can be beneficial to the areas included in the district. However, these rules only concern critical area designations.

One commenter stated the area was running out of water and that conservation districts were a step in the right direction. TWC responds that the designation of a critical area is the first step in alleviating groundwater shortages.

One commenter stated there was a water quality problem in Reagan County. This commenter also thought the local people should take the initial action and the state should act as a backup. TWC responds that it must exercise its responsibilities under the Texas Water Code, Chapter 52, Subchapter C.

One commenter stated that he thought a water district would be a good way to improve water quality. TWC responds that the designation of a critical area is one possible method which could eventually result in the creation of a district.

Two commenters stated they favored designation of a critical area so that local people could take care of their own problems. TWC agrees with these comments.

One commenter stated that the people wanted more water and better quality water, but he feared that any state action would result in higher taxes. This commenter went on to suggest that possibly expanding the jurisdiction of an existing district, to include groundwater conservation, would be a good approach. TWC responds that the designation of this area as critical does not necessarily mean a district will be created and will exercise its taxing authority. District creation or annexation is subject to further hearings and a confirmation election.

One commenter stated he has lived in the area for 21 years and that he has hauled water for 19 years. He stated that his water

wells started producing salty water and he attributes this to pollution by oil companies. He suggested, in conclusion, that the various state agencies enforce existing state regulations before promulgating additional ones. TWC responds that it is presently enforcing applicable sections of the Texas Water Code but that it has no jurisdiction over other state agencies which regulate oil and gas activities. Additionally, local management would supplement state agency action.

Three commenters requested that their land be exempted from any critical designation. They also complained about lack of enforcement by the Railroad Commission in regard to the oil and gas industry. TWC responds that designation of a critical area is mainly based on hydrogeological consideration and not on issues of land ownership.

These new sections are adopted under the Texas Water Code, §§52.051-52.054, which provide the Texas Water Commission with the authority to designate critical areas in the form of a rule to protect and conserve the groundwater of the state.

§294.24. Designation of Hill Country Critical Area.

(a) All of the areas of Bandera, Blanco, Gillespie, Kendall and Kerr Counties, and portions of Comal, Hays and Travis County, are designated as a critical area.

(b) A General Description of Boundaries of the Hill Country Critical Area is as follows:

(1) starting at the northwest corner of Kerr County, the northern boundary is coterminous with the Kerr-Kimble

County line and continues eastward to Gillespie County; then

(2) northward along the Gillespie-Kimble County Line to Mason County;

(3) the northern boundary is coterminous with the Gillespie-Mason, Gillespie-Llano, Blanco-Llano, and Blanco-Burnet County Lines; then

(4) the boundary then continues eastward to the Travis County Line; then

(5) continues north to the Colorado River; then

(6) continues southeast along the Colorado River to the western boundary of the Barton Spring-Edward Aquifer Conservation District; then

(7) continues southerly along this boundary and continues along the northern-western boundary of the Edwards Underground Water District to the Medina County Line; then

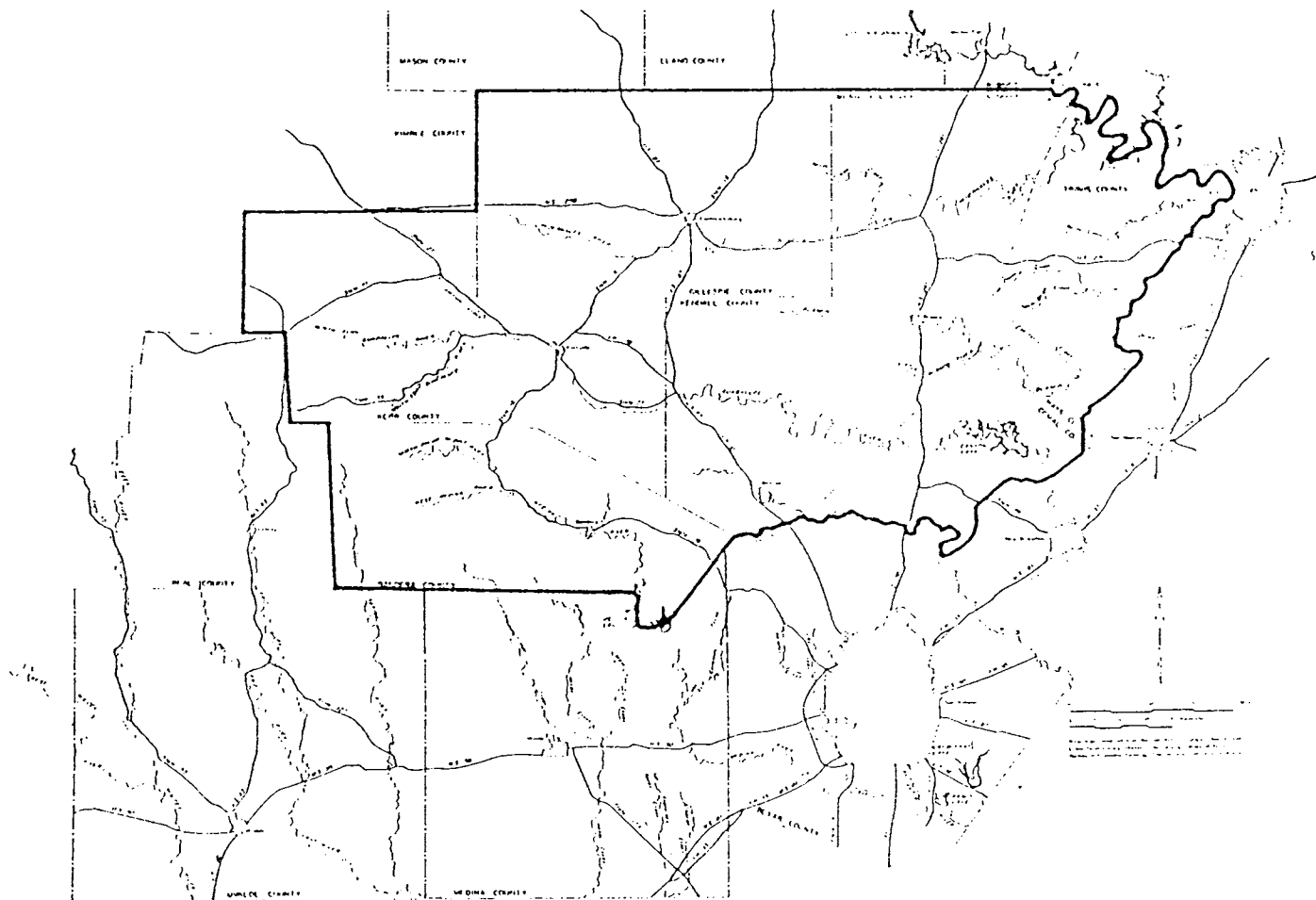
(8) is coterminous with the Bandera-Medina and Bandera-Uvalde County Lines; then

(9) continues westward along the Bandera-Uvalde County Line to Real County; then

(10) continues northward and is coterminous with the Bandera-Real, Kerr-Real, and Kerr-Edwards County Lines to the starting point, the northwest corner of Kerr county.

(c) The boundaries of the Hill Country Critical Area are delineated on the map attached as Exhibit A to this section.

EXHIBIT A



Location Map
Hill Country Critical Area

§294.25. *Designation of Reagan, Upton, and Midland County Critical Area.*

(a) Portions of southeastern Midland County, northeastern Upton County and northern Reagan County are designated as a critical area.

(b) A general description of boundaries of the Reagan, Upton and Midland County Critical Area is as follows:

(1) beginning at the northwest corner of Reagan County, which is also the point where Glasscock, Reagan, Upton and Midland Counties meet; then

(2) east along the county line to the Sterling County line; then

(3) south along the line Reagan-Sterling County line to the Section 1, S-46675, Block A, T.&P. RR Survey; then

(4) west along Section 41, S-37369 of said Blocks; then

(5) to Section 3, S-46677 of said Block and Survey; then

(6) west to the eastern line of Block F, Longview & Sabine Valley Ry County; then

(7) south southeast along said Block to the lower line of Section 21, S-46695, Block A, T&P RRC Surveys; then

(8) west southwest to the northwest corner of Section 11, S-37120, G.C.&S.F. Ry County Survey; then

(9) south along the eastern line of Sections 12 and 13 of said Survey continuing to the northern line of Block 58 of University Land; then

(10) west and south along the eastern line of Section 29 of said Block and Survey continuing along Section 3, Block 10 of said Survey; then

(11) to the Reagan-Upton County line; then

(12) west to the western line of Block 58 of said Survey; then

(13) west along the northern line of Sections 1 and 2, Block G, G.C. & S. F. Ry County Survey continuing along sections 8, 12, and 13, Block A to section 1, Block 3 1/2, M.K. & T. RR County; then

(14) north along the eastern edge of section 6, Block 1, J.E. Hamilton

Survey to the south line of Block Y G. C. & S.F. Ry County Survey; then

(15) north northwest along the eastern side of sections 81, 76, and 65, Block Y; then

(16) west southwest to the corner of the Section; then

(17) north northwest between Blocks E and D and Blocks 42 and 41 continuing to the Upton-Midland County line; then

(18) continuing north northwest to the northwest corner of section 6, #88353, Block 41, Texas and Pac RY County; then

(19) east northeast to the Midland-Glassrock County line; then south along the county line to the starting point.

(c) The boundaries of the Reagan, Upton, and Midland County Critical Area are delineated on the maps attached as Exhibit A to this section.

REAGAN, UPTON, AND MIDLAND
CRITICAL AREA

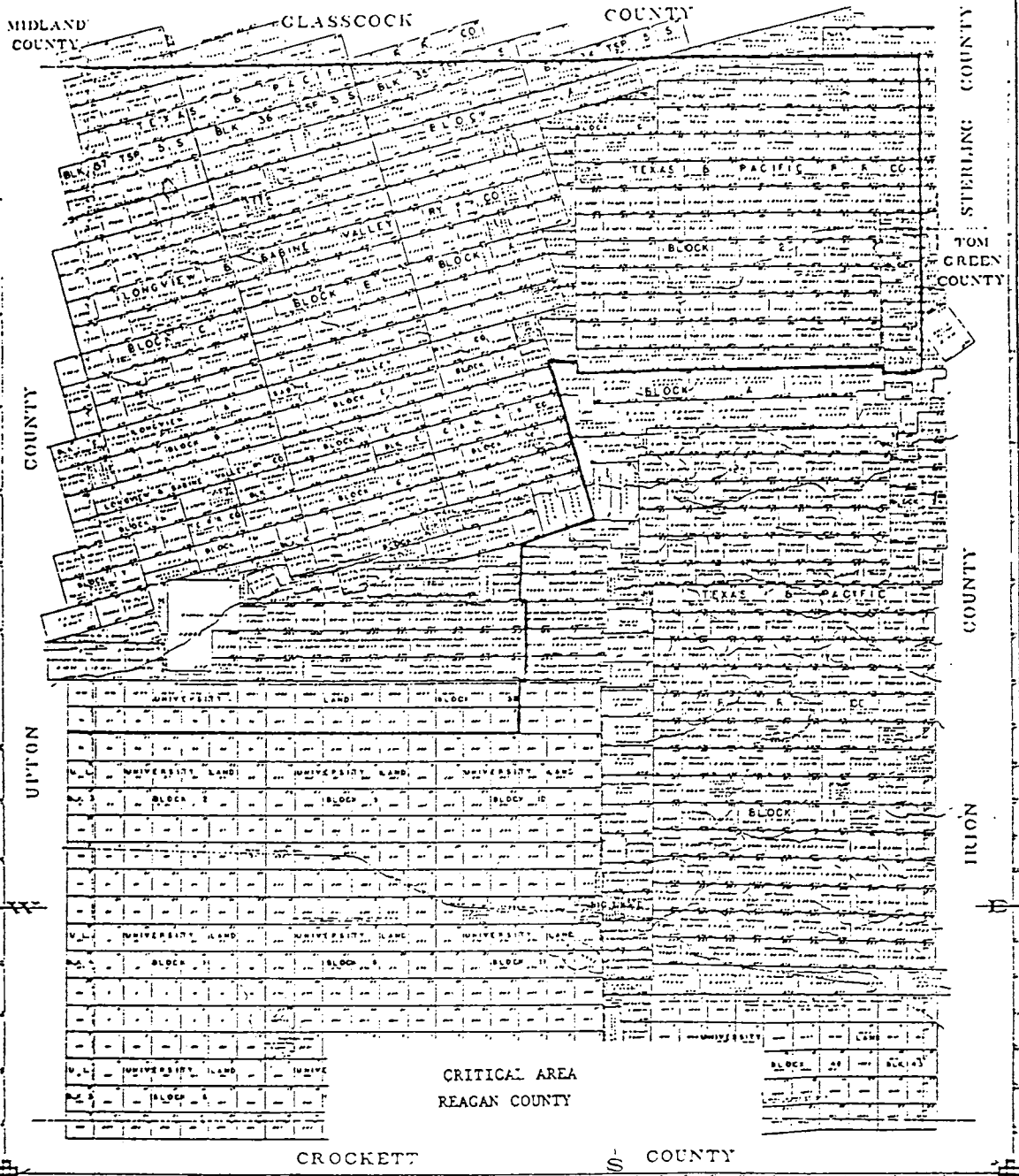
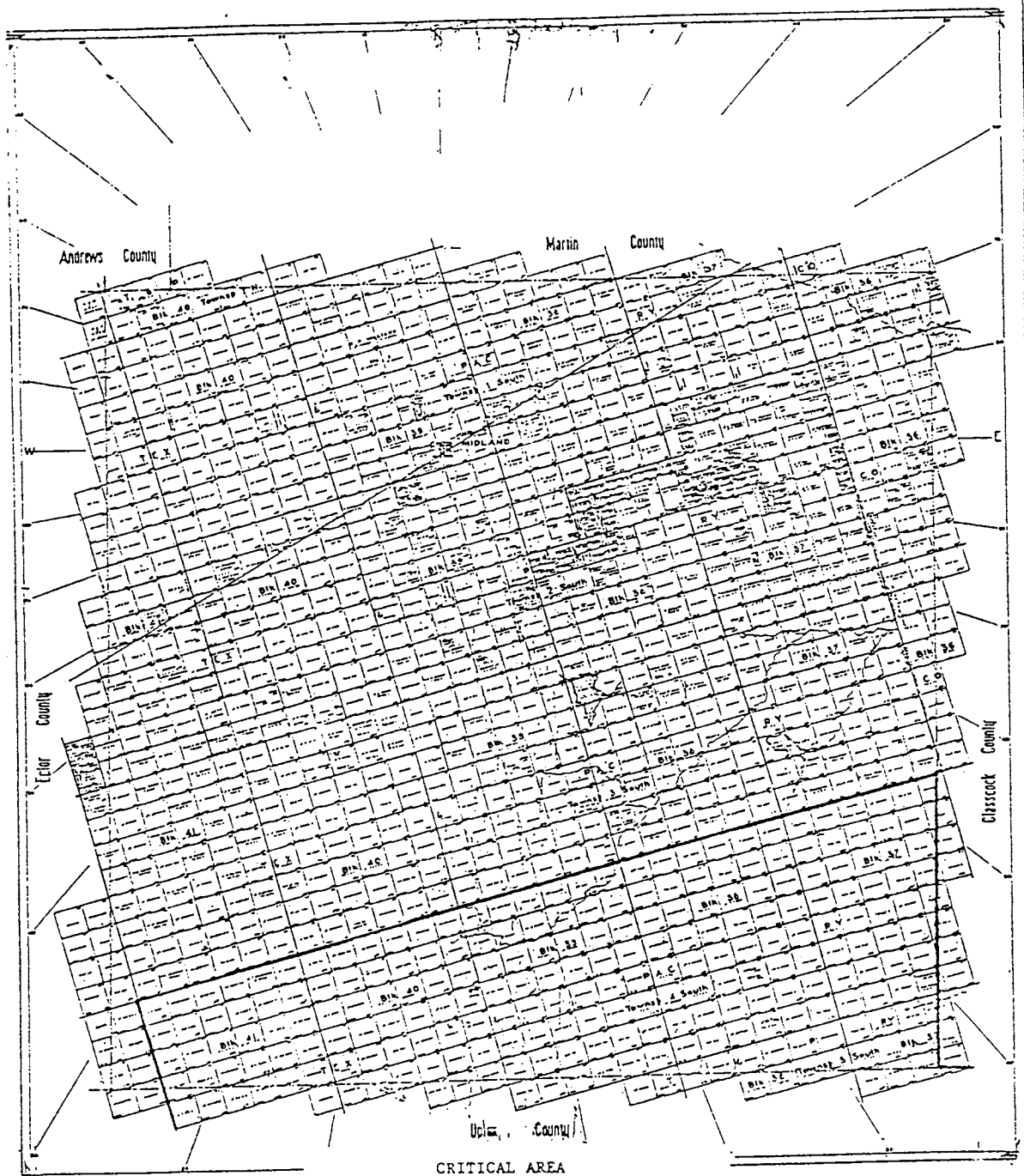


EXHIBIT A

REAGAN, UPTON, AND MIDLAND

CRITICAL AREA



CRITICAL AREA
MIDLAND COUNTY

EXHIBIT A

REAGAN, UPTON, AND MIDLAND

CRITICAL AREA

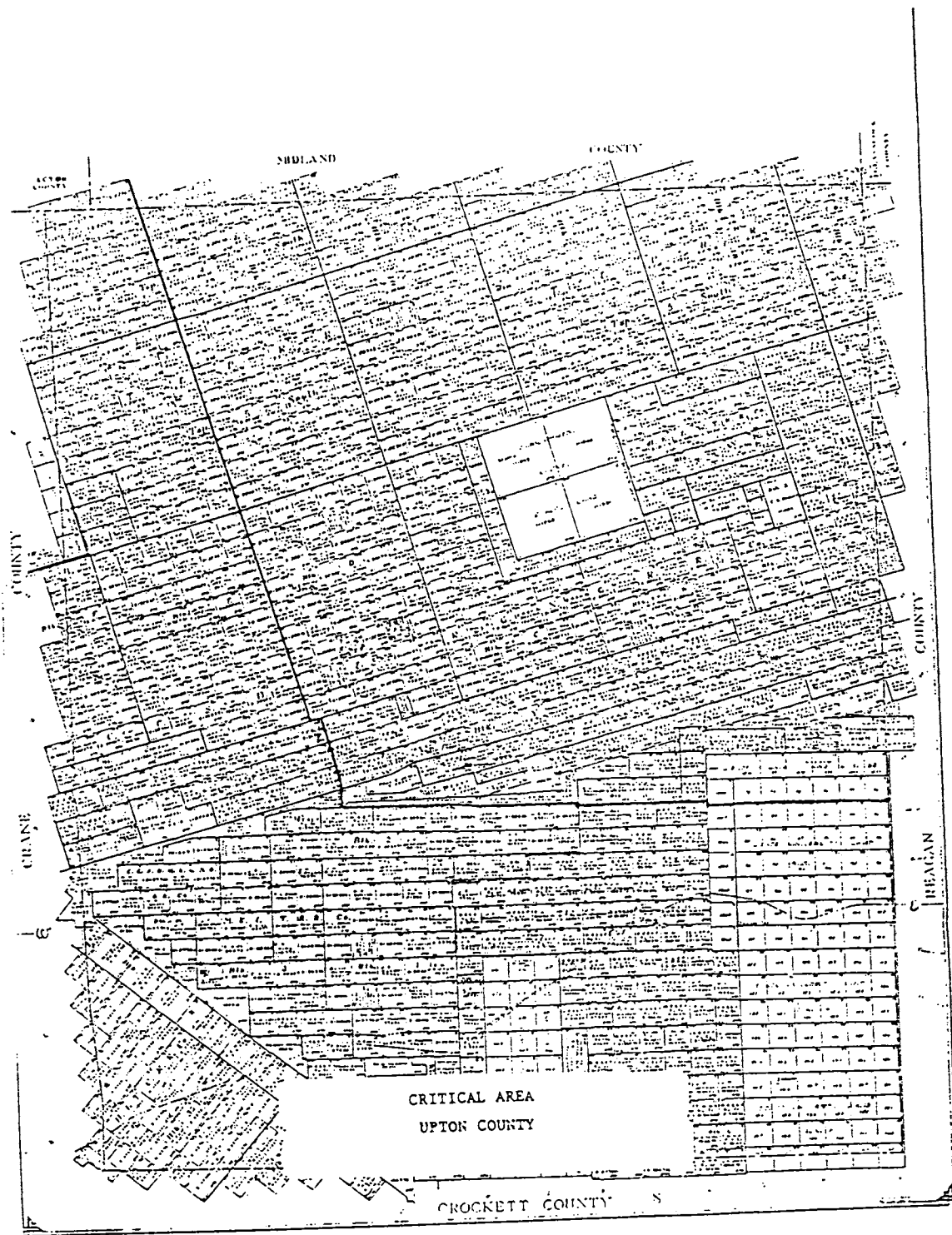


EXHIBIT A

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

Issued in Austin, Texas, on June 25, 1990.

TRD-9006464 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: July 16, 1990

Proposal publication date: May 4, 1990

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

◆ ◆ ◆
TITLE 43.
TRANSPORTATION
Part I. State Department
of Highways and Public
Transportation

Chapter 21. Right of Way
Division

Utility Accommodation

• **43 TAC §21.33**

The State Department of Highways and Public Transportation adopts an amendment

to §21.33, without changes to the proposed text as published in the May 8, 1990, issue of the *Texas Register* (15 TexReg 2630).

The amendment is required in order to secure approval of highway plans from the Federal Highway Administration on projects that involve federal-aid and direct federal highway projects in accordance with Federal Highway Program Manual 6-6-3-2.

The amendment deletes subsection (b) and renumbers subsections (c) and (d).

No comments were received regarding adoption of the amendment.

The amendment is proposed under Texas Civil Statutes, Article 6666, which provides 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, which work includes the relocation of utility facilities on federal-aid highway projects.

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

Issued in Austin, Texas on June 22, 1990.

TRD-9006417 Diane L. Northam
Administrative Procedures
Technician
State Department of
Highways and Public
Transportation

Effective date: July 13, 1990

Proposal publication date: May 8, 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 has approved a filing by Insurance Services Offices, Inc. proposing changes to the Miscellaneous Coverage Parts of the Commercial General Liability Program.

This filing is approved to become effective November 1, 1990, in accordance with the following rule of application.

These changes are applicable to all policies effective on or after November 1, 1990. No policy effective prior to November 1, 1990, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date

of such request.

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

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006374 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1990

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

◆ ◆ ◆

The State Board of Insurance has approved a filing by Insurance Services Offices, Inc. proposing a revision of forms and endorsements to the Commercial General Liability Program.

This filing is approved to become effective November 1, 1990, in accordance with the following rule of application.

These changes are applicable to all policies effective on or after November 1, 1990. No policy effective prior to November 1, 1990, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the application of these changes except at the

request of the insured and using the cancellation procedures applying on the date of such request.

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

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006375 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1990

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

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The State Board of Insurance has approved a filing by Insurance Services Offices, Inc. proposing a revision of certain manual rules in the Commercial Lines Manual Division Six.

This filing is approved to become effective November 1, 1990, in accordance with the following rule of application.

These changes are applicable to all policies effective on or after November 1, 1990. No policy effective prior to November 1, 1990, shall be endorsed or cancelled and rewritten to take advantage of or to avoid the

application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts

it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 20, 1990.

TRD-9006376

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: November 1, 1990

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



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 Commission for the Blind

Monday, July 2, 1990, 1:30 p.m. The Budget Committee of the Board of the Texas Commission for the Blind will meet at the Texas Commission for the Blind Administrative Building, Suite 320, 4800 North Lamar Boulevard, Austin. According to the complete agenda, the committee will meet in a work session to discuss the agency's upcoming legislative appropriations requests.

Contact: Jean Wakefield, P.O. Box 12866, Austin, Texas 78711, (512) 459-2600.

Filed: June 22, 1990, 11:21 a.m.

TRD-9006434

Friday and Saturday, July 13-14, 1990, 8:30 a.m. The Consumer Advisory Committee of the Texas Commission for the Blind will meet at 4800 North Lamar Boulevard at the CCRC on the 13th, and the Doubletree Hotel, 6505 IH-35, on the 14th, Austin. According to the complete agenda, the committee will hear on the 13th a report from CAC chairman; review and approval of minutes; reports from coordinator of consumer affairs; client services specialist; supervisor of technology service and technology training specialist; subcommittee discussions; report from subcommittee liaisons; executive director; and on the 14th, the committee will discuss regional issues; subcommittee reports to the full committee; and report to the executive director.

Contact: Cecelia Berrios, P.O. Box 12866, Austin, Texas 78711, (512) 459-2611.

Filed: June 22, 1990, 11:21 a.m.

TRD-9006435

Texas Board of Criminal Justice

Tuesday, June 26, 1990, 1:30 p.m. The Subcommittee on Work Programs of the Texas Board of Criminal Justice held an emergency meeting in Room 103, John H. Reagan Building, 105 West 15th Street, Austin. According to the complete agenda,

the subcommittee held a discussion of work program proposals; presentation of proposals by selected vendors; discussion of recommendation to be made to full board of criminal justice at opening meeting on July 10, 1990. The emergency status was necessary because the subcommittee of the Texas Board of Criminal Justice is convening to consider proposals for the work program, a vital jail and prison overcrowding relief project, so that the full board may move on the issue at the July board meeting.

Contact: Debra Churchill, P.O. Box 13401, Austin, Texas 78711, (512) 459-2700

Filed: June 22, 1990, 10:27 a.m.

TRD-9006422

Texas Department of Criminal Justice Board of Pardons and Paroles

Monday-Friday, July 2-6, 1990, 10 a.m. The Texas Department Of Criminal Justice Board of Pardons and Paroles will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, a panel (composed of 3 board members) 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: June 22, 1990, 10:41 a.m.

TRD-9006423

Texas Employment Commission

Tuesday, July 3, 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; consideration and approval

of TEC budget for FY 1992-93; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on commission docket 27; and set date of next meeting.

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

Filed: June 25, 1990, 4:20 p.m.

TRD-9006484

Texas Department of Health

Friday, June 29, 1990, 3 p.m. The Budget Committee of the Texas Board of Health of the Texas Department of Health will meet at the DeWitt Room, Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the committee will meet to consider approval to purchase emergency management system; approval of initial operating plan for data processing telecommunications; final adoption of rule concerning sick leave pooling; approval of increases to be included in Department of Health, San Antonio Hospital, and South Texas Hospital Budget request for fiscal year 1992- and fiscal year 1993.

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

Filed: June 21, 1990, 4:18 p.m.

TRD-9006414

Friday, June 29, 1990, 3 p.m. The Disease Control Committee of the Texas Board of Health of the Texas Department of Health will meet at the DeZavala Room, Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the committee will consider proposed rules on Texas HIV medication program; proposed rules on vital statistics concerning dead bodies; final adoption of rules on immunization requirements.

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

Filed: June 21, 1990, 4:18 p.m.

TRD-9006413

Friday, June 29, 1990, 4 p.m. The Environmental Health Committee of the Texas Board of Health of the Texas Department of Health will meet at the DeZavala Room, Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the committee will consider proposed rules on Texas regulations for the control of radiation; Texas crab meat; drinking water standards; final rules on tanning facilities; on-site sewerage facilities on Edwards Aquifer recharge zone; sludges and similar wastes; used and scrap tires; public water systems; Texas regulations for control of radiation; special waste from health care facilities; discuss transfer of occupational safety and health programs to Texas Worker's Compensation Commission; department of health advisory committees/boards.

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

Filed: June 21, 1990, 4:18 p.m.

TRD-9006412

Friday, June 29, 1990, 5:45 p.m. The Emergency and Disaster Committee of the Texas Board of Health of the Texas Department of Health will meet at the DeWitt Room, Doubletree Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the committee will consider final rules on emergency medical services (repeal of existing rules and adoption of new rules).

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

Filed: June 21, 1990, 4:19 p.m.

TRD-9006411

Saturday, June 30, 1990, 8 a.m. The Nursing Homes Committee of the Texas Board of Health of the Texas Department of Health will meet in Room M-741, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider emergency and proposed rules on nurse aides; final rules on nurse aides; definition, treatment and disposition of special waste from health care facilities; procedures for long term care facilities; minimum licensing standards for nursing homes.

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

Filed: June 22, 1990, 3:41 p.m.

TRD-9006454

Saturday, June 30, 1990, 8 a.m. The Chronically Ill and Disabled Children's Services and Maternal and Child Health Committee of the Texas Board of Health of the Texas Department of Health will meet in Room M-652, 1100 West 49th Street,

Austin. According to the agenda summary, the committee will consider emergency and proposed rules on chronically ill and disabled children's services (CIDCS); proposed rules for children's speech, hearing and language screening advisory committee; children's vision screening advisory committee; approval of CIDCS cardiovascular advisory committee recommendations on Santa Rosa Hospital, San Antonio, and Medical Center Hospital, San Antonio; fiscal update on CIDCS program; appointment to CIDCS cardiovascular advisory committee.

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

Filed: June 22, 1990, 3:41 p.m.

TRD-9006455

Saturday, June 30, 1990, 9 a.m. The Alternate Care Committee of the Texas Board of Health of the Texas Department of Health will meet in Room M-741, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider proposed vital statistics rules on definitions and adoptions and paternity; abortion facilities; home health aides; final rules on respiratory care practitioner certification; registry for providers of health related services; diabetic eye disease detection initiative; special waste from health care facilities; discuss kidney health program advisory committee.

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

Filed: June 22, 1990, 3:42 p.m.

TRD-9006452

Saturday, June 30, 1990, 9:30 a.m. The Personnel Committee of the Texas Board of Health of the Texas Department of Health will meet in Room M-721, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider in executive session and open session appointments to position of associate commissioner for family health services and associate commissioner for disease prevention; appointments to advisory committees (mental retardation facilities, maternal and child health, hospital data, and kidney health); consider in open session appointments to advisory committees (chronically ill and disabled children's services cardiovascular, nursing home affairs; and hospital patient transfers).

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

Filed: June 22, 1990, 3:41 p.m.

TRD-9006456

Saturday, June 30, 1990, 9:30 a.m. The Hospitals Committee of the Texas Board of Health of the Texas Department of Health will meet in Room M-764, 1100 West 49th

Street, Austin. According to the agenda summary, the committee will consider proposed rules on hospital patient transfer policies; hospital licensing standards concerning special waste from health care related facilities; and special care facilities.

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

Filed: June 22, 1990, 3:42 p.m.

TRD-9006453

Saturday, June 30, 1990, 10:30 a.m. The Strategic Planning Committee of the Texas Board of Health of the Texas Department of Health will meet in Room M-652, 1100 West 49th Street, Austin. According to the agenda summary, the committee will approve agenda items for July 20-21, 1990, special work shop meeting; minutes of April 27-28, 1990, special workshop meeting; review and revise draft strategic plan.

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

Filed: June 22, 1990, 3:41 p.m.

TRD-9006457

Saturday, June 30, 1990, 11:30 a.m. The Texas Board of Health 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 approve minutes of previous meetings (special board workshop; special board meeting; and regular board meeting); hear commissioner's report and AIDS update; approve resolution for Beatrice Scogin; consider and act on emergency rules (nurse aides; Chronically Ill and Disabled Children's Services (CIDCS); proposed rules (vital statistics; abortion facilities; HIV medication program; CIDCS; procedures for children's speech, hearing and language screening advisory committee, and children's vision screening advisory committee; hospital patient transfers; hospital licensing; special care facilities; nurse aides; radiation; crab meat; drinking water); final rules (board administrative procedures; respiratory care; registry for providers of health related services; diabetic eye disease detection; sick leave pooling; immunization; emergency medical services; nurse aides; special waste in health care facilities; long term care facilities; nursing home licensing; tanning facilities; on-site sewerage facilities on Edwards Aquifer recharge zone; sludges and similar wastes; scrap tires; public water systems; radiation); purchase of energy management system; initial operating plan for data processing and telecommunications; fiscal years 1992-1993 budget requests for Department of Health, San Antonio Chest Hospital, and South Texas Hospital; CIDCS cardiovascular advisory committee recommendations on Medical Center Hospital and Santa Rosa Hospital in San Antonio; agenda items for July

20-21, 1990, special board workshop meeting; advisory committee appointments (mental retardation facilities; maternal and child health; hospital data; kidney health); appointments to positions of Associate Commissioner for family health services and associate commissioner for disease prevention; committee reports (alternate care; budget; disease control; CIDCS and Maternal and Child Health; emergency and disaster; hospitals; nursing homes; environmental health; personnel; public health promotion; legislative; strategic planning); announcements and comments requiring no board action; set August, 1990 meeting date.

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

Filed: June 22, 1990, 3:40 p.m.

TRD-9006458

State Board of Insurance

Wednesday, July 25, 1990, 9:30 a.m. The State Board of Insurance met at 1110 San Jacinto Street, Room 460, Austin. According to the agenda summary, the board will conduct a public hearing to consider adoption of an amendment to 28 TAC 9.1, concerning adoption of new Texas owner and mortgage policies of title insurance in substitution for the current owner and mortgagee policy.

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

Filed: June 21, 1990, 10:14 a.m.

TRD-9006396

Thursday, June 28, 1990, 10 a.m. The State Board of Insurance met in Room 460, 1110 San Jacinto, Austin. According to the complete emergency revised agenda, the board discussed consideration of a filing by the St. Paul Companies of rules, endorsements, applications and discounts under the Omnibus Rural Healthcare Rescue Act (HB 18). The emergency was necessary because of an imminent threat to the public health and welfare it is imperative that the discounts be approved before the renewal date of the policies on July 1, 1990.

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

Filed: June 25, 1990, 9:56 a.m.

TRD-9006467

Tuesday, July 3, 1990, 8:30 a.m. The State Board of Insurance will meet in Room 460, 1110 San Jacinto Street, Austin. According to the complete agenda, the board will conduct a public hearing to consider motion for stay of commissioner's order 90-0651 concerning suspension of agent's licenses of Donald James Myers.

Contact: Pat Wagner, 1110 San Jacinto

Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: June 25, 1990, 3:52 p.m.

TRD-9006476

Tuesday, July 3, 1990, 9:30 a.m. The State Board of Insurance will meet in Room 460, San Jacinto Street, Austin. According to the complete agenda, the board will conduct a public hearing to consider the appeal of Walter Denny Russ from Commissioner's Order 89-1765.

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

Filed: June 25, 1990, 9:57 a.m.

TRD-9006468

Tuesday, July 3, 1990, 1:30 p.m. The State Board of Insurance will meet in Room 460, 1110 San Jacinto, Austin. According to the complete agenda, the board will conduct a public hearing to consider the appeal of Julio Cesar Falchetti from Commissioner's order 90-0432.

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

Filed: June 25, 1990, 9:56 a.m.

TRD-9006466

Monday, July 9, 1990, 9 a.m. The State Board of Insurance will meet in Room 460, 1110 San Jacinto Street, Austin. According to the complete agenda, the board will discuss consideration of proposals from staff for needed changes in existing law and for new laws.

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

Filed: June 25, 1990, 3:52 p.m.

TRD-9006475

Texas Juvenile Probation Commission

Friday, June 29, 1990, 9 a.m. The Board of the Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete revised agenda, the board will approve minutes of May 18, 1990; discuss director's report; adoption of the memorandum of understanding on service delivery to runaways; approval of publication of memorandum of understanding on service contracts for dysfunctional families as a proposed rule; approval of contract with TDHS for \$10,000 for services for dysfunctional families to be provided to children referred by the juvenile probation departments in Bexar and El Paso counties; approval of the FY 1992-1993 biennial budget request; approval of the administration budget for 1991; approval of distribution of state aid

funds to juvenile boards for FY 1991-basic state aid intensive supervision grants, allocation of diversionary placement funds, and challenge grants; Appointment of personnel evaluation committee for executive director and public comments. Members of the public are invited to attend this meeting and speak on any issue under the jurisdiction of the commission.

Contact: Bill Anderson, 2015 South IH-35, Austin, Texas 78741, (512) 443-2001.

Filed: June 21, 1990, 10:50 a.m.

TRD-9006395

Texas State Library and Archives Commission

Friday, July 13, 1990, 10 a.m. The Local Government Records Committee of the Texas State Library and Archives Commission will meet at the Sam Houston Building, Room 117, 1300 San Jacinto Boulevard, Austin. According to the complete agenda the committee will be welcomed by Anita Rodeheaver-Chairperson; approve minutes of May 10, 1990 meeting; consider adoption of rules governing micro-filming of local government records; and adjourn.

Contact: Marilyn vonKohl, P.O. Box 12927, Austin, Texas 78701, (512) 463-5478.

Filed: June 22, 1990, 10:45 a.m.

TRD-9006424

Texas Department of Mental Health and Mental Retardation

Wednesday, July 18, 1990, 8 a.m. The Interagency Council on ICF/MR Facilities will meet at the Red Lion Hotel, 6121, I.H. 35 North, Austin. According to the complete agenda, the council will convene in accordance with Senate Bill 1426, §3, to consider for approval the annual plan for the development of new beds in the ICF/MR program for FY 1991 as developed by TDMHMR. If interpreters for the deaf are required, notify TDMHMR (512) 323-3261, Carole Smith, 72 hours prior to the meeting.

Contact: Carole Smith, P.O. Box 12668, Austin, Texas 78711, (512) 323-3261.

Filed: June 25, 1990, 4:26 p.m.

TRD-9006498

Texas Parks and Wildlife Department

Tuesday, June 26, 1990, 9 a.m. The Texas Parks and Wildlife Department of the Texas

Parks and Wildlife Commission held an emergency meeting at the Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission met in an emergency closed meeting for consideration of candidates for executive director position. The emergency meeting was necessary because of urgent public necessity for the commission to give immediate further consideration to candidates for the position of executive director in order to avoid severe disruption in department operations.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 21, 1990, 11:05 a.m.

TRD-9006397

Public Utility Commission of Texas

Tuesday, July 3, 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 commission will conduct a prehearing conference to consider an application of AT&T Communications of the Southwest, Inc. to revise tariff; to offer a discount to Texas AT&T 800 readyline customers who choose to have their AT&T readyline service terminate on a multijurisdictional dedicated access line.

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

Filed: June 21, 1990, 3:02 p.m.

TRD-9006404

Monday, July 16, 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 commission will conduct a prehearing conference to consider docket number 9578: application for approval of the sale of Waterwood Communications Inc., to Sugar Land telephone company.

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

Filed: June 25, 1990, 3:31 p.m.

TRD-9006483

Texas Racing Commission

Monday, July 2, 1990, 9 a.m. The Texas Racing Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the

commission will discuss approval of minutes; presentation of Certificates of Appreciation; consideration and votes on the fiscal year 1991 TxRC budget, presentation by Dave Freeman. The commission will meet in executive session to consult with attorneys regarding pending litigation with Rexco Partners '88 d/b/a Houston Turf Club; consider the adoption and repeal of rules and regulations for horse and greyhound racing; greyhound racing section will consider and vote on the renewal license application of Corpus Christi Greyhound Park; the renewal license application of Valley Greyhound Racing Associates in Cameron County and on matters relating to the pari-mutuel greyhound racing license in Galveston County; commission will also consider application periods for Class I racetrack license applications for Bexar, Dallas, and Tarrant counties; and vote on approval, rules and other issues relating to kennel contracts.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78711, (512) 476-7223.

Filed: June 22, 1990, 3:26 p.m.

TRD-9006449

Railroad Commission of Texas

Monday, July 2, 1990, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the administrative services division director's report on division administration, budget, procedures, and personnel matters. Discussion of the development of a natural gas clearinghouse that would match companies that need gas to fuel new plants with producers that have gas to sell - possible action.

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

Filed: June 22, 1990, 10:55 a.m.

TRD-9006432

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

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7187.

Filed: June 22, 1990, 10:55 a.m.

TRD-9006431

The commission will consider and act on the Office of the Executive Director's

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

Contact: Cril Payne, P.O. Drawer 12967, Texas 78711-2967, (512) 463-7274.

Filed: June 22, 1990, 10:58 a.m.

TRD-9006430

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

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

Filed: June 22, 1990, 10:59 a.m.

TRD-9006429

The commission will meet in consideration of category determinations under sections 102 (c)(1)(B), 102 (c)(1)(c), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

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

Filed: June 22, 1990, at 10:59 a.m.

TRD-9006428

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6710

Filed: June 22, 1990, 11:07 a.m.

TRD-9006427

The commission will consider and act on the investigation division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: June 22, 1990, 11:07 a.m.

TRD-9006426

The commission will consider various matters within the jurisdiction of the commission, in addition the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may

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

Contact: Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: June 22, 1990, 11:08 a.m.

TRD-9006425

Texas A&M University System

Thursday, June 28, 1990, 9:30 a.m. The Board of Regents of Texas A&M University System met at the Board Annex, Texas A&M University, College Station. According to the agenda summary, the board considered the appointment of the Provost and Vice President for academic affairs, Texas A&M University; considered the sale of land in Calhoun County, Texas A&M University; appropriation for design to upgrade air conditioning controls in five campus buildings, Texas A&M University; appropriation for design to upgrade HVAC System in the Kleberg Center, Texas A&M University; Appropriation for design for wastewater improvements, Brayton Firemen Training Field, Texas A&M University ; actions on bids for the ship operations support facilities at Texas A&M University at Galveston; and authority to request consent of existing bond holders to proposed amendments.

Contact: Vickie Running, Texas A&M University System, College Station, Texas 77843-1122, (409) 845-9603.

Filed: June 22, 1990, 9:50 a.m.

TRD-9006419

University of Texas at Austin

Thursday, June 28, 1990, 3 p.m. The Council for Intercollegiate Athletics for Women of the University of Texas at Austin met at Bellmont Hall 606, 21st and San Jacinto Streets, University of Texas, Austin. According to the agenda summary, the council approved minutes of the previous meeting; announcements/information reports; discussed old and new business; and met in executive session.

Contact: Dr. Donna A. Lopiano, Bellmont 718, UT Station, Austin, Texas 78713-7328, (512) 471-7693.

Filed: June 21, 1990, 3:35 p.m.

TRD-9006405

Texas Turnpike Authority

Thursday, July 5, 1990, noon. The Budget Committee of the Texas Turnpike Authority will meet at 3015 Raleigh Street, Dallas. According to the complete agenda, the committee will meet in executive session pursuant to Article 6252-17, §2(g), Vernon's Annotated Civil Statutes, to discuss the criteria for and selecting of a management consultant to evaluate the organization and operation of the Texas Turnpike Authority and under §2(r) to receive staff briefing on preparation of the 1991 budget; reconvene meeting; consider adoption of request for proposals on a management study of the Texas Turnpike Authority and authorize issuance of same.

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

Filed: June 25, 1990, 2:11 p.m.

TRD-9006470

University of North Texas/Texas College of Osteopathic Medicine

Thursday, June 28, 1990, 1 p.m. The Student Affairs Committee, Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at the Board Room, Administration Building, University of North Texas, Denton. According to the complete agenda, the board met to discuss TCOM: student honor code; and UNT: multicultural issues; communiversity connection program.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: June 22, 1990, 11:24 a.m.

TRD-9006437

Thursday, June 28, 1990, 1 p.m. The Budget and Finance Committee, Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at 213 Administration Building, University of North Texas, Denton. According to the complete agenda, the board met to discuss TCOM: 1990-1991 student fees; 1990-1991 budget recommendation; legislative appropriation request; UNT: 1990-1991 budget recommendation; group insurance; legislative appropriation request; extravaganza update; and liability insurance for directors and administrators.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 762203, (817) 565-2904.

Filed: June 22, 1990, 11:24 a.m.

TRD-9006438

Thursday, June 28, 1990, 3 p.m. The Facilities Committee, Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at the

Administration Building Board Room, University of North Texas, Denton. According to the complete agenda, the board discussed TCOM: addition to surgery clinic; and UNT: coordinating board building inventory survey.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: June 22, 1990, 11:24 a.m.

TRD-9006439

Thursday, June 28, 1990, 3 p.m. The Role and Scope Committee, Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine met at 201 Administration Building, University of North Texas, Denton. According to the complete agenda, the board discussed TCOM: advisory council appointments; student honor code; designation of primary teaching hospital; reorganization of public health and preventive medicine department; admissions update; and UNT: tenure for new faculty; BS in industrial technology (nuclear concentration); personnel; resolution of appreciation; Texas Woman's lease; athletic update; and special item funding requests.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: June 22, 1990, 11:24 a.m.

TRD-9006436

Friday, June 29, 1990, 8 a.m. The Board of Regents of the University of North Texas/Texas College of Osteopathic Medicine will meet at the Diamond Eagle Suite, University Union, University of North Texas, Denton. According to the complete agenda, the board will discuss approval of minutes; executive session (legislative update; higher education governance; UNT December commencement; enrollment management; athletic update; John Peter Smith affiliation; professional development institute contract; liability insurance; TCOM vice president search; update on lawsuits; Texas Woman's University lease; grade complaint against faculty and administrators; college of business dean search; update on lawsuits, UNT); advisory council appointments; student fees; 1990-1991 budget; legislative appropriation request; addition to surgery clinic; student honor code; designation of primary teaching hospital; admissions update. UNT: approval of minutes; tenure for new faculty; BS in industrial technology (nuclear); 1990-1991 budget; legislative appropriation request; multicultural issues; resolution of appreciation; extravaganza; personnel transactions; and center for educational technology.

Contact: Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2904.

Filed: June 22, 1990, 11:23 a.m.

TRD-9006440

Texas Water Commission

Wednesday, June 27, 1990, 9 a.m. The Texas Water Commission met at 1700 North Congress, Stephen F. Austin Building, Room 118, Austin. According to the emergency revised agenda, the commission discussed consideration of various matters within the regulatory jurisdiction of the commission; the commission also considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date; with regard to any item, the commission 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. The emergency meeting was necessary to protect the public health and safety of this utility's customers.

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

Filed: June 25, 1990, 3:42 p.m.

TRD-9006482

Wednesday, June 27, 1990, 3 p.m. The Texas Water Commission met at 1700 North Congress, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission held an emergency meeting and discussed consideration of various matters within the regulatory jurisdiction of the commission; the commission also considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date; with regard to any item, the commission 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. The emergency meeting was necessary to prevent severe economic loss.

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

Filed: June 22, 1990, 10:01 a.m.

TRD-9006421

Wednesday, July 11, 1990, 9 a.m. The Texas Water Commission will meet at 1700 North Congress, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will discuss consideration of various matters within the regulatory jurisdiction of the Texas Water Commission of Texas; the commission will also 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: June 25, 1990, 3:42 p.m.

TRD-9006481

Wednesday, August 1, 1990, 9 a.m. The

Texas Water Commission will meet at 1700 North Congress, Stephen F. Austin Building, Room 214, Austin. According to the agenda summary, the commission will discuss application by a Catholic high school for Austin, Inc. for renewal of permit number 12916-01 authorizing disposal of treated domestic wastewater effluent by irrigation on 10 acres of land. The treatment and disposal facilities are on the east side of Barton Creek, approximately 2.5 miles east of State Highway 71 and approximately 1.8 miles south of FM Road 2244 in Travis County, Texas.

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

Filed: June 25, 1990, 3:42 p.m.

TRD-9006479

Tuesday, August 7, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse-County Courtroom on the square, Stephenville. According to the agenda summary, the hearings examiners will discuss application by Gary Watson for proposed permit number 03182 authorizing disposal of waste and wastewater from a dairy by irrigation on 32 acres of coastal bermuda. The dairy is to be approximately 7 miles northwest of Stephenville on FM 3025 and 0.25 mile west of the intersection of FM 3025 and FM 108 in Erath County, Texas.

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

Filed: June 25, 1990, 3:43 p.m.

TRD-9006477

Tuesday, August 7, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Erath County Courthouse-County Courtroom on the square, Stephenville. According to the agenda summary, the hearings examiners will discuss application by Fine Meadow Farm, Inc. for proposed permit number 03183 authorizing disposal of waste and wastewater from a dairy by irrigation. The dairy is approximately 5 miles southwest of the intersection of Highway 6 and Highway 67, approximately 4 miles southwest of the City of Dublin on Highway 67 in Erath County, Texas.

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

Filed: June 25, 1990, 3:42 p.m.

TRD-9006478

Regional Meetings

Meetings Filed June 21, 1990

The Mason County Appraisal Review Board will meet at 206 McKavitt Street, Mason, June 29, 1990, at 9 a.m. Information may be obtained from Neal

Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

The Mental Health Mental Retardation Authority of Brazos Valley Board of Trustees met at the Children's Services Building, 624 Mary Lake Drive, Bryan, June 28, 1990, at 1:30 p.m. Information may be obtained from Leon Bawcom, P.O. Box 4588, Bryan, Texas 77805, (409) 822-6467.

The Pecan Valley Mental Health Mental Retardation Region Board of Trustees met at the Pecan Valley Mental Health Mental Retardation Region Clinical Office, 104 Charles Street, Granbury, June 27, 1990, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville Texas 76401, (817) 965-7806.

The Upshur County Appraisal District Appraisal Review Board met at the Upshur County Appraisal District Office, Warren and Trinity Street, Gilmer, June 28, 1990, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

The Wood County Appraisal District Appraisal Review Board met at the Wood County Appraisal District Conference Room, 217 North Main, Quitman, June 25-28, 1990, at 9 a.m. Information may be obtained from W. Carson Wages, P. O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-9006394

Meetings Filed June 22, 1990

The Austin Travis County Mental Health Mental Retardation Center Executive Committee met at 1430 Collier Street, Board Room, Austin, June 28, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141.

The Austin Travis County Mental Health Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, June 28, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141.

The Austin-Travis County Mental Health Mental Retardation Center Finance and Control Committee met at 1430 Collier Street, Austin, June 25, 1990, at 11:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78764-3548, (512) 447-4141.

The Bosque Central Appraisal District Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, June 27, 1990, at 7:30 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Bosque Central Appraisal District

Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, June 27, 1990, at 7:30 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Brown County Appraisal District Appraisal Review Board met at 403 Fisk Avenue, Brownwood, June 26, 1990, at 9 a.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Deep East Texas Regional Mental Health Mental Retardation Services Board of Trustees met at the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Lufkin, June 26, 1990, at 3:30 p.m. Information may be obtained from Sandy Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Gray County Appraisal District Appraisal Review Board met at 815 North Sumner, Pampa, June 27, 1990, at 8:30 a.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Gray County Appraisal District Appraisal Review Board met at 815 North Sumner, Pampa, June 28, 1990, at 8:30 a.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791.

The Hansford Appraisal District Appraisal Review Board will meet at 709 West Seventh Street, Spearman, July 12-13, 1990, at 9:30 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Lavaca County Central Appraisal District Board of Directors will meet at the Lavaca County Central Appraisal District, 113 North Main, Hallettsville, July 9, 1990, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lee County Appraisal District Board of Directors met at 218 East Richmond Street, Giddings, June 27, 1990, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, Corner of Highway 7 and 75, Centerville, June 25, 1990, at 7:30 p.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Middle Rio Grande Development Council Board of Directors met at the Fort Duncan Club, Bleach Street, Eagle Pass, June 26, 1990, at 1:30 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas

78834, (512) 876-3533.

The Middle Rio Grande Development Council MRGDC Council met at the Fort Duncan Club, Bleach Street, Eagle Pass, June 26, 1990, at 3 p.m. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The North Central Texas Council of Governments Executive Board met at the Centerpoint Two, 616 Six Flags Drive, 2nd Floor, Arlington, June 28, 1990, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Box COG, Arlington, Texas 76005-5888, (817) 640-3300.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, July 2, 1990, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 5, 1990, at 4 p.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District Board of Directors will meet at 806 West Bluff, Woodville, July 6, 1990, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 9, 1990, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upshur County Appraisal District Appraisal Review Board met at the Upshur County Appraisal District Office, Warren and Trinity Street, Gilmer, June 28, 1990, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-9006410

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Meetings Filed June 25, 1990

The Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce, Burnet, July 9-12, 1990, at 9 a.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Cass County Appraisal District Appraisal Review Board will meet at the Cass County Appraisal District Office, 502 North Main, Linden, July 2-3, and 5th, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Central Appraisal District of Johnson County Appraisal Review Board will

meet at 109 North Main, Suite 201, Room 202, Cleburne, June 29, July 9, 16, and 17, 1990, at 9 a.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3986.

The Coryell County Appraisal District Board of Directors held an emergency meeting at the National Bank, 408 South Main, Copperas Cove, June 26, 1990, at 3:30 p.m. The emergency status was necessary because of the lack of quorum present at June 14, 1990 and June 21, 1990 regularly scheduled meetings called to submit preliminary 1991 budget. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit Railtransit Ad Hoc Committee met at 601 Pacific Avenue, Conference Room 7A, Dallas, June 26, 1990, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75702, (214) 658-6237.

The Dallas Area Rapid Transit Business Development Ad Hoc Committee met at 601 Pacific Avenue, Conference Room 7A, Dallas, June 26, 1990, at 1:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75702, (214) 658-6237.

The Dallas Area Rapid Transit Minority Affairs Committee met at 601 Pacific Avenue, Board Room, Dallas, June 26, 1990, at 2 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75702, (214) 658-6237.

The Dallas Area Rapid Transit Audit Committee met at 601 Pacific Avenue, Board Conference Room, Dallas, June 26, 1990, at 1:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75702, (214) 658-6237.

The Dallas Area Rapid Transit Board of Directors met at 601 Pacific Avenue, Board Conference Room, Dallas, June 26, 1990, at 4 p.m. Information may be obtained from Mattie Hansen, 601 Pacific Avenue, Dallas, Texas 75702, (214) 658-6237.

The Dawson County Central Appraisal District Appraisal Review Board will meet at the Lamesa Branch of Howard College, 1810 Lubbock Highway, Lamesa, July 5-6, 1990, at 10 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Deep East Texas Council of Governments Grants Application Review Committee met at the Crockett Civic Center, 304 South Loop, Crockett, June 28, 1990, at 10:30 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Dewitt County Appraisal District Appraisal Review Board will meet at the Dewitt County Appraisal Office, 103 Bailey Street, Cuero, July 13, 1990, at 9 a.m. Information may be obtained from John Haliburton, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The Erath County Appraisal District Appraisal Review Board will meet at 1390 Harbin Drive, Stephenville, July 2-3 and 5, 1990, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 74601, (817) 965-5434.

The Hansford Appraisal District Regular Board will meet at 709 West Seventh Street, Spearman, July 11, 1990, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575.

The Harris County Appraisal District Board of Directors met at 2800 North Loop West, 8th Floor, Houston, June 28, 1990, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Harris County Appraisal District Board of Directors met at 2800 North Loop West, 8th Floor, Houston, June 28, 1990, at 1:45 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Hockley County Appraisal District Appraisal Review Board will meet at 1100 Avenue D, Levelland, June 29, 1990, at 9 a.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Jack County Appraisal District Appraisal Review Board held an emergency meeting at the Los Creek Office Building, 216-D South Main, Jacksboro, June 28, 1990, at 8 a.m. The emergency status was necessary because of a hearing on AG denial and possible litigation for 1990. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Jack County Appraisal District Appraisal Review Board will meet at the Los Creek Office Building, 216-D South Main, Jacksboro, June 29, 1990, at 8 a.m. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Jasper County Appraisal District Appraisal Review Board will meet at 116 North Austin Street, Jasper, July 9 and 12, 1990, at 9 a.m. Information may be obtained from David W. Luther, P.O. Box 1300, Jasper, Texas 75951, (409) 384-2544.

The Lower Rio Grande Valley Development Council Board of Directors met at the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, June 28, 1990, at 1:30 p.m. Information may be obtained from Kenneth N. Jones, 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

The Martin County Appraisal District Appraisal Review Board will meet at 100 North Gray Street, Jr. High Cafeteria, Stanton, July 2, 1990, at 9 a.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

The Martin County Appraisal District Appraisal Review Board will meet at 100 North Gray Street, Jr. High Cafeteria, Stanton, July 3, 1990, at 9 a.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823.

The Mental Health Mental Retardation Regional Center of East Texas Board of Trustees held an emergency meeting at 2323 West Front Street, Board Room, Tyler, June 26, 1990, at 4 p.m. The emergency status was necessary because of the need of approval of state contract proposal. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The San Jacinto River Authority Board of Directors held an emergency meeting at the Lake Conroe Office Building, Conference Room, Highway 105 West, Conroe, June 27, 1990, at 1 p.m. The emergency status was necessary because of the time change to 11 a.m. Information may be obtained from Jack Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Tarrant Appraisal District Board of Directors will meet at 2301 Gravel Road, Fort Worth, June 29, 1990, at 9 a.m. Information may be obtained from Olive Miller, 2301 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005.

The Tarrant Appraisal District Board of Directors will meet at 2309 Gravel Road, Fort Worth, June 29, 1990, at 9 a.m. Information may be obtained from Olive Miller, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005.

The Tax Appraisal District of Bell County Appraisal Review Board will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, July 9-10, 1990, at 8:30 a.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 10, 1990, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 11, 1990, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 12, 1990, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, July 13, 1990, at 9 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-9006460

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Meetings Filed June 26, 1990

The Liberty County Central Appraisal District Board of Directors met at 315 Main Street, Liberty, June 27, 1990, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

The Tarrant Appraisal District Appraisal Review Board will meet at 2309 Gravel Road, Fort Worth, July 2-3, 5-7, 9-14, 16-20, 30-31, 1990, at 8:30 a.m. Information may be obtained from Vernon Evans, 2309 Gravel Road, Fort Worth, Texas 76118, (817) 284-8884.

The West Central Texas Council of Governments Area Agency on Aging will meet at the West Central Texas Council of Governments Office, 1025 East North 10th Street, Abilene, July 3, 1990, at 9:30 a.m. Information may be obtained from Brad Helbert, 1025 East North 10th Street, Abilene Texas 79601, (915) 672-8544.

TRD-9006485
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In Addition

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

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

Texas Department of Banking

Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On May 21, 1990, the banking commissioner received an application to acquire control of Charter Bank-Northwest, Corpus Christi, by Sam Kane, Corpus Christi.

On June 14, 1990, notice was given that the application would not be denied.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on June 20, 1990.

TRD-9006400 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: June 21, 1990

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

Notice of Hearing

The hearing officer of the Texas Department of Banking will conduct a hearing for the alleged sale of checks without a license in violation of the Sale of Checks Act by Kent Express Money Orders, San Antonio. The hearing will be held on Thursday, June 28, 1990, at 9 a.m. at the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Additional information may be obtained from: Ann Graham, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006416

Ann Graham
General Counsel
Texas Department of Banking

Filed: June 22, 1990

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

Texas Department of Commerce

Comments Related to the Proposed 1990 Texas Community Development Program Final Statement

On March 30, 1990, the Texas Department of Commerce (Commerce) submitted the Final Statement of its community development objectives and projected use of Community Development Block Grant (CDBG) non-entitlement area funds for Federal Fiscal Year 1990 to the United States Department of Housing and Urban Development (HUD). Commerce published a summary of the Texas Community Development Program, which appeared in the March 6, 1990, issue of the *Texas Register* (15 TexReg 1250). In addition, Commerce held a series of four public hearings throughout the state in March 1990 to solicit comments on the proposed Final Statement.

Fifty-six written comments were received from political subdivisions, organizations, consultants, and concerned citizens. Thirty-eight of these comments provided unqualified support for the 1990 proposed Final Statement. Eighteen comments included recommendations that Commerce make one or more changes to the 1990 proposed Final Statement. Based on the number of comments received for the different areas of the program as outlined below, Commerce made changes as noted below and submitted the Final Statement to HUD for approval.

In accordance with Texas Civil Statutes, Article 6252-13e, §4, the categories of comments received are summarized as follows.

Distribution of Funds. Listed below is the distribution of CDBG funds allocated by HUD to the State as declared in the proposed final statement:

<u>Fund</u>	<u>Percentage</u>
Community Development Fund	66.66
Texas Capital Fund	18.97
Housing Development Fund	4.61
Planning/Capacity Building Fund	0.98
Emergency/Urgent Need Fund	4.10
Special Impact Fund	2.46
Administration	<u>2.00</u>
Total	99.78*

* Remainder (.22 percent) represents the additional \$100,000 allocated by HUD to the state for administrative costs.

In addition, the Final Statement included a new funding category, the Housing Development Fund. This fund will be available annually on a statewide competitive basis for housing rehabilitation and affordable new housing construction as well as other housing-related projects as deemed eligible by Commerce.

One city, one council of governments, and three consultants recommended that the funding level for the Community Development Fund be increased to approximately 72% with concurrent reduction in the Texas Capital Fund to a range of 11 to 14%, and an increase in the Housing Development Fund to approximately six percent. One consultant recommended that the funding level for the Housing Development Fund be increased to \$7 million with an allocation to four geographical quadrants formed along councils of governments boundaries.

One council of governments and one consultant expressed reservation about the funds for the Housing Development Fund being drawn from the Community Development Fund, Special Impact Fund, and Planning/Capacity Building Fund. A suggestion was made to fund the Housing Development Fund by reducing the funding amount for the Texas Capital Fund.

Two counties, sixteen cities, six consultants, and one concerned citizen expressed support for the Housing Development Fund with an increase in funding levels for this fund to a range of 10 to 20%. The consensus of this group was that the demand for these funds would probably exceed the supply.

One council of governments opposed the creation of the Housing Development Fund, stating that TCDP funds should be dedicated to "basic human needs," such as water and sewer.

Two cities expressed general support for the funding levels as well as the categories that were proposed in the Final Statement. In addition, three cities, one council of governments, and one consultant expressed support specifically for the Planning/Capacity Building Fund with recommendations to increase the funding level.

One consultant and one concerned citizen recommended that a Neighborhood Development Fund be established with emphasis on rehabilitation of neighborhoods as opposed to individual homes. Based on the overall favorable comments received concerning this section of the Final Statement, no changes were made in the funding levels or categories.

Comments related to TCDP selection factors. In the Final Statement, Percent Benefit to Low and Moderate Income Persons is utilized as a scoring criterion for most of the available funds with 60% being the minimum threshold for points to be awarded. One council of governments and three cities expressed support for the 60% threshold, commenting that implementation of a threshold higher than this would severely restrict the types of projects for many communities in rural Texas. Based on these comments, the Percent Benefit to Low and Moderate Income Persons threshold remains at 60%.

Two consultants expressed support for the project impact score, which is utilized for Community Development Fund applications. These two respondents, both of whom represent numerous cities/counties, noted that even their clients who did not receive funding agreed that the competition was conducted fairly and that the applicants who did receive funding were deserving. According to one respondent, the project impact score provides balance and held promote a better, fairer selection process for all applicants,

thereby effectively eliminating any political considerations in the scoring of applications.

One city and one council of governments opposed the project impact score as currently utilized. The council of governments commented that the project impact score "diminishes" the role of the Regional Review Committee. It is important to note, however, that the project impact score is just one of many criteria utilized for the Community Development Fund. Accordingly, the project impact score remains as originally proposed.

Two consultants and two cities expressed concern that a local match was required for the Housing Development Fund since no local match is required for housing-related projects through the Community Development Fund. Based on these comments, the local match scoring criterion for the Housing Development Fund was deleted. Rather than have a local match scoring criterion, consideration will be given to an applicant's commitment of local effort to the proposed project under the project design category.

According to the Final Statement, a county is eligible to apply for funding through only one fund per program year (i.e., either Community Development, Special Impact, or Housing Development). One county recommended that counties be eligible to apply for multiple grants in a single program year. If counties (or cities as well) were eligible to compete in more than one fund per funding cycle, the number of applications received each Program Year would be overwhelming, expanding the already intense competition, which would further delay implementation of the projects funded. Based on this reason, Commerce proposes no changes concerning this guideline.

Participation of Regional Review Committees and support staff in scoring applications. The scoring of Community Development Fund applications is shared between Commerce staff and Regional Review Committees on an equal basis. A variety of comments were received concerning the participation of Regional Review Committees and their support staffs, which generally consists of councils of governments staff.

Two consultants expressed a concern that councils of governments staff are allowed to prepare applications and then participate in the scoring of these same applications. The common remark was that a direct conflict of interest exists when the councils of governments staff is preparing applications and providing support to the Regional Review Committee, which score the applications. In addition, one of the respondents comments that the councils of governments can exert influence over potential applicants through the other programs associated with the councils of governments. One city expressed a concern that Regional Review Committees do not view housing-related projects as a priority in response to their voting records on merits of the project, even through housing projects are considered a priority under project priorities. One council of governments recommended that the Regional Review Committees be allowed to utilize ranking of projects and other local scoring methodologies that may be devised. One council of governments recommended that the Regional Review Committees be given a majority of the scoring responsibility to include scoring Planning/Capacity Building Fund applications and review Housing Development Fund applications. One concerned citizen recommended that Commerce and the Regional Review Committees agree on goals and objectives of the program prior to scoring applications so that consistency is maintained.

Since the program has worked well in the past by utilizing the present arrangement between the Regional Review Committees and councils of governments staff.

A complete copy of the 1990 Final Statement and a summary of comments are available upon request. Please contact: Clara Torres, Finance Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-0110.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006451 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: June 22, 1990

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

◆ ◆ ◆ Notice of Consultant Contract Award

Contractor. The Texas Department of Commerce (Commerce) announces that David M. Griffith and Associates, Ltd., has been awarded a contract under the provisions of Texas Civil Statutes, Article 6252-11c. The contract period will be divided into two phases: Phase 1-The Development of a Detailed Cost Allocation Plan, within a 60 day period from the date of contract execution, and Phase 2-Development of Departmental Claims and Negotiation for Approval. Contractor will complete a total of 14 tasks for the development of the cost allocation plan and will use those costs to develop, submit and secure approval for claims based on them. The Consultant Proposal Request was published in the June 5, 1990, issue of the *Texas Register* (15 TexReg 3108).

Description of Services. David M. Griffith and Associates, Ltd., will complete the following tasks in conjunction with this contract: Phase 1: determine available financial information; classify all department divisions, commissions, boards, etc.; inventory all Federal and other programs administered by the department; determine administrative departments; determine allocation bases for allocating services to benefiting division; develop allocation data for each base; prepare cost allocation worksheet for each administrative department; and summarize costs by benefiting division.

A final plan, including the cost allocation worksheets, will be documented in presentation format for the department and negotiators.

Phase 2: collect data from each operating program identified in Task #3; prepare cost allocation worksheet allocating costs to each program; formalize plan and present to Federal negotiators; negotiate final plan and secure approval; provide indoctrination session for assigned Department personnel to assure perpetration of plan in subsequent years; and monitor first year recovery.

These tasks complete the support that is provided under the program.

Business Address. The business address of David M. Griffith and Associates, Ltd., is 8100 Springwood Drive, Suite 200, Irving, Texas 75063.

Contract Amount. The total costs of services to be performed under this contract shall not exceed \$25,000.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006450 William D. Taylor
Executive Director
Texas Department of Commerce

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Request for Proposals

Purpose and Scope. The Texas Department of Commerce (Commerce) is seeking to employ a senior managing underwriter to assist Commerce in the issuance of general obligation bonds under the Texas Government Code Annotated, Chapter 481, Subchapters Q and R, whereby bonds outstanding cannot exceed \$45 million at any one time.

Commerce will initially issue up to \$25 million of general obligation bonds for its product development fund under which venture financing programs will be designed to aid in the development and for the commercialization of new or improved products. It is anticipated that taxable general obligation bonds will be issued in \$5 million blocks over a period of years. The Act creates revolving funds in the treasury. An advisory board and ultimately Commerce will approve eligible projects for financing through loans, loan guarantees, equity and royalty investments, and debt instruments.

This is new bond authority. All financing and revolving loan fund procedures and documents will be newly created. Thus, previous experience in the area of public financing for venture financing programs will be a very important criterion with great consideration being given to those firms which can demonstrate this experience.

Commerce intends to begin implementation of this program immediately. For planning purposes, Commerce proposes to issue bonds in late 1990 and will only consider firms with Texas public finance offices, the applicable experience, and which can commit to a significant effort for the next several months.

Proposal Contents. A thorough description of a firm's ability to represent Commerce as senior managing underwriter which should include, but is not limited to, the following: a description of your firm's experience as senior managing underwriting for financing of business development transactions including, but not limited to, venture financing types (venture capital, equity, royalty, and debt). Please include the identity of the issues, the amount and type of bonds or notes, and the purpose for the issuance (projects financed) in your description for each of the past three years; a description of one or two of the preceding financings and discussion of how the experience gained from these issues relates to Commerce; a brief description of any potential recommendation and options you may have for structuring of financing through commerce including likely credit concerns for Commerce's bonds; strategies for maximizing credit ratings, with possible use of the general obligation authority as credit enhancement; potential marketing problems associated with Commerce's bonds; and possible marketing efforts to make the bonds more attractive and reduce the total cost of financing to Commerce. Please provide any other information which you believe is particularly relevant to Commerce in its evaluation of your firm; please specifically designate each of the individuals who might be assigned to Commerce. Please indicate brief resumes and the specific issues they have worked on in the last two years.

The senior managing underwriter will be expected to assist commerce in developing the program and perform normal duties of a senior managing underwriter including, but not limited to: advise Commerce on the structure of the loan

agreement with participating businesses; assist Commerce in development of credit criteria and design and management of a loan application review process; advise concerning market conditions and the timing of the sale; assist in the credit rating process; procurement of an underwriters' counsel (subject to the approval of Commerce); assist in the preparation of necessary documents related to the issue; development of a sale strategy and marketing plan; conduct pre-sale briefings and information sessions; conduct the bond sale including "running the books" and, if necessary, underwriting; provide normal administrative services such as procurement of CUSIP number, establishment of account with DTC, etc; prepare a summary analysis of sale; and assist with investment of bond proceeds.

Items to be included in an appendix: a description of your firm's past experience as a senior managing underwriter for other state agencies and political subdivisions in Texas. Please include the identity of the issues, the amount and type of bonds or notes, and the purpose for the issuance in your description; a description of the firm's financial condition as of the end of the most recent quarterly reporting period including the total capital; equity capital; net excess capital (as defined by SEC); and approximate percentage of the firm's revenues derived from municipal securities underwriting and trading; please provide a statement from your attorney or record of any pending litigation, court or administrative decision or investigation that will materially impact your firm's ability to represent Commerce or its borrowers in the State of Texas; a statement addressing the effort made by your firm to encourage and develop the participation of women and minorities in the procurement of contracts for underwriting services. Provide breakdowns of firm as a whole and public finance in particular.

Proposal Requirements. The submitted proposal must be executed by a duly authorized representative of the firm. An unsigned proposal will not be accepted. The description of the firm's ability to represent commerce as senior managing underwriter should be limited to 10 typewritten, double-spaced pages. Commerce has the sole discretion and reserves the right to reject any and all proposals received in response to this request, and to cancel the request if it is deemed in the best interest of Commerce to do so. Issuance of the proposal request in no way constitutes a commitment by Commerce to award a contract, to issue the bonds, nor to pay any services incurred either in the preparation of a response to this proposal request or for the production of any contract for services. Commerce also reserves the right to make amendments to the proposal request by giving written notice to all firms which receive the proposal request.

The chairman of the Texas Department of Commerce has requested that, all communications with Commerce concerning this request for proposal and the selection of senior managing underwriter by submitting firms be directed to Reagan Houston, Finance Director for Commerce, (512) 320-9616. Any contact by a submitting firm, its employees or representatives, with any board member of Commerce for the purpose of soliciting or encouraging a favorable review may be considered grounds for disqualification.

Proposal Submission. All proposals must be received no later than 5 p.m. Friday, July 20, 1990, with a selection being made by August 10, 1990. Proposal responses, modifications, or addenda to an original response received by Commerce after the specified time and date for closing will not be considered. Each firm is responsible for ensuring that the response reaches Commerce before the proposed due date. All proposals become the property of

Commerce. Firms should submit one original and five copies of the proposals to: Reagan Houston, Finance Director, Texas Department of Commerce, P.O. Box 12728, 816 Congress Avenue, Suite 700, Austin, Texas 78701.

Please mark the envelopes containing proposals with the following note in the lower left hand corner: "IN RESPONSE TO PROPOSAL REQUEST: SENIOR MANAGING UNDERWRITER". All proposals become the property of Commerce. Proposals must set forth full, accurate, and complete information as required by this request. Oral instructions or offers will not be considered.

Proposal Modification. Any proposal may be modified or withdrawn even after received by Commerce at any time prior to the proposal due date. A proposal may be withdrawn by a firm prior to the proposal due date. No material changes will be allowed after the expiration of the proposal due date; however, non-substantive corrections or deletions may be made with the approval of Commerce.

Proposal Evaluation. Commerce, should it desire to proceed, will select the proposal or proposals that demonstrate the greatest experience and the highest degree of competence and exhibits the necessary qualifications in providing

professional services at a fair and reasonable price. If one or more of the submitted proposals is accepted, upon acceptance the remaining firms will be notified of the decision.

Issued in Austin, Texas, on June 25, 1990.

TRD-9006463 William D. Taylor
Executive Director
Texas Department of Commerce

Filed: June 25, 1990

For further information, please call: (512) 320-9689

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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)	06/25/90-07/01/90	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(1)	06/01/90-06/30/90	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/90-09/30/90	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	07/01/90-09/30/90	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d) ⁽³⁾	07/01/90-09/30/90	15.62%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	07/01/90-09/30/90	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	07/01/90-09/30/90	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail and Lender Credit Card Balances with Annual Implementation Dates from:	07/01/90-09/30/90	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	07/01/90-07/31/90	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 June 18, 1990.

TRD-9006370 Al Endsley
Consumer Credit Commissioner

Filed: June 20, 1990

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

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Governor's Energy Division

Notice of Contract Award

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Office of Budget and Planning furnishes this notice of contracts awarded through the Innovative Energy Grant Program.

Publication Date. The request for proposals was published in the April 14, 1989, issue of the *Texas Register* (14 TexReg 1837).

Description of Services. The request was for contractors to implement innovative energy-saving projects. The contract periods extend through August 31, 1992.

Name and addresses, contract values. The contracts have been awarded to the City of Austin, Environmental and Conservation Services Department, P.O. Box 1088, Austin, Texas, 78701, \$157,920; the Energy Center at the University of Texas at El Paso, P.O. Box 645, El Paso, Texas, 79968, two contracts, \$61,157 and \$99,941; the Alternative Energy Institute at West Texas State University, Canyon, Texas 79016, \$15,000; and Oldham County Solar Associates, 214 South Main Street, Vega, Texas 79092, \$91,840.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006415 Auburn L. Mitchell
Director
Governor's Energy Division

Filed: June 22, 1990

For further information, please call: (512) 463-1931

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Texas Department of Health
Licensing Actions for Radioactive
Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioac-

tive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Carrollton	Merico, Inc.	L04401	Carrollton	0	06/04/90
Houston	Simpro, Inc.	L04419	Houston	0	06/12/90
Jasper	Mary E. Dickerson Memorial Hospital	L04347	Jasper	0	05/29/90
Richmond	Worden Gravity Meter Company	L04407	Richmond	0	05/29/90
Throughout Texas	B.P.B. Instruments, Inc.	L04405	Midland	0	05/30/90

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Alice	Alice Physicians and Surgeons Hospital	L02390	Alice	11	06/14/90
Arlington	HCA South Arlington Medical Center	L02228	Arlington	25	06/04/90
Austin	Motorola, Inc.	L02093	Austin	12	06/12/90
Austin	Syncor International Corporation	L02117	Austin	46	06/13/90
	St. Joseph Hospital and Health Center	L00573	Bryan	31	06/13/90
Carrollton	GE Lighting	L03819	Cleveland, Ohio	3	06/12/90
Corpus Christi	Petroleum Equipment Tools Co.	L02756	Houston	7	05/31/90
Corpus Christi	Memorial Medical Center	L00267	Corpus Christi	20	06/12/90
Dallas	The U.T. Southwestern Medical Center at Dallas	L00384	Dallas	52	06/12/90
Dallas	Southwestern Methodist University	L00443	Dallas	16	06/07/90
El Paso	Providence Memorial Hospital	L02353	El Paso	37	06/13/90
Fort Worth	North Texas Diagnostic Center	L03807	Fort Worth	8	05/25/90
Freeport	BASF Corporation	L01021	Freeport	37	06/08/90
Greenville	Citizens General Hospital	L01695	Greenville	15	06/01/90
Hillsboro	Hill Regional Hospital	L01949	Hillsboro	19	06/14/90
Houston	Immunotherapeutics, Inc.	L04097	Houston	1	05/29/90
Houston	Offenhauser Company	L03109	Houston	10	05/30/90
Houston	Park Plaza Hospital	L02071	Houston	21	05/25/90
Houston	Memorial Care System	L00439	Houston	38	05/30/90
Houston	Doctors Hospital East Loop	L01838	Houston	17	05/24/90
Houston	Rice University	L03050	Houston	5	05/31/90
Houston	HCA Medical Center Hospital	L02073	Houston	22	05/25/90
Houston	Doctors Hospital	L01776	Houston	16	05/25/90

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Houston	Lyondell Petrochemical Company	L00187	Houston	34	06/06/90
Houston	SmithKline Bio-Science Laboratories	L02787	Houston	5	06/04/90
Houston	Bellaire General Hospital	L02038	Houston	15	06/14/90
Lockhart	Community Hospital, Lockhart, Inc.	L03259	Lockhart	7	06/12/90
Longview	Texas Eastman Company	L00301	Longview	63	05/31/90

Midlothian	Chaparral Steel Company	L02015	Midlothian	13	06/11/90
Odessa	Shell Oil Company	L01882	Odessa	8	05/30/90
Orange	Chevron Chemical Company	L00031	Orange	28	06/06/90
Orange	Polysar Gulf Coast Inc.	L00976	Orange	30	06/11/90
Paris	St. Joseph's Hospital and Health Center	L03199	Paris	4	05/
Paris	Radiology, Inc.	L00459	Paris	19	06/06/90
Pasadena	Pasadena General Hospital	L03504	Pasadena	10	05/25/90
Richardson	EPI Technologies, Inc.	L03706	Richardson	5	05/30/90
Richardson	Rockwell International Corporation	L02508	Dallas	6	06/06/90
San Antonio	City Public Service	L02876	San Antonio	9	05/31/90
San Antonio	Saint Rose Catholic Hospital	L03983	San Antonio	3	05/24/90
San Antonio	Baptist Memorial Hospital	L00469	San Antonio	21	05/31/90
San Antonio	San Antonio College	L00745	San Antonio	14	06/05/90
Seadrift	Union Carbide Chemicals and Plastics Company Inc.	L00051	Port Lavaca	52	05/29/90
Throughout Texas	K. W. Brown and Associates	L04028	College Station	2	05/29/90
Throughout Texas	Core Laboratories, Inc.	L02975	Houston	21	05/29/90
Throughout Texas	Via NDT Engineering and Testing	L04322	Channelview	2	05/23/90
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	23	05/24/90
Throughout Texas	Houston Inspection, Inc.	L04255	Houston	6	05/25/90
Throughout Texas	Ultrasonic Specialists, Inc.	L01774	Houston	45	05/23/90
Throughout Texas	MRA/Materials Engineers, Inc.	L03018	Houston	12	05/29/90
Throughout Texas	Basin Industrial X-Ray, Inc.	L02280	Corpus Christi	28	05/23/90
Throughout Texas	Corpus Christi Inspection & Engineering, Inc.	L04379	Corpus Christi	1	05/25/90
Throughout Texas	CBI NA-CON, Inc.	L01902	Houston	20	05/30/90
Throughout Texas	Southwestern Laboratories, Inc.	L00299	Houston	63	05/30/90
Throughout Texas	X-Cel NDE, Inc.	L03548	Odessa	14	05/30/90
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	55	05/30/90
Throughout Texas	Mississippi X-Ray Services of Texas, Inc.	L03246	Mont Belvieu	24	05/23/90
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	13	06/07/90
Throughout Texas	MQS Inspection Incorporated	L00087	Elk Grove Vil., IL	51	06/06/90
Throughout Texas	Midwest Inspection Service	L03120	Perryton	26	06/06/90
Throughout Texas	HVJ Associates, Inc.	L03813	Houston	10	06/11/90
Throughout Texas	Terra-Mar, Inc.	L03157	Dallas	11	06/12/90
Throughout Texas	Halliburton Logging Services, Inc.	L02113	Houston	62	06/12/90
Throughout Texas	Texas Department of Health	L01155	Austin	43	06/13/90
Vernon	West Texas Utilities Company	L03481	Abilene	8	06/08/90
Wichita Falls	Mike Rathman Logging Company	L01700	Wichita Falls	10	06/07/90
Woodville	S & T International, Inc.	L03652	Woodville	14	06/07/90

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Dallas	Kaiser Foundation Health Plan of Texas	L03755	Dallas	8	06/04/90

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Houston	Geochem Research Inc.	L03448	Houston	6	06/13/90
McAllen	Radiology Associates of McAllen, P.A.	L02191	McAllen	13	05/25/90
Throughout Texas	The Housing Authority of the City of Wichita Falls	L04034	Wichita Falls	1	05/06/90
Throughout Texas	Colonial Pipeline Company	L02482	Atlanta, Georgia	9	06/06/90
Throughout Texas	Explorer Pipeline Company	L03941	Tulsa, Oklahoma	1	06/06/90

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by Agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m. Monday-Friday (except holidays).

Issued in Austin, Texas, on June 22, 1990.

TRD-9006459 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: June 22, 1990

For further information, please call (512) 835-7000.

Texas High-Speed Rail Authority Solicitation of Letters of Intent

The Texas High-Speed Rail Authority, acting under Texas Civil Statutes, Article 6674v.2, §23(b) (the Texas High-Speed Rail Act) and 43 TAC §83.01, solicits letters of intent from parties interested in applying for a franchise to finance, construct, operate, and maintain a high-speed rail facility in Texas.

Background. The Texas High-Speed Rail Authority was established by the 71st Legislature, 1989, to review objectively franchise applications which provide ridership refinements, engineering analysis, environmental analysis, safety analysis, rolling stock, and a financial plan for the private development of a high-speed rail facility and grant a franchise for the financing, construction, operation, and maintenance of a high-speed rail facility provided it finds that such a franchise award is for the public convenience and necessity.

Who may file. An applicant, including a corporation engaged in the intercity passenger transportation industry in this state, who intends to apply for a franchise to design, construct, finance, and manage the operation of a high-speed rail facility in Texas may file a letter of intent. Letters will only be accepted from contractors or subcontractors who intend to compete for a franchise. All potential applicants should be familiar with the provisions of the Texas High-Speed Rail Act, §22, with respect to the authority's position on disadvantaged businesses.

How to file. The letter of intent must list the principal corporation or corporations participating in the franchise application, indicate the principal representative of the applicant as a point of contact for future correspondence with the authority, and indicate the person who will serve as the applicant's participant in the RFP Advisory Committee. (This committee will meet no later than July 29, 1990 to discuss the general elements to be included in the Request for Proposals for the franchise.) The letter of intent must be hand-delivered to the Texas High-Speed Rail Authority by 5 p.m. July 19, 1990, and must be accompanied by a certified cashier's check payable to the Texas High-Speed Rail Authority in the amount of \$100,000 or by submission of certified copy of electronic funds transfer into the authority's fee account at First City Texas, Austin, N.A..

Contact person. For additional information or clarification, contact Steven M. Polunsky, Director of Research and Planning, Texas High-Speed Rail Authority, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Issued in Austin, Texas, on June 29, 1990.

TRD-9006443 Allan Rutter
Director of Administration
Texas High-Speed Rail Authority

Filed: June 22, 1990

For further information, please call: (512) 478-5484

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 name change by Provident General Insurance Company, a foreign casualty insurance company. The home office is in Chattanooga, Tennessee. The proposed new name is Merastar Insurance Company.
2. Application for admission to do business in Texas of Classic Indemnity Company, a foreign casualty insurance company. The home office is in St. Louis, Minnesota.
3. Application for a name change by Penn General Southwest, Inc., a foreign third party administrator. The home office is in Southfield, Michigan. The proposed new name is Penn General Service Corporation.
4. Application for admission to do business in Texas of Employer's Benefit Administrators, Inc., a foreign third party administrator. The home office is in Oklahoma City, Oklahoma.
5. Application for admission to do business in Texas of North American Insurance Administrators, Inc., a foreign third party administrator. The home office is in Phoenix, Arizona.
6. Application for admission to do business in Texas of Atlantic Administrators Insurance Agency Inc., a foreign

third party administrator. The home office is in Waltham, Massachusetts.

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

TRD-9006377 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: June 20, 1990

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



The following applications have been filed with the State Board of Insurance and are under consideration.

1. Application for incorporation in Texas of USAA LLoyds, a domestic lloyds plan insurer. The home office is in San Antonio.
2. Application for incorporation in Texas of Fulcrom Insurance Company, a domestic casualty insurance company. The home office is in Houston.
3. Application for admission to do business in Texas of Aetna Personal Security Insurance Company, a foreign life insurance company. The home office is in Hartford, Connecticut.
4. Application for admission to do business in Texas of BenePlan Strategies, Inc., a foreign third party administrator. The home office is in Dayton, Ohio.
5. Application for admission to do business in Texas of ISM Insurance, Inc., a foreign third party administrator. The home office is in Wilmington, Delaware.
6. Application for admission to do business in Texas of NAU Insurance Company, a foreign casualty insurance company. The home office is in Anoka, Minnesota.
7. Application for admission to do business in Texas of Bond Safeguard Insurance Company, a foreign casualty insurance company. The home office is in Lombard, Illinois.
8. Application for admission to do business in Texas of Gulf National Insurance Company, a foreign life insurance company. The home office is in Jackson, Mississippi.
9. Application for admission to do business in Texas of Gulf National Fire and Casualty Insurance Company, a foreign casualty insurance company. The home office is in Jackson, Mississippi.
10. Application for name change by American General Group Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposes new name is Anthem Life Insurance Company.
11. Application for admission to do business in Texas of First Security Casualty Company, a foreign casualty insurance company. The home office is in Madison Heights, Michigan.
12. Application for name change by Presbyterian Ministers' Fund a foreign life insurance company. The home office is in Philadelphia, Pennsylvania. The proposed new name is Covenant Life Insurance Company.
13. Application for incorporation in Texas of Southern Pacific Lloyds, a domestic lloyds insurer. The home office is in Austin.

14. Application for admission to do business in Texas of ALTA Health Strategies (TPA), Inc., a foreign third party administrator. The home office is in Wilmington, Delaware.

15. Application for name change by Bonneville-Texas Insurance Company, a domestic casualty insurance company. The home office is in Dallas. The proposed new name is Cascade Insurance Company.

16. Application for name change by Taisho Marine and Fire Insurance Company of America, a foreign casualty insurance company. The home office is in New York, New York. The proposed new name is Mitsui Marine and Fire Insurance Company of America.

17. Application for name change by NWNL General Insurance Company, a foreign casualty insurance company. The home office is in Minneapolis, Minnesota. The proposed new name is Trustguard Insurance Company.

18. Application for name change by American General Health Plan, Inc., a domestic health maintenance organization. The home office is in Dallas. The proposed new name is Anthem Health Plans of Texas, Inc.

19. Application for admission to do business in Texas of American Growers Insurance Company, a foreign casualty insurance company. The home office is in Omaha, Nebraska.

20. Application for admission to do business in Texas of Administration Associates, Inc., a foreign third party administrator. The home office is in Washington, D.C.

21. Application for admission to do business in Texas of Strategic Health Care Management Services, Inc., a foreign third party administrator. The home office is in Des Plaines, Illinois.

22. Application for admission to do business in Texas of International Life Investors Insurance Company a foreign life insurance company. The home office is in New York, New York.

23. Application for admission to do business in Texas of Columbia Mutual Insurance Company, a foreign casualty insurance company. The home office is in Columbia, Missouri.

24. Application for admission to do business in Texas of Vision Service Plan Insurance Company, a foreign casualty insurance company. The home office is in Hartford, Connecticut.

25. Application for admission to do business in Texas of Health Claim Services, Inc., a foreign third party administrator. The home office is in Boca Raton, Florida.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006448 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Filed: June 22, 1990

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



Legislative Budget Office
Joint Budget Hearing Schedule

EXECUTIVE AND LEGISLATIVE BUDGET OFFICES

Joint Budget Hearing Schedule**
Appropriations Requests for the 1992-1993 Biennium

(For the period of July 2-July 6, 1990)

<u>Agency</u>	<u>Date</u>	<u>Place</u>
Office of State Federal Relations	July 2--10:00 a.m.	Room 107, John H. Reagan Building, 15th and North Congress, Austin, Texas
Fireman's Pension Commission	July 2--2:00 p.m.	Room 102, John H. Reagan Building, 15th and North Congress, Austin, Texas
Board of Public Accountancy	July 3--10:00 a.m.	Room 107, John H. Reagan Building, 15th and North Congress, Austin, Texas
Motor Vehicle Commission	July 6--1:30 p.m.	Room 107, John H. Reagan Building, 15th and North Congress, Austin, Texas

****NOTE:** Please confirm above dates, times and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

Issued in Austin, Texas, on June 22, 1990.

TRD-9006462 Larry Kopp
 Assistant Director for Budgets
 Legislative Budget Office

Filed: June 25, 1990

For further information, please call: (512) 463-1200



Public Utility Commission of Texas
Notices of Application to Amend
Certificate of Convenience and
Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 8, 1990, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a),

17(e), 50, 52 and 54. A summary of the application follows.

Docket Title and Number. Application of Texas Utilities Electric Company for a certificate of convenience and necessity for proposed transmission line within Collin County, Docket Number 9593 before the Public Utility Commission of Texas.

The Application. In Docket Number 9593, Texas Utilities Electric requests approval of its application to construct approximately 1.4 miles of 138kV transmission line in Collin County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on June 20, 1990.

Filed: June 21, 1990

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

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Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 6, 1990, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52 and 54. A summary of the application follows.

Docket Title and Number. Application of Border To Border Communications for a certificate of convenience and necessity to provide telecommunications service to the uncertified areas of Zapata County, Docket Number 9588 before the Public Utility Commission of Texas.

The Application. In Docket Number 9588, Border To Border Communications requests approval of its application to obtain a Certificate of Convenience and Necessity.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on June 20, 1990.

TRD-9006403 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 21, 1990

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

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Texas Racing Commission

Notice of Application Period

The Texas Racing Commission announces that on July 30, 1990-September 28, 1990, the commission will accept application documents in support of Class 1 pari-mutuel racetrack licenses in Bexar, Dallas, and Tarrant Counties.

Under Texas Racing Commission rules, the commission may designate an application period of not more than 60 days, in which application documents for a racetrack license may be filed.

On May 17, 1990, the Texas Racing Commission's Horse Racing Section established a new 60-day application period. The designated period begins at 8 a. m., July 30, 1990, and ends at 5 p.m., September 28, 1990, for Class I racetrack licenses in Bexar, Dallas, and Tarrant Counties.

For more information contact Lisa Gonzales, Hearings Coordinator, at (512) 476-7223. The Texas Racing Commission offices are located at the First State Bank Building, Suite 625, 400 West 15th, Austin, Texas, 78701 or write P.O. Box 12080, Austin, Texas 78711.

Issued in Austin, Texas, on June 22, 1990.

TRD-9006418 Paula Cochran Carter
General Counsel
Texas Racing Commission

Filed: June 22, 1990

For further information, please call: (512) 476-7223

Railroad Commission of Texas

LP-Gas Advisory Committee Meeting

The LP-Gas Division of the Railroad Commission of Texas announces a meeting of the LP-Gas Advisory Committee to be held on Tuesday, July 17, 1990, 9:30 a.m., Room 8-101, William B. Travis Building, 1701 North Congress Avenue, Austin.

Issued in Austin, Texas, on June 22, 1990.

TRD-9006433 Cril Payne
Assistant Director, Legal Division-General
Law
Railroad Commission of Texas

Filed: June 22, 1990

For further information, please call: (512) 463-6949

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Supreme Court of Texas

Request for Proposals

The following request for proposals for providing professional move coordinator-consultant services is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Supreme Court of Texas, the Court of Criminal Appeals, the Third Court of Appeals, the State Prosecuting Attorney's Office and the State Law Library invite proposals from qualified individuals or firms to advise and assist in planning and executing the move of these courts and agencies from the Supreme Court Building into temporary quarters in Building C, now under construction.

The coordinator-consultant will work with these courts and agencies through a move committee and will prepare a project plan and schedule, a comprehensive inventory of each court's and agency's furniture, equipment, records, etc., prepare drawings showing location of all items at move time and in new locations, prepare detailed labeling and packaging instructions, prepare, advertise and receive bids for the move, analyze and recommend award and administer and supervise the move.

Dates of Project. The planning and coordination will begin August 1, 1990, to culminate in moves estimated to occur January 16-25, 1991.

Project Amount. Funding will not exceed \$30,000.

Selection Criteria. Proposals will be evaluated by the move committee based on demonstrated competence, knowledge, capabilities and experience, the quality of the proposed approach and the reasonableness of the proposed fee for services.

Further Information. Those interested in submitting a proposal for these services should contact: William L. Willis, Executive Assistant, Supreme Court of Texas, P.O. Box 12248, Austin, Texas 78711, (512) 463-1353. A copy of the complete request for proposals will be supplied.

Deadline. The deadline for submitting a proposal is 5 p.m., July 25, 1990.

Issued in Austin, Texas, on June 21, 1990.

TRD-9006399 William L. Willis
Executive Assistant
Supreme Court of Texas

Filed: June 21, 1990

For further information, please call: (512) 463-1353

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