

Texas Register

Volume 13, Number 14, February 19, 1988

Pages 857-897

In This Issue...

The Governor

Appointments Made February 9

- 863-Texas County and District Retirement System Board of Trustees
- 863-Red River Authority Board of Directors
- 863-Texas Funeral Service Commission
- 863-Crime Stoppers Advisory Council
- 863-State Job Training Coordinating Council
- 863-State Cogeneration Council
- 863-Commission on Fire Protection Personnel Standards and Education
- 863-On-Site Wastewater Treatment Research Council

Emergency Rules

Texas Department of Agriculture

- 864-Quarantines

State Board of Insurance

- 864-General Administration

Comptroller of Public Accounts

- 868-Tax Administration

Proposed Rules

Secretary of State

- 869-Business Opportunity

State Board of Insurance

- 869-Agent's Licensing

Comptroller of Public Accounts

- 873-Funds Management (Fiscal Affairs)

Withdrawn Rules

Texas Water Commission

- 877-Water Rates

Adopted Rules

Texas Department of Labor and Standards

- 880-Boiler Division
- 880-Manufactured Housing Division
- 880-Air Conditioning and Refrigeration Contractor License Law

Texas Higher Education Coordinating Board

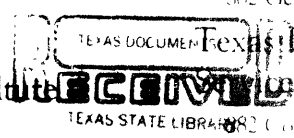
- 880-Student Services

Texas Youth Commission

- 882-General Provisions

Texas Department of Human

- 882-Community Care for Aged and Disabled



Open Meetings

- 885-Texas Commission for the Blind
- 885-Texas Board of Chiropractic Examiners
- 885-State Board of Canvassers
- 885-Texas Cosmetology Commission
- 885-Texas Education Agency
- 886-Employees Retirement System of Texas
- 886-Firemen's Pension Commission
- 886-General Land Office
- 886-Governor's Office
- 886-Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids
- 886-Health and Human Services Coordinating Council
- 886-State Board of Insurance
- 887-Special Committee on Organization of State Agencies
- 887-Board of Pardons and Paroles
- 887-Texas State Board of Pharmacy
- 888-Public Utility Commission of Texas

Contents continued on Page 859.

Texas Register

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Information Available: The 10 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

How To Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

Texas Administrative Code

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

How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15.

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

TAC stands for the *Texas Administrative Code*;

27.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



Texas Register Publications

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888-Railroad Commission of Texas
889-Texas Real Estate Commission
889-Texas Rehabilitation Commission
889-House of Representatives
889-Texas Senate
890-Texas State University System
890-Toxic Substances Coordinating Committee
890-University Interscholastic League
890-Texas Water Commission
891-Texas Water Development Board
891-Regional Meetings

In Addition

Texas Department of Banking

893-Notice of Application

Texas Education Agency

893-Consultant Contract Award

General Land Office

893-Consultant Proposal Request

894-Request for Proposals

State Board of Insurance

894-Company Licensing

Texas Parks and Wildlife Department

895-Consultant Contract Award

Employees Retirement System of Texas

895-Consultant Contract Award

Board of Regents, Texas State University System

896-Notice of Intent to Solicit Bids

Texas State Treasury Department

896-Notice of Request for Information

Texas Water Commission

896-Invitation for Bids

TAC Titles Affected

TAC Titles Affected—February

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State	
1 TAC §§74.1, 74.21-74.23	778
1 TAC §76.1, §76.11	778
1 TAC §§79.30, 79.48, 79.51	602
1 TAC §87.41, §87.43	778
1 TAC §§87.47-87.49	778
1 TAC §97.331, §97.32	869
1 TAC §97.41, §97.42	869
1 TAC §113.9	824
Part IV. Office of the Secretary of State	
1 TAC §§78.1, 78.11, 78.21	837
1 TAC §113.9	837
1 TAC §113.72	837

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §§5.500-5.504	864
4 TAC §11.1, §11.2	671
Part II. Texas Animal Health Commission	
4 TAC §§35.1, 35.2, 35.4	602
4 TAC §35.2	582
4 TAC §47.1, §47.2	626
4 TAC §§47.1-47.6	603
4 TAC §49.1	582

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission	
7 TAC §3.7	672
Part IV. Texas Savings and Loan Department	
7 TAC §§51.14, 51.15	579
Part VI. Credit Union Department	
7 TAC §9.506	705
7 TAC §91.701	673, 704
7 TAC §91.802	666, 672, 704

TITLE 10. COMMUNITY DEVELOPMENT

Part II. Texas Department of Commerce	
10 TAC §§176.1-176.9	706
10 TAC §180.1, §180.2	605, 666

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §3.34	838
16 TAC §3.58	825
16 TAC §5.42	667
16 TAC §5.246	610
16 TAC §5.501	824, 826, 836
16 TAC §11.221	711
Part II. Public Utility Commission of Texas	
16 TAC §21.3	583
16 TAC §21.81	601
Part IV. Texas Department of Labor and Standards	
16 TAC §65.16	880
16 TAC §69.125	880
16 TAC §70.20, §70.21	677, 718
16 TAC §§70.32-70.34, 70.37, 70.38, 70.41, 70.45	718
16 TAC §70.40	717
16 TAC §§70.50-70.52	718
16 TAC §70.103	719
16 TAC §75.2	880
16 TAC §75.4	719
16 TAC §75.6	719

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board	
19 TAC §§21.53, 21.56, 21.57, 21.59, 21.62, 21.64	880
19 TAC §§21.301, 21.302, 21.304-21.308, 21.311, 21.312, 21.316, and 21.322	881
19 TAC §§105.431, 105.433, 105.434	585

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners	
22 TAC §§3.1-3.13	774
22 TAC §§3.1-3.18	774
22 TAC §§3.21, 3.22, 3.25, 3.27, 3.28	774
22 TAC §3.26	774
22 TAC §§3.41-3.47	774
22 TAC §3.48	774
22 TAC §3.49	775
22 TAC §§3.49-3.51	775
22 TAC §§3.61-3.69	775
22 TAC §3.70	775
22 TAC §3.82	775
22 TAC §§3.84-3.88	775
22 TAC §3.101-§3.102	776
22 TAC §3.103, §3.104	776
22 TAC §§3.121-3.125	776
22 TAC §§3.121-3.126	776
22 TAC §§3.141-3.145	776
22 TAC §§3.141-3.148	776
22 TAC §§3.158-3.174	776
22 TAC §§3.184-3.188	777
Part II. State Board of Barber Examiners	
22 TAC §51.86	779
Part III. Texas Board of Chiropractic Examiners	
22 TAC §73.3	585
22 TAC §75.4	585
Part II. Texas State Board of Dental Examiners	
22 TAC §115.10	678
Part VI. Texas State Board of Registration for Professional Engineers	
22 TAC §131.137	838
Part IX. State Board of Medical Examiners	
22 TAC §161.1	826
22 TAC §161.3	828
22 TAC §179.6	828
Part XIV. Texas Optometry Board	
22 TAC §271.6	586
Part XV. Texas State Board of Pharmacy	
22 TAC §281.58	587
22 TAC §§283.1-283.14	610
22 TAC §§283.1-283.10	610
22 TAC §291.6	612
22 TAC §291.12	612
22 TAC §291.14	613
22 TAC §291.72	579, 581, 601
22 TAC §291.93	613
22 TAC §295.5	614
22 TAC §303.2	614
22 TAC §305.1	614
22 TAC §309.7	588
Part XVIII. State Board of Podiatry Examiners	
22 TAC §382.1	668, 678
Part XIX. Polygraph Examiners Board	
22 TAC §391.3	830
22 TAC §391.3	830
22 TAC §395.2	838
22 TAC §395.4	830
22 TAC §395.13	831
22 TAC §397.22	839

Part XXII. Texas State Board of Public	31 TAC §§291 41-291 44	621
Accountancy	31 TAC §§291 51-291 56	621, 877
22 TAC §523 71	31 TAC §291.61, §291 62	622, 878
22 TAC §523 72	31 TAC §§291 71-291 75	622, 878
22 TAC §523 73	31 TAC §§291 71-291 76	622, 878
Part XXIII Texas Real Estate Commission	31 TAC §§291 81-291 88	622, 878
22 TAC §535.162	31 TAC §§291 81-291.89	622, 878
22 TAC §542 1	31 TAC §291 91, §291 92	624, 878
Part State Committee of Examiners for Speech-	31 TAC §§291 91-291 95	624, 878
Language Pathology and Audiology	31 TAC §§291 101-291 115	625, 878
22 TAC §741 143	31 TAC §§291 101-291 117	624
22 TAC §741 162	31 TAC §§291 101-291 118	878
22 TAC §741 181	31 TAC §§291 121-291.126	624, 879
TITLE 25 HEALTH SERVICES	31 TAC §§291 131-291 136	625, 879
Part I. Texas Department of Health	31 TAC §293 12, §293 17	735
25 TAC §§1.2, 1.5, 1.7	31 TAC §293 18	735
25 TAC §1 101	31 TAC §293 43, §293 45	735
25 TAC §31 2	31 TAC §§305 501-305.506	692
25 TAC §§37 81-37.84, 37.86, 37.88-37.90, 37.93	31 TAC §§313 61-313.66	736
25 TAC §97 12, §97 13	31 TAC §§334 1-334.5	789
25 TAC §141.4	31 TAC §§334 21-334 23	790
25 TAC §145 94	31 TAC §§375 1-375 3	792
25 TAC §157.63	31 TAC §§375 11-375 21	795
25 TAC §§157 63, 157 77, 157.82	31 TAC §§375 31-375 38	796
25 TAC §§289 141-289.144, 289 147-289.151, 289 156	31 TAC §375 51	798
727	31 TAC §§375 61-375 63	798
25 TAC §§289 145, 289 146, 289.152-289.155	31 TAC §375 71, §375 72	798
25 TAC §289 157	31 TAC §§375 81-375 88	799
25 TAC §325 5	31 TAC §375 101-375.103	799
25 TAC §325 22, §325 25	Part X Texas Water Development Board	
25 TAC §325 32	31 TAC §373 2	670
25 TAC §§325 91, 325.93, 325 95	TITLE 34 PUBLIC FINANCE	
25 TAC §325 133, §325 155	Part I. Comptroller of Public Accounts	
25 TAC §325 222, §325.223	34 TAC §3 293	580
25 TAC §325 561, §325.563	34 TAC §3 298	580
25 TAC §§325 912-325 918	34 TAC §3 319	580
Part II Texas Department of Mental Health and	34 TAC §3 333	581
Mental Retardation	34 TAC §3 342	581
25 TAC §§401 581-401 592	34 TAC §3 343	581
25 TAC §§401 641-401-647, 401 649-401 652	34 TAC §3 354	581
25 TAC §§403 121-403 167	34 TAC §3 355	581
25 TAC §§403 461-403 490	34 TAC §3 356	581
TITLE 28. INSURANCE	34 TAC §3 611	868
Part I State Board of Insurance	34 TAC §5 22	873
28 TAC §§1.801-1 813	34 TAC §5 51	873
28 TAC §3 3308	34 TAC §5 52	874
28 TAC §5 9201	34 TAC §5 53	874
28 TAC §§7 201-7 205, 7 209, 7.210, 7 213	34 TAC §5 53	875
28 TAC §§7 1401-7 1414	34 TAC §5 54	875
19 TAC §§19 1101-19 1110	Part III Teacher Retirement System of Texas	
28 TAC §23 5	34 TAC §23 3	696
Part II Industrial Accident Board	34 TAC §25 32	696
28 TAC §51 7	34 TAC §29 50, §29 51	692
28 TAC §53 22	34 TAC §§43 1-43 7	698
28 TAC §55 50	Part IV Employees Retirement System	
28 TAC §56 40	34 TAC §81 3	625
28 TAC §§69.5, 69.10, 69.15, 69.20, 69.25, 69.30,	Part VII State Property Tax Board	
69.35, 69.40, 69 45, 69 50, 69.55	34 TAC §155 4	764
TITLE 31. NATURAL RESOURCES AND	34 TAC §155 31	765
CONSERVATION	34 TAC §161 13	765
Part I. General Land Office	TITLE 37 PUBLIC SAFETY AND CORRECTIONS	
31 TAC §11 18	Part I. Texas Department of Public Safety	
31 TAC §65 205	37 TAC §1.221	800
Part II. Texas Parks and Wildlife Department	37 TAC §3 59	832
31 TAC §§57 111-57 117	Part III. Texas Youth Commission	
31 TAC §§57 111-57 116	37 TAC §81 112	882
31 TAC §65 376	Part X. Texas Adult Probation Commission	
Part IX Texas Water Commission	37 TAC §321 1	833
31 TAC §§275 51 275 59	37 TAC §321 11	833
31 TAC §§291 1-291 7	37 TAC §321 12	840
31 TAC §§291 11-291 14	37 TAC §321 14	841
31 TAC §§291 21 291 31	37 TAC §321 15	841
31 TAC §§291 21 291 32	37 TAC §321 16	842
31 TAC §§291 21-291 37		
31 TAC §§291 41-291 44		

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §16.1101	843
40 TAC §16.1305	767
40 TAC §16.1511	800
40 TAC §16.1903, §16.1917	
40 TAC §16.1906, §16.1912	844
40 TAC §23.1105	844
40 TAC §§16.2904-16.1506	768
40 TAC §16.3012	768
40 TAC §16.3103	769
40 TAC §16.3201, 16.3212	769
40 TAC §16.3801, §16.3802	769
40 TAC §16.3903	770
40 TAC §16.4911	770
40 TAC §16.4912, §16.4913	771
40 TAC §16.6111, §16.6112	766
40 TAC §16.7103	771
40 TAC §29.603	581
40 TAC §29.1112, §29.1125	670
40 TAC §48.2501	590
40 TAC §48.2501	590

40 TAC §48.2502	591
40 TAC §48.2701-48.2711	591
40 TAC §48.3904	882
40 TAC §48.3905	882
40 TAC §48.8901	882
40 TAC §§49.2105, 49.2106, 49.2110, 49.2111	594
40 TAC §72.101	834
40 TAC §76.203	594
40 TAC §§79.2401-79.2408	772

Part II. Texas Rehabilitation Commission

40 TAC §101.12	835
----------------	-----

Part VI. Texas Commission on Human Rights

40 TAC §327.12	736
----------------	-----

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §§17.60, 17.61, 17.63, 17.68-17.71	595
43 TAC §17.65	599
43 TAC §§17.65, 17.74, 17.75	599
43 TAC §25.8	625

The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *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 February 9

To be a member of the **Texas County and District Retirement System Board of Trustees**, for a term to expire December 31, 1993:

Bill D. Hicks, Tector County Auditor, Courthouse, Room 116, Odessa, Texas 79761. Mr. Hicks will be replacing Judge Winston Reagan of Athens, whose term expired.

To be a member of the **Red River Authority Board of Directors** for a term to expire August 11, 1993:

Ben D. Blackburn, Highway 82 (West 4 1/2 Miles), Bells, Texas 75414. Mr. Blackburn will be replacing E. Austin Guest of Clarksville, whose term expired.

To be a member of the **Red River Authority Board of Directors**, for a term to expire August 11, 1991:

David E. Gee, 3405 Glenwood, Wichita Falls, Texas 76308. Mr. Gee will be filling the unexpired term of Paul Lyle of Plainview, who resigned.

To be a member of the **Texas Funeral Service Commission**, for a term to expire January 31, 1993:

Paul Gifford Pond, P.O. Box 3065, Port Arthur, Texas 77643. Mr. Pond will be replacing George A. Parker of Fort Worth, whose term expired.

To be a member of the **Crime Stoppers Advisory Council**, for a term to expire September 1, 1989:

Todd Malcolm Smith, P.O. Box 373, Hallettsville, Texas 77964. Mr. Smith will be replacing Kathryn Green of Amarillo, whose term expired.

Issued in Austin, Texas, on February 9, 1988

TRD-8801420

William P. Clements, Jr.
Governor of Texas



To be a member of the **State Job Training Coordinating Council** for a term at the pleasure of the governor.

Charles Edward Haddock, P.O. Box 17270, Dallas, Texas 75217. Mr. Haddock

will be replacing Solomon Williams of Tyler who resigned.

To be a member of the **State Cogeneration Council** pursuant to Senate Bill 744, 70th Legislature, 1987, for a term at the pleasure of the governor:

William Danny Turner, Ph. D., 2604 Clearwood, College Station, Texas 77840.

To be a member of the **Commission on Fire Protection Personnel Standards and Education** for a term to expire June 11, 1991:

Tinker Taylor, 404 Brook Lane, McKinney, Texas 75069. Chief Taylor will be filling the unexpired term of Alcus Greer of Houston, who resigned.

To be a member of the **On-Site Wastewater Treatment Research Council** pursuant to House Bill 32, 70th Legislature, 1987, for a term to expire September 1, 1989:

E. Boone Coy, 17602 Loring Lane, Spring, Texas 77388.

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TRD-8801493

William P. Clements, Jr.
Governor of Texas



Emergency Rules

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

Part I. Texas Department of Agriculture

Chapter 5. Quarantines Citrus Canker Quarantine

★ 4 TAC §§5.500-5.504

The Texas Department of Agriculture adopts on an emergency basis new §§5.500-5.504, concerning the prevention of movement of diseased citrus fruit, budwood or nursery stock. The unrestricted shipment of diseased citrus fruit or other citrus plant material into Texas poses an immediate and serious threat to the Texas agricultural industry from one of the most devastating, contagious, and persistent diseases known, citrus canker. Because of the compact growing region of the Texas citrus industry, the introduction of even one case of citrus canker would cause the total destruction of Texas' entire citrus industry, which is still rebounding from the freeze of 1983.

An emergency quarantine established under this section shall remain in effect for 30 days unless re-established following notice and immediate hearing. The department will hold a hearing to take public comment on whether the quarantine and sections established thereunder shall remain in effect.

These sections are adopted on an emergency basis under the Texas Agriculture Code, Chapter 71, Subchapter A, §71.004, which provides the Texas Department of Agriculture with the authority to establish an emergency quarantine where the department determines that a public emergency exists in which there is the likelihood of the introduction or dissemination of an insect pest or plant disease that is dangerous to the interests of horticulture and agriculture in this state. This section also authorizes the department to adopt rules as necessary to prevent the introduction or spread of a dangerous pest or disease.

§5.500. Quarantined Disease. The quarantined disease is citrus canker.

§5.501. Quarantined Area. The quarantined areas are as follows: the State of Florida or any area infested with the disease.

§5.502. Quarantined Articles. The quarantined articles include plants or plant parts, including fruit of all species, clones, cultivars, strains, varieties, and hybrids of the

genera *citrus* and *fortunella*, and all clones, cultivars, strains, varieties, and hybrids of the species *Poncirus trifoliata* (which includes lemon, pummelo, grapefruit, key lime, persian lime, tangerine, satsuma, tangor, citron, sweet orange, sour orange, mandarin, tangelo, ethrog, kumquat, limequat, clamondin, and trifoliolate orange), or any other product, article, or means of conveyance originating in a quarantined area that present a risk of spreading citrus canker.

§5.503. Conditions Governing Shipments into Texas. Shipments of regulated articles arriving in Texas will be refused entry and returned to the shipper or destroyed at the discretion of the Texas Department of Agriculture. Shipments refused entry shall be returned or destroyed at no expense to the department.

§5.504. Penalties.

(a) Any person who violates any of the provisions of §§5.500-5.503 of this title (relating to Quarantined Disease, Quarantined Area, Quarantined Articles, and Conditions Governing Shipments into Texas), shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 per offense.

(b) A person commits a separate offense for each plant or plant product sold or transported in violation of these sections.

(c) A private or common carrier, including a railway, steamship, motorboat, bus, or truck, that transports or delivers any fruit, plant, shrub, or other carrier of a plant disease in violation of a provision of §§5.500-5.503 of this title (relating to Quarantined Disease, Quarantined Area, Quarantined Articles, and Conditions Governing Shipments into Texas) is liable to the state for a penalty in the amount of \$500.

Issued in Austin, Texas, on February 15, 1988.

TRD 8801467

Jim Hightower
Commissioner
Texas Department of
Agriculture

Effective date: February 15, 1988
Expiration date: March 12, 1988
For further information, please call
(512) 463-7583



TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter G. Notice and Processing Periods for Permit Applications

★ 28 TAC §§1.801-1.813

The State Board of Insurance adopts on an emergency basis new §§1.801-1.813, concerning notice and processing periods for permit applications. These new sections are necessary to comply with the provisions of the Acts of the 70th Legislature, Chapter 375. New §1.801 states that the purpose and scope of these new sections is to provide for the efficient processing of permit applications. New §1.802 defines certain terms used in these sections. New §1.803 provides for computation of time under these proposed sections, and new §1.804 provides for manner of notice. Section 1.805 states that written notice is not required if a permit is issued during the specified notice period. Sections 1.806-1.812 set out notice and processing periods for applications for agents' licenses, company licenses, foreign admissions, HMO certificates of authority for health maintenance organizations (HMOs), premium finance licenses, life or health and accident policies, and State Fire Marshal permits. Section 1.813 establishes an appeals procedure, whereby an applicant may establish entitlement to relief as a result of the agency's failure to achieve these established periods. An imminent peril to the public welfare requires adoption of these new sections on an emergency basis in order to avoid unnecessary administrative delays which can hamper small businesses and other enterprises and can hinder economic development.

The Acts of the 70th Legislature, Chapter 375, §3(b) and §7, require the State Board of Insurance to publish certain data with these proposed sections. The board must state the maximum, minimum, and median times for processing a permit, from the date the initial application was received, to the date of the final permit decision. Data must be based on applications received and for which final permit decisions were made, during the period beginning June 1, 1987, and ending August 31, 1987. With the exception of applications

for an insurance agent's license, there were no applications meeting this criteria. Therefore, the processing times listed for other types of permits contained in these proposed sections are based on applications received and processed to final decisions during a 12-month period preceding this publication. The agency's maximum, minimum, and median times for processing an application for agent's license were for a life insurance agent's license, 101 days, 7 days, and 44 days respectively; for a property and casualty insurance agent's license, 141 days, 4 days, and 49 days respectively; and for a miscellaneous lines insurance agent's license, 81 days, 2 days, and 31 days respectively. The agency's maximum, minimum, and median times for processing an application for a company license are 210 days, 22 days, and 124 days respectively. The agency's maximum, minimum, and median times for processing an application for foreign admission are 510 days, 60 days, and 206 days respectively. The agency's maximum, minimum, and median times for processing an application for an HMO certificate of authority are 540 days, 420 days, and 435 days respectively. The agency's maximum, minimum, and median times for processing an application for an insurance premium finance license are 90 days, 30 days, and 53 days respectively. The agency's maximum, minimum, and median times for processing a life or health and accident insurance form are 60 days, 9 days, and 38 days respectively. The agency's maximum, minimum, and median times for processing an application for a permit issued by the state fire marshal are 90 days, 5 days, and 12 days respectively. Insofar as the time frames proposed for these new sections reasonably comport with these figures, such data serves as justification for the time frames established for processing permits under these proposed new sections.

The new sections are adopted on an emergency basis under the Acts of the 70th Legislature, Chapter 375, which require that each state administrative agency shall adopt rules and procedures to expedite the efficient processing of applications and the issuance of permits.

§1.801. Purpose and Scope. In order to minimize delays which hamper small businesses and other enterprises, this subchapter establishes time periods within which the State Board of Insurance shall review and process permit applications efficiently and provides for an appeal process should the agency violate these periods.

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

Agency—The State Board of Insurance, consisting of the board, the commissioner, all divisions and departments, including the Fire Marshal's Office, and employees thereof.

Applicant—Any individual, proprietorship, partnership, association, cooperative, corporation, nonprofit organization, or any other organization that has made a permit application with the State Board of Insurance.

Board—The three-member State Board of Insurance.

Commissioner—The commissioner of insurance.

Filing fee—The fee paid for filing a permit application with the agency.

Fire Marshal—The state fire marshal.

HMO—Health maintenance organization.

Permit—Any license, certificate, registration, permit, or other form of authorization issued by the State Board of Insurance that must be obtained by a person to engage in a particular business.

§1.803. Computation of Time. In computing any period of time prescribed or allowed by this subchapter, the date of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

§1.804. Manner of Notice.

(a) Posting.

(1) Complete application or form. Written notice that an application or form is complete and accepted for filing may be given under these sections by posting, provided that required processing and disapproval information, if any, has been furnished to the applicant.

(2) Location. Posting requires display in a conspicuous place accessible to the public in the agency's office at 1110 San Jacinto Boulevard in Austin, except for notice under §1.812 of this title (relating to State Fire Marshal Permits) which shall be in the State Fire Marshal's Office at 7901 Cameron Road, Building 2, Austin.

(b) Notice. Except as provided in subsection (a) of this section, written notice that an application is complete or deficient must be mailed to the applicant or delivered by such means as will reasonably provide actual notice.

§1.805. Written Notice Not Required. Written notice that an application is complete shall not be required under this subchapter if an application is approved and a permit issued during the notice period.

§1.806. Agent's License.

(a) Notice to applicant. Within 40 days from receipt of an application for an agent's license, the agency shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsections (b) and (c)(2) of this section, unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c)(1) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application.

(1) No examination required. Within 40 days after receipt of a complete application for which no examination is required, the agency shall grant the license or give notice of denial to the applicant.

(2) Examination required. Within 40 days after the filing of an applicant's passing examination score, the agency shall grant the license or give notice of denial to the applicant, except as provided in paragraph (3) of this subsection.

(3) HMO agent's license. Pursuant to §11.404 of this title (relating to Application for License Prior to Certificate of Authority), an applicant for an HMO agent's license shall not be issued a license until after a certificate of authority has been granted to the applicant's appointing HMO.

(c) Application disapproved.

(1) An application which is not complete within 180 days of the date of its receipt may be disapproved.

(2) An application for which an examination is required may be disapproved if a passing examination score is not on file with the agency within 180 days from receipt of the application.

§1.807. Company License.

(a) Notice to applicant. Within 120 days from receipt of an application for a company license, the agency shall determine an application to be complete or deficient and issue written notice to the applicant regarding the status of the application. For the purposes of this section, license means any certificate of authority granted by the agency pursuant to authority under the Insurance Code, Article 1.14.

(1) Complete application.

(A) The written notice for a complete application shall state that the applica-

tion is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 180 days after receipt of a complete application, the agency shall grant or deny the company license.

(c) Application disapproved. An application for a company license which is not complete within one year of the date of its receipt may be disapproved.

§1.808. Application for Foreign Admission.

(a) Notice to applicant. Within 60 days from receipt of an application for admission to do business in the state of Texas, the agency shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 180 days after receipt of a complete application, the agency shall approve or deny the application for admission.

(c) Application disapproved. An application for admission which is not complete within one year of the date of its receipt may be disapproved.

§1.809. HMO Certificate of Authority.

(a) Notice to applicant. Within 180 days from receipt of an application for an HMO certificate of authority, the commissioner shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the Texas Health Maintenance Organization Act, §4.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete and shall set out what specific additional information is required for completion. Such notice shall further state that the process prescribed in subsection (b) of this section shall not begin until written notice for a complete application is issued and shall also state that an application which remains deficient may be disapproved under subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application as needed within the period established in this subsection.

(b) Processing of application.

(1) Upon determination that an application is complete, the agency shall send a copy of the application to the State Board of Health for certification under the Texas Health Maintenance Organization Act, §5(a) (3).

(2) Within 45 days of receipt of the application, the State Board of Health shall certify to the commissioner whether or not the proposed health maintenance organization meets the requirements of the Texas Health Maintenance Organization Act, §5.

(3) Within 75 days from receipt of certification by the State Board of Health, the commissioner, after notice and hearing, shall issue or deny the certificate of authority, except as provided in subsection (d) of this section.

(c) Application disapproved. Unless a delay is granted under subsection (d) of this section, an application that is not complete within the period prescribed in subsection (a) of this section may be disapproved.

(d) Delay of action. On written request of the applicant, the commissioner may grant a delay of final action on the application pursuant to the Texas Health Maintenance Organization Act, §5(b).

§1.810. Insurance Premium Finance License.

(a) Notice to applicant. Within 15 days from receipt of an application for an insurance premium finance license, the agency shall determine an application to be complete or deficient and shall immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, shall set out the specific additional information that is required for completion, and shall include the information contained in subsection (c) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 90 days after receipt of an application, the agency shall notify the applicant that:

(1) the application has been approved and a license will be issued on payment of the appropriate license fee; or

(2) the application has been denied.

(c) Application denied. An application which is not complete within 90 days from the date of its original receipt shall be denied.

§1.811. Policy Approval.

(a) Notice. Within 25 days of receipt of a form from a company for which no forms have been approved by the agency, the agency shall determine a filing to be complete or deficient and shall immediately issue written notice to the company regarding the status of the form. For purposes of this section, a form is a policy, contract, certificate of insurance, or other form set out in Insurance Code, Article 3.42.

(1) Complete filing.

(A) The written notice for a complete filing shall state that the form is complete and accepted for filing and shall include the information contained in subsection (b) of this section unless such information has previously been furnished to the company.

(B) For purposes of this section, a form is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient filing.

(A) The written notice for a deficient filing shall state that the form is deficient and not accepted for filing and shall set out the specific items that must be corrected to make the form complete. After one written notice of deficiency has been issued, another is not required for a filing resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the company, in any manner, of problems with the form.

(b) Processing of forms. Within 60 days after a form is accepted for filing, the agency shall approve or disapprove it; provided that the insurer may request in writing that the period for approving or disapproving a form be extended for an additional period of time, not to exceed sixty days. The request for extension shall be considered granted upon its receipt by the agency.

§1.812. State Fire Marshal Permits.

(a) Notice to applicant. Within 30 days from receipt of an application for a certificate of registration or license issued pursuant to Insurance Code, Articles 5.43-1 through 5.43-4, the agency shall determine a filing to be complete or deficient and immediately issue written notice to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall include the information contained in subsection (b) and subsection (c)(1) of this section unless such information has previously been provided to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and include the information contained in subsection (c)(2) of this section. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 60 days after receipt of a complete application, the agency shall:

(1) issue the certificate of registration or license on payment of the appropriate fees and successful completion of all required examinations and practicals;

(2) deny the certificate of registration or license.

(c) Application disapproved.

(1) The fire marshal may disapprove an application for a certificate of registration or license if the applicant fails to successfully complete all required examinations and practicals within one year of the receipt of the original application.

(2) The fire marshal may disapprove an application that is not complete within 90 days of its original receipt by the agency.

§1.813. Appeal.

(a) Hearing.

(1) Notice. An applicant who does not receive notice as to the complete or deficient status of a permit application within the period established in this subchapter for such application may petition for a hearing to review the matter.

(2) Processing. An applicant whose permit is not approved or denied within the period established in this subchapter for such permit may petition for a hearing to review the matter.

(3) Procedure. A hearing under this section shall be in accordance with the Insurance Code, the Administrative Procedure and Texas Register Act, and Subchapter A of this chapter (relating to Rules of Practice and Procedure).

(b) Petition. A petition filed under this section must be in writing and directed to the commissioner; except that, for periods established in §1.812 of this title (relating to State Fire Marshal Permits), a petition shall be made to the fire marshal. The petition shall identify the applicant, indicate the type of permit sought and the date of the application, specify each provision in this subchapter that the agency has violated, and describe with particularity how the agency has violated each provision. The petition shall be filed with the docket clerk of the agency's hearings section.

(c) Decision. An appeal filed under this section shall be decided in the applicant's favor if the commissioner or fire marshal, as the case may be, finds that:

(1) the agency exceeded an established period under this subchapter; and

(2) the agency failed to establish good cause for exceeding the period.

(d) Good cause. The agency is considered to have good cause for exceeding a notice or processing period established for a permit if:

(1) the number of permits to be processed exceeds by 15% or more the number of permits processed in the same calendar quarter of the preceding year;

(2) the department must rely on another public or private entity for all or part of its permit processing, and the delay is caused by the other entity;

(3) the hearing and decision-making process results in reasonable delay under the circumstances;

(4) the applicant is under administrative review; or

(5) any other conditions exist giving the agency good cause for exceeding a notice or processing period.

(e) Board review. A permit applicant aggrieved by a final decision or order of the commissioner or the fire marshal concerning a period established by these rules may appeal to the board in writing after the decision or order complained of is final. To the extent not superseded by the Administrative Procedure and Texas Register Act, the procedures specified in the Insurance Code, Article 1.04(d), apply to appeals to the board from decisions of the commissioner and are adopted for appeals to the board from decisions of the fire marshal. An appeal under this subchapter shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable; but, for good cause shown, the board may allow an appeal after that date.

(f) Relief.

(1) Complete or deficient status. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to issue notice as to the complete or deficient status of an application shall be entitled to notice of application status.

(2) Permit approval or denial. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to approve or deny a permit shall be entitled to such approval or denial of the permit and to full reimbursement of all filing fees that have been paid to the agency in connection with the application.

Issued in Austin, Texas, on February 12, 1988.

TRD-8801485

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: February 12, 1988

Expiration date: June 11, 1988

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



TITLE 34. PUBLIC
FINANCE

Part I. Comptroller of
Public Accounts

Chapter 3. Tax Administration
Subchapter W. Amusement
Machine Regulation

★34 TAC §3.611

The Comptroller of Public Accounts adopts on an emergency basis new §3.611 concerning refund or credit on licenses, registration certificates, or occupation tax permits. The new section establishes the conditions under which the Comptroller will authorize a refund or credit under the Coin-Operated Services Law.

This section is adopted on an emergency basis to clarify when taxpayers are entitled to a refund or credit under the Coin-Operated Services Law. This section is needed on an emergency basis to avoid confusion which may exist involving taxpayer's rights to a refund or credit under the Coin-Operated Services Law.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 8807(1), which provide the Comptroller with

the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the Coin-Operated Services Law, Texas Civil Statutes, Article 8801-8817. §3.611. *Refund on Licenses, Registration Certificates, or Occupation Tax Permits.*

(a) No refund or credit is allowed for the annual occupation tax once the tax permits have been issued for a machine registered with the comptroller unless:

(1) the taxpayer can prove reliance relied on incorrect information from the comptroller which caused them to incorrectly register a machine and purchase tax permits;

(2) the taxpayer makes a written request to the comptroller for credit or a refund prior to the beginning of the calendar year for which the tax permits were purchased; or

(3) the taxpayer makes a written request to the comptroller for credit or a refund prior to issuance of the tax permits.

(b) No refund or credit is allowed for a license or registration certificate once the license or registration certificate has been issued for an applicant unless:

(1) the taxpayer can prove reliance relied on incorrect information from the comptroller which caused them to incorrectly purchase a license or registration certificate;

(2) the taxpayer makes a written request to the comptroller for credit or a refund prior to the beginning of the calendar year for which the tax permits were purchased; or

(3) the taxpayer makes a written request to the comptroller for credit or a refund prior to issuance of a license or registration certificate.

Issued in Austin, Texas on February 11, 1988

TRD-8801476

Bob Bullock
Comptroller of Public
Account

Effective date: February 11, 1988

Expiration date: June 10, 1988

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

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 IV. Secretary of State

Chapter 97. Business

Opportunity

Trust Account

★ 1 TAC §97.331, §97.32

The Office of the Secretary of State proposes new §97.31 and §97.32, concerning the requirements of trust accounts, and cancellation of trust accounts pursuant to Texas Civil Statutes, Article 5069-16.14.

Jim Mathieson, attorney, statutory documents, 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. Mathieson 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 are the provision to the public of specific requirements for business opportunity registrants to establish, maintain, and cancel a trust account. 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 Jim Mathieson, attorney, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711.

The new sections are proposed under Texas Civil Statutes, Article 5069-16.17, which provide the Office of the Secretary of State with the authority to adopt rules and regulations necessary to administer and enforce the Business Opportunity Act.

§97.31. Requirements of Trust Account. A registrant who elects pursuant to the Business Opportunity Act, Article 16.14, to establish a trust account shall establish and maintain a trust account in the amount of no less than \$25,000 in the favor of the State of Texas with a processor, (as defined by the Banking Code of 1943, Article 342-1020 authorized to transact business in the State of Texas.

§97.32. Cancellation of Trust Account. A trust account established in accordance with §97.31 of this title (relating to Requirements of Trust Account) must be maintained for a period not to exceed four years after the registrant has formally terminated registration and only with the approval of the Office of the Secretary of State.

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 February 10, 1988.

TRD-8801392

Lorna Wassdorf
Special Assistant
Office of Secretary of
State

Earliest possible date of adoption: March 21, 1988

For further information, please call: (512) 463-5701



Irrevocable Letter of Credit

• 1 TAC §97.41, §97.42

The Office of the Secretary of State proposes new §97.41 and §97.42, concerning the requirements of an irrevocable letter of credit and cancellation of an irrevocable letter of credit pursuant to Texas Civil Statutes, Article 5069-16.14.

Jim Mathieson, attorney, statutory documents, 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. Mathieson 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 are the provision to the public of specific requirements for business opportunity registrants to establish, maintain, and cancel an irrevocable letter of credit. 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 Jim Mathieson, attorney, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711

The new sections are proposed under Texas Civil Statutes, Article 5069-16.17, which provide the Office of the Secretary of State with the authority to adopt rules and regulations necessary to administer and enforce the Business Opportunity Act

§97.41. Requirements of Irrevocable Letter of Credit. A registrant who elects pursuant to the Business Opportunity Act, Article 16.14, to establish an irrevocable letter of credit shall establish and maintain an irrev-

ocable of credit in the amount of no less than \$25,000 in the favor of the State of Texas with a processor (as defined by the Banking Code of 1943, Article 342-102) authorized to transact business in the State of Texas.

§97.42. Cancellation of Irrevocable Letter of Credit. An irrevocable letter of credit established in accordance with §97.41 of this title (relating to Requirements of Irrevocable Letter of Credit) must be maintained for a period not to exceed four years after the registrant has formally terminated registration and only with the approval of the Office of the Secretary of State.

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 February 10, 1988.

TRD-8801393

Lorna Wassdorf
Special Assistant
Office of Secretary of
State

Earliest possible date of adoption: March 21, 1988

For further information, please call: (512) 463-5701



TITLE 28. INSURANCE

Part I. State Board of

Insurance

Chapter 19. Agent's Licensing

Subchapter L. Use of Testing

Service for Administration of Agents' Qualifying

Examinations under the Insurance Code, Article 21.01-1

★ 28 TAC §§19.1101-19.1110

The State Board of Insurance proposes new §§19.1101-19.1110, concerning the use of a testing service for administration of agents' qualifying examinations. The new sections are necessary to implement authority granted in the Insurance Code, Article 21.01-1. The new sections specify criteria and procedures for evaluating and selecting a testing service, specify requirements for a qualifying proposal from a vendor of testing services, and specify requirements for any agreement or contract under which the board would use a testing service for administering qualify-

ing examinations for agents.

A. W. Pogue, deputy insurance commissioner for life, accident, and health insurance, has determined that, for the first five-year period the proposed sections will be in effect, there will be fiscal implications as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect is an estimated loss of revenue from the fees generated when the State Board of Insurance administered the examinations of \$350,000 each year from 1988-1992; partially offset by an estimated reduction in cost, due to the elimination of expenses of administering the examinations, of \$220,000 for 1988, \$231,000 for 1989, \$243,000 for 1990, \$255,000 for 1991, and \$268,000 for 1992. There will be no fiscal implications for local government. The fiscal implications for small businesses will be the same as the anticipated economic cost to all persons required to comply with the proposed sections. On the basis of cost per hour of labor, there is no anticipated difference in cost of compliance between small and large businesses.

Mr. Pogue 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 development and administration of higher quality examinations that more accurately measure the knowledge and expertise of persons required to be examined under the Insurance Code. The anticipated economic cost to persons who are required to comply with the proposed sections will be an increased cost to applicants for a license, who have paid a fee of \$10 per examination to the board and now will be paying a fee between \$15 and \$50 to a contractor for administering the examination. For persons who wish to submit a qualifying proposal, there will be the cost of completing a qualifying proposal.

Comments on the proposal may be submitted to A. W. Pogue, Deputy Insurance Commissioner for Life, Accident, and Health Insurance, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new sections are proposed under the Insurance Code, Article 21.01-1, which authorizes the State Board of Insurance to adopt rules, regulations, and standards for use of a testing service for administration of agents' qualifying examinations.

§19.1101. Evaluation and Selection Procedure.

(a) Appointment of evaluation committee. The State Board of Insurance shall appoint an advisory committee for evaluation of testing services for administration of agents' qualifying examinations (the Evaluation Committee).

(b) Any vendor of testing services who wishes to be considered for selection by the board for administration of agents' qualify-

ing examinations shall submit a qualifying proposal to the Evaluation Committee. In order to be considered, a vendor must submit the qualifying proposal in the manner and by the deadline set by the Evaluation Committee. In evaluating a qualifying proposal, the Evaluation Committee may request and utilize technical assistance from any source.

(c) Selection by the board of any testing services shall be in accordance with the Insurance Code, Article 21.01-1.

§19.1102. Qualifying Proposals.

(a) The evaluation committee shall review each proposal for compliance with the specific requirements and other necessary requirements of this procurement. The State Board of Insurance retains the right to waive a requirement when to do so is in the best interest of fair and effective administration of the board's responsibilities.

(b) Any alternate proposal submitted must be complete and will be submitted to a full and independent evaluation. In addition, the vendor must assume full responsibility for addressing all necessary technical and operational issues in meeting the objectives of the request for proposal (RFP).

§19.1103. Evaluation.

(a) The Evaluation Committee shall conduct its evaluation based upon the technical merit and the cost per candidate of each proposal received. The evaluation will consist of scoring by the Evaluation Committee of each qualified proposal in accordance with the evaluation criteria in §19.1106 of this title (relating to Evaluation Criteria). The evaluations of all members of the Evaluation Committee will be compiled and the average score established for each bidder. All bidders with an average score of 75 or more points on the proposal evaluation will receive consideration of their bids. Those with an average of less than 75 points will not be considered further.

(b) Minor irregularities in proposals which are immaterial or inconsequential in nature may be waived wherever it is determined to be in the State's best interest.

§19.1104. Final Ranking and Award of Contract.

The Evaluation Committee will report its final rankings to the board with the committee's recommendation for vendor selection, if any. The committee shall include in its report the total number of points assigned to each bidder together with any other information which might be useful to the board in any decision on awarding any contract. Contract awards, if any, resulting from an RFP, are subject to appropriate state approvals.

§19.1105. Use of Evaluation Criteria by Evaluation Committee.

The criteria that will be used by the Evaluation Committee for the evaluation of the proposals for this specific procurement are listed in §19.1106 of this title (relating to Evaluation Criteria). Each committee member will score the pro-

posals on each major criterion. Total scoring will be adjusted to the weighting factors indicated with the major criteria.

§19.1106. Evaluation Criteria.

(a) General. The Evaluation Committee shall evaluate the clarity and content of the vendor's proposal, including the vendor's understanding of the nature of the project. Weighting factor: 5.

(b) Qualifications. The committee shall evaluate the vendor's demonstrated general experience in providing testing services and specific experience providing testing services in the general licensing field and the insurance licensing field in particular. Weighting factor: 10.

(c) Test development and revision. The committee shall evaluate description of psychometric methodology utilized in development of examinations; and test items, equating of different versions of examinations, review of performance of examinations, frequency of substantial replacement of versions of examinations, and receptiveness to challenges to specific test items. Weighting factor: 15.

(d) Test accessibility. The committee shall evaluate frequency and geographical dispersion of test offerings for all Texas insurance licensing examinations, opportunity for testing on a walk-in basis, and speed with which a candidate may reschedule an examination. Weighting factor: 15.

(e) Security. The committee shall evaluate the vendor's ability to provide security at test sites, including proctor-to-candidate ratios, candidate identification, spatial arrangements for candidates taking examination, and details of vendor's arrangements for protecting the integrity of all examination materials. Weighting factor: 15.

(f) Scoring. The committee shall evaluate the average time frame within which test results will be conveyed to candidates and to the State Board of Insurance, and the degree of detail offered to candidates regarding examination failure. Weighting factor: 20.

(g) Application screening. The committee shall evaluate the vendor's ability to effectively and expeditiously review applications for license under State Board of Insurance guidelines. Weighting factor: 10.

(h) Records maintenance and reports. The committee shall evaluate the vendor's arrangements for retention and recovery of records relating to examinations, individually or in aggregate, and the vendor's plans to provide rosters and reports to the State Board of Insurance. Weighting factor: five.

(i) Examination cost. The committee shall evaluate scheduled charges which will apply to candidates taking examinations, including any differential charges for walk-ins, or for other candidates under unusual circumstances. Weighting factor: 5.

(j) Total of weighting factors. The total of the weighting factors used by the committee for all criteria in subsections (a)-(i) of this section shall be 100.

§19.1107. Specific Requirements Concerning Examination.

(a) Development of questions.

(1) Examination content must ultimately be based upon the materials and content of the study manuals approved for use by the board. The contractor shall guarantee that said examinations validly measure the knowledge, skills, and abilities which establish the minimum competency for entry into the insurance business as agents, solicitors, counselors, risk managers, or adjusters as relates to practice in Texas.

(2) The examination questions shall reflect Texas legislation and rules and regulations relating to insurance and related products. Examinations shall be divided into two parts. Part I shall examine the candidate's knowledge and understanding of the general principles and practices of insurance and/or related products. Part II shall examine the candidate's knowledge of Texas laws, rules, and regulations.

(3) Each contractor shall give a full and complete explanation of its data bank of questions for examinations or its methods of developing questions for examinations. The contractor must utilize a test development and review process which assures relevance of each question. It also must employ methods of psychometric review which provide reasonable assurance of the validity of each examination.

(4) The board must be able to modify and reject any examination questions which contain subject matter that is not in compliance with the laws or regulations of this state.

(5) The contractor shall agree to reviews from time to time, but not less frequently than annually, by advisory committees as may be appointed by the board in accordance with the Insurance Code, Article 21.01-1. The contractor shall agree that such advisory committees may review the examinations by item and part prior to the examination's administration. The contractor shall specifically agree to pay reasonable cost of any travel and subsistence of any board personnel and advisory committee members as may be appointed to such advisory committees. The contractor shall understand and agree that the board shall retain the right to reject any exam item.

(b) Administration of examinations.

(1) The contractor will be responsible for establishing test locations throughout Texas. Examinations must be given at least weekly in Austin and in the immediate Houston and Dallas vicinities, and at least monthly in such other locations as may subsequently be agreed upon by the contractor and the board, so as to provide adequate opportunity and convenience to candidates. Examinations must be available for administration to either pre-registered or walk-in candidates. Any qualifying proposal and any contract shall describe the system which will be used to accomplish this.

(2) The contractor must arrange adequate testing facilities in each location. The contractor must employ adequately trained test center supervisors and proctors to administer the examinations. Any qualifying proposal and any contract shall describe the operation, personnel, procedures, and special capabilities, including accommodations for handicapped candidates, in operating test centers, and shall specify the ratio of test center personnel to candidates which will be provided as a minimum at test centers.

(c) Score. The contractor must score and report all examination answer sheets in accordance with the passing requirements established by the board. The contractor will also assist in setting passing scores.

(d) Security.

(1) A new examination or a substantial replacement of any existing examination must be implemented for the major lines at least once every three months and for each of the minor lines at least once every six months. All versions of each examination shall be comparable in difficulty. Substantial replacement shall be considered to mean replacing, or substantially altering, at least 60% of the questions on a given version of an examination.

(2) The scored examinations must be kept on file for a period of six months. After six months, the examinations may be destroyed. Any qualifying proposal and any contract shall describe the system of security for the examination questions and for test center security, and shall indicate the methods to be used by the contractor to provide security in transmission of test results to the board, to insurance companies, and/or to candidates. The contractor must investigate and report to the board any security violation or any instance of cheating or suspected cheating by any candidate. The contractor must assist the board in any proceedings which may be undertaken against a candidate for cheating or in respect to any other security violations.

(e) Maintaining statistics. The board will require the contractor to provide, on an agreed-to-scheduled basis, statistical reports of the number of registrants, passers, failers, and retests, and psychometric examination statistics on the performance of each question and of each examination as a whole.

(f) Collecting and accounting for registration fees. The contractor must establish a system of collections, accounting, and reporting of fees in a form acceptable to the Accounting Section of the board and capable of audit by the state auditor or his designee.

(g) Notification of board, companies, and applicants. Examination results for all applicants must be received by the board within four working days of each examination date. Notification to failing candidates must be mailed within five working days. Notifications to all sponsoring companies must be mailed within five working days.

(h) Assurance of compliance with legal requirements. The board will require assurance that all examinations will be of high quality and legally defensible under the United States Equal Employment Opportunity Commission's uniform guidelines for examinations. In the event of any legal challenge to any insurance-related examination administered by the contractor in Texas, the contractor agrees to join in the legal defense against such challenge.

(i) Development of tests for various lines.

(1) The board tests candidates for major lines licenses, including:

(A) life, health, and accident (or Group I) agents;

(B) property and casualty (or local recording) agents; and

(C) property and casualty solicitors.

(2) The board also tests for other miscellaneous or minor lines, which are of substantially lower volume, including:

(A) life;

(B) health and accident;

(C) life insurance counselors;

(D) automobile;

(E) surplus lines,

(F) managing general agents;

(G) prepaid legal services;

(H) liability risk managers;

(I) health maintenance organization agents; and

(J) adjusters, as follows:

(i) all lines;

(ii) casualty, including auto physical damage, auto liability, general liability, and aircraft;

(iii) workers' compensation, employers liability, and USL&H;

(iv) fire, allied lines, and inland marine;

(v) fidelity and surety;

(vi) boiler and machinery;

(vii) marine; and

(viii) multi-lines (qualifying for lines listed in clauses (ii), (iii), and (iv) of this subparagraph).

(3) The contractor is expected to assist in developing an examination of quality for each of the minor lines. The board wishes to be furnished a bibliography of study materials which could be obtained by persons who may be interested in preparing for these examinations and on which the examination questions are based.

§19.1108. Specific Requirements Concerning Administration of Examinations.

(a) Development of forms.

(1) The contractor shall develop, print, maintain, revise, and distribute an information booklet and a registration form to be approved by the board. A sample copy of the proposed information booklet and registration form shall be submitted with each response to the request for proposal (RFP) required by §19.1102 of this title (relating to Qualifying Proposals). The contractor shall describe the procedure for

developing and changing such forms. The information booklet shall contain a registration form and an outline of the particular examination's components, the components of which shall be percentage-weighted according to their frequency of incidence in the examination and importance in evaluation.

(2) The contractor shall provide the board with samples of various administrative forms which would be used in operation of the program, including, but not limited to, reporting forms to notify the board of those who have passed or failed the examination, notification letters to individuals or companies, statistical reports which would be used in order to report to the board, and any reports or forms which must be furnished from the board to the contractor on a regular basis. All of the aforementioned should be attached to the response to the RFP required by §19.1102 (relating to Qualifying Proposal).

(b) Screening of applicants.

(1) The contractor shall develop an administrative system whereby new applicants for licensing examinations in Texas will make application directly to the contractor. The form of the application will provide sufficient information to establish a valid licensing record as required by the laws and regulations of this state. The board will specify those items of information which will be included in all license applications.

(2) The contractor will be responsible for receiving and screening these applications for completeness in addition to scheduling examinations and similar activities normally performed in the examining process. The contractor will identify and forward for the board's review any completed application, if the content of the application suggests that the applicant's eligibility for license may be in question. The board will retain responsibility for investigation of any applicants who may be ineligible for licensing due to the statutory or regulatory provisions of this state, and for formal denial of any applicant found to be ineligible.

(3) The contractor will be responsible for creating a record on all applicants, maintaining this record, and transmitting this record on all applicants electronically by a means which will permit the entry of the record into the data base of licensees operated by the board. The contractor shall also forward to the board either the original application forms or copies of those forms which have been reproduced in conformance with the rules of the United States Bureau of Standards relating to photography, microphotography, photocopying, and/or microfilm, as applicable.

(c) Development of computer programs.

(1) The contractor will develop any computer programs necessary to provide for administration of this system and for reporting of records and results to the board. While the contractor may license this program to

other states, copies of the program and its documentation must be available at all times without charge to computer personnel appointed by the board. This would apply whether or not the contract runs its full term or is earlier terminated.

(2) A documented copy of the computer program developed to administer and transmit examinee records shall be furnished to the board's Data Processing Division. Documented copies of all changes to any such program throughout the term of the contract are to be furnished immediately upon implementation. The contractor may retain all rights to this program to license and distribute in any manner it chooses. The contractor shall expressly agree with the board that, upon the expiration or termination of the contract, the board will retain, use in any manner, and/or modify the program without cost or charge.

(3) The program must be capable of transmitting data from the contractor's offices to the data base of licensees operated by the board. Upon receipt of the data transmissions, the computer record for the candidate on the board's data base will be updated to reflect the examination results without the necessity of re-keying this information. The program shall contain adequate safeguards to prevent duplication, substitution, or elimination of existing records. Necessary reports to audit and safeguard the data must be included in the program.

(4) The contractor shall furnish any equipment which may be needed by the board in order to achieve efficiency and time savings in transmission of data.

(d) Providing information. On all working days, the contractor must provide information by letter or telephone to candidates who have questions or complaints concerning the examination process. The board shall have access to full and complete information concerning applicants and/or the examination process during all normal working hours. A record of complaints and their disposition shall be forwarded to the board on an agreed-to scheduled basis. Any qualifying proposal or contract shall describe services to meet these requirements.

(e) Approval of news releases. The contractor shall agree that all news releases pertaining to the contract shall not be made without the prior approval of the board.

§19.1109. *Specific Requirements Concerning Contractor's Fees.*

(a) The board anticipates that the contractor's fee would be established for at least the first three years. Thereafter, the contractor would notify the board in writing at least 180 days prior to anticipated fee changes.

(b) If a fixed schedule of fees is not practical, the contractor shall indicate the maximum percentage of increase or decrease in those fees which will be applicable on an annual basis for the first three years, including information concerning fees as follows:

(1) contractor's examination fee for pre-registered applicants;

(2) the additional fee for walk-in applicants; and

(3) any other costs or fees individually described and enumerated.

(c) Program costs shall be paid by fees collected by the contractor from candidates. The program of examination administration as outlined in the RFP required by §19.1102 of this title (relating to Qualifying Proposals) shall be without cost to the board.

§19.1110. *Contract Terms and Conditions.*

(a) The following are minimum terms and conditions of the contract. Others may be added at a later time.

(1) Contract period. The contract period will be for an initial period of at least three years. Thereafter, the contract can be renewed on an annual basis. The contract can be changed only with the express written agreement of both parties.

(2) Termination. Upon the mutual written agreement of both the board and the contractor, the contract can be terminated at any time with 180-days written notice except in the case of nonperformance or cause. In the case of nonperformance or cause, the board may terminate the contract with 30-days notice. The board reserves the right to recover reasonable costs from the contractor if termination is at the contractor's request or after the contractor has repeated cases of nonperformance. If, in the opinion of the commissioner of insurance, there is a danger to the interest of the insurance industry or to the citizens of this state, or if any rules of the board have been violated, the commissioner shall have the right to permanently terminate the contract or to temporarily suspend it. No later than 10 days after receiving written notice of such action, the contractor may request a contested cases hearing under Chapter 1, Subchapter A, of this title (relating to Rules of Practice and Procedure), but any order of termination or suspension shall remain in full force and effect until final resolution of the contested case.

(3) Bankruptcy. Upon the entering of a judgment of bankruptcy or insolvency by or against the contractor, the board may terminate this contract for cause without notice.

(4) Confidentiality of data. The contractor agrees to protect the confidentiality of any files, data, or other materials provided by this board or by any licensed applicants. Any such data shall be restricted in use and purpose to the performance under this contract.

(5) Care of data. The contractor shall take all steps necessary to safeguard any data, files, reports, or other information from loss, destruction, or erasure.

(6) Implementation and operational costs. All costs of design, installation, and operation of any RFP shall be borne by the contractor.



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 February 11, 1988

TRD-8801478 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption
March 21 1988

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

◆ ◆ ◆
**TITLE 34. PUBLIC
FINANCE**
Part I. Comptroller of
Public Accounts
Chapter 5. Funds Management
(Fiscal Affairs)
Claims Processing-Travel
Vouchers

★ 34 TAC §5.22

The Comptroller of Public Accounts proposes an amendment to §5.22, concerning incorporation by reference of the state employee's travel allowance guide. The amendment is necessary so that the new edition of the Travel Allowance Guide, which was published by the comptroller on September 1, 1987, can be incorporated by reference as a section.

Ben Lock, director of the comptroller's economic analysis center, 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. Lock 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 are more efficiency in complying with the travel regulations. 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 Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711-3528

The amendment is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.22. *Incorporation by Reference:* "State of Texas [State Employee's] Travel Allowance Guide." The "State of Texas [State Employee's] Travel Allowance Guide," issued by the comptroller [of Public Accounts] on September 1, 1987 [1985,] and filed with the secretary of state, is incorporated by reference as a section. The guide is published by the comptroller [of Public Accounts] in Austin, Texas, and copies may be obtained [by requesting them] from the comptroller upon request.

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 February 10, 1988

TRD-8801429 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption March 21, 1988

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

◆ ◆ ◆
**Claims Processing-Purchase
Vouchers**

• 34 TAC §5.51

The Comptroller of Public Accounts proposes an amendment to §5.51, concerning definitions. The amendment updates and clarifies the definitions of certain terms used in §5.51-§5.55.

Ben Lock, director of the comptroller's economic analysis center, 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. Lock 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 are more efficiency in submitting and processing purchase-vouchers. 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 Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711-3528

The amendment is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state

§5.51. *Definitions* The following words and terms, when used in the sections in this undesignated head [this chapter], shall have the following meanings, unless the context clearly indicates otherwise.

[Appropriation account-An accounting entity established by the comptroller which records the purpose for which state funds are to be expended, the authority for the account and the total dollar amount to be expended as established by the legislature.]

Authorized signature-The [A] signature of an officer or employee of a state agency [department] who has been [is] designated by that agency to approve the agency's claims before submitting them to the comptroller for processing [submitted by that agency for payment as filed with the state comptroller]. Each agency must no-

tify the comptroller in writing as to the identity of the designated officer or employee.

Capital asset-A good other than a consumable which benefits both the current and future fiscal years.

Comptroller object code-A four-digit code used to indicate the specific FACTS account [accounts] being affected by a particular transaction. This code is the source of an annual report to the governor required by Texas Civil Statutes, Article 4348. The report provides detailed analysis of the expenditures of appropriated funds.

Comptroller vendor I.D. number-A 14-digit number which the comptroller assigns [assigned] to each [a] vendor [by the comptroller of public accounts]. This number is [will be] the same as the 11-digit number used by the vendor for payment of state sales and franchise taxes[,] with the exception [addition] of digits 12-14[, mailing designators]. Digits 12-14 are mailing designators.

Consumable [Consumables]-A good [Items] which perishes [are exhausted] with [through their] use and [other items which are not necessarily exhausted through use but are not expected to last longer than one year] which, under ordinary circumstances, will be entirely used during the fiscal year in which it was purchased.

Cost center number-A five-digit number assigned by the comptroller for each different appropriation and fund combination. A cost center is the lowest level of activity for which revenues and expenditures are accumulated and is the nucleus of FACTS.

FACTS An acronym for financial accounting and control for the Texas system. FACTS [This] is the state accounting system[, established September 1, 1979].

Fiscal year-An accounting period beginning on September 1 and ending on August 31 of each year. [Funds are appropriated by the legislature to each state agency, for each fiscal year.]

[Fund account-An accounting entity on the books of the custodian to identify receipts dedicated to the support of specific state programs or activities.]

Fund number-A number corresponding to an accounting entity with a self-balancing set of accounts. Each fund is separated from other funds in order to facilitate certain activities and the attainment of certain objectives in accordance with legislative acts, rules, or other requirements.

Officer or employee of the state-A person appointed or elected to a state office or employed by a state agency [unit of state government].

Purchase voucher-An accounting document used to implement payment to a [the] vendor, contractor, or employee of the state. However, a purchase voucher cannot be used to pay salary or wages to an employee of the state.

SP&GSC-The State Purchasing and General Services Commission.

State agency [department]-A unit of state government sometimes referred to as a department [an agency], board, commission, or institution.

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 February 10, 1988.

TRD-8801428 Bob Bullock
Comptroller of Public
Account

Earliest possible date of adoption: March 21, 1988

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



★ 34 TAC §5.52

The Comptroller of Public Accounts proposes an amendment to §5.52, concerning requirements of purchase vouchers. The amendment updates and clarifies the information which is required to be placed on all purchase vouchers before those vouchers can be processed.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

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 greater efficiency in submitting and processing purchase vouchers. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711-3528.

The amendment is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to pre-

scribe, adopt, and enforce rules relating to the payment of account of the state.

§5.52. Requirements for All [of] Purchase Vouchers.

[(a)] Purchase vouchers submitted to the comptroller [of public accounts] for processing [payment from appropriated funds] must satisfy [meet] the following minimum requirements for [voucher] content and supporting documentation:

(1) complete name and address of the vendor or [(payee)];

(2) comptroller vendor I.D. [identification] number for the vendor or [of] payee;

(3) [account the payment if to be recorded against (] fund number, fiscal year to be charged, cost center number, and comptroller object code[)];

(4) amount of the voucher [amount. This is the amount the agency is authorizing for disbursement from appropriated funds];

(5) a description of the goods [and/or] or services being purchased which[. The description] must be sufficiently detailed to support the fiscal year and comptroller object code selected;

(6) delivery date, period of service, or order date [of order for capital outlay expenditures];

(7) an original authorized signature and the original signature of one other officer or employee of the state agency [date of delivery, or period of service, as appropriate, on all vouchers]; and

(8) any other information deemed necessary by the comptroller to support the disbursement of public funds [approval signature of the person designated in writing by the agency to approve the payment of purchase vouchers].

[(9)] a certification signed by agency personnel that the account is true, correct, and unpaid;

[(10)] approval by the State Purchasing and General Services Commission, when applicable.

[(b)] Vouchers seeking reimbursement from state funds to revolving accounts, in addition to meeting the minimum requirements for voucher content and supporting documentation for other claims against the state must:

[(1)] submit a batch cover voucher using Transaction Code 092;

[(2)] submit a multivendor detail sheet; and

[(3)] include the 14-digit vendor number of each vendor paid from local funds on all detail lines.

[(c)] Vouchers must also reflect such other information as may be deemed necessary by the comptroller of public accounts to justify disbursements of public funds.]

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 February 10, 1988.

TRD-8801427 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
March 21, 1988
For further information, please call
(512) 463-4004.



★ 34 TAC §5.53

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Comptroller of Public Accounts, 111 East 17th Street, Austin, or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §5.53, concerning special voucher requirements. This section is repealed so that a substantially revised section dealing with the same subject matter may be adopted.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeal.

Mr. Lock also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be greater compliance with the statutory requirements for processing purchase vouchers. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.53. Special Voucher Requirements.

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 February 10, 1988.

TRD-8801426 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
March 21, 1988
For further information, please call
(512) 463-4004.



★ 34 TAC §5.53

The Comptroller of Public Accounts proposes new §5.53, concerning requirements for certain types of purchase vouchers, to replace §5.53 that is being repealed. The new section clarifies and revises the requirements for certain types of purchase vouchers.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

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 more efficient and timely processing of vouchers and the payment of claims against the state. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711.

The new section is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.53. *Requirements for Certain Types of Purchase Vouchers.*

(a) Reimbursement of state employees. State employees using personal funds for state purposes may claim reimbursement by submitting a properly executed voucher supported by an invoice clearly indicating the amount as paid.

(b) Freight charges. Freight charges which were omitted from the original purchase voucher may be paid if:

- (1) the payee is other than a freight company;
- (2) the freight charge was clearly indicated on the original vendor billing; and
- (3) the state agency provides a proper cross reference to the original purchase voucher.

(c) Liability insurance. A state agency must comply with the following requirements when purchasing liability insurance of any kind with appropriated funds.

(1) A state agency must have specific statutory authority to purchase liability insurance even if the agency is an institution of higher education and plans to purchase the insurance with local funds.

(2) Liability insurance purchased under the authority of Texas Civil Statutes, Article 6252-19a, Article 6674s-1, §1, and Article 6166z10, §1, must have the approval of both the State Board of Insurance and the attorney general. Agencies must attach ap-

proval letters from both of those entities to the purchase vouchers.

(d) Surety bonds. A voucher regarding a surety bond with a policy amount in excess of \$10,000 must have the approval of the state auditor. The purchase of surety bonds does not require the approval of either the attorney general or the State Board of Insurance.

(e) Magazine and newspaper subscriptions. The purchase of a magazine or newspaper subscription may be classified as either the purchase of a capital asset or a consumable depending upon whether a state agency intends to permanently retain individual issues. Agencies must state on the purchase voucher whether the magazines or newspapers are intended for permanent retention and must select the appropriate comptroller object code. The payment of a magazine or newspaper subscription is authorized not earlier than six weeks prior the starting date of the subscription.

(f) Approval of State Purchasing and General Services Commission (SP&GSC). Texas Civil Statutes, Article 601b, and the administrative rules of SP&GSC often require the approval by SP&GSC of a purchase voucher before the voucher may be submitted to the comptroller for processing. If such advance approval is required, but has not been obtained, the comptroller will forward the voucher to SP&GSC, resulting in a delay in the processing of the voucher.

(g) Professional services and consultants. The first purchase voucher relating to a particular contract for the purchase of professional services or for the employment of a private consultant may be supported by a copy of the contract between the state agency and the person providing the services.

(h) Employment of outside legal counsel. Vouchers seeking payment for the employment of outside legal counsel must be supported by a letter from the attorney general certifying that the attorney general cannot provide the services which the outside legal counsel has been or will be providing.

(i) Reimbursement of revolving accounts. Vouchers seeking reimbursement from state funds to revolving accounts may be accompanied by:

- (1) a batch cover voucher using Transaction Code 092;
- (2) a multi-vendor detail sheet; and
- (3) the comptroller I.D. number for each vendor paid from local funds on all detail lines.

(j) Additional requirements. All purchase vouchers must comply with:

- (1) the current General Appropriations Act; and
- (2) any other requirements which the comptroller deems necessary to support the disbursement of public funds.

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 February 10, 1988.

TRD-8801425

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
March 21, 1988
For further information, please call
(512) 463-4004.

★ 34 TAC §5.54

(Editor's note: The text of the following section(s) proposed for repeal will not be published. The section may be examined in the offices of the Comptroller of Public Account, 111 East 175h, Street, Austin or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)

The Comptroller of Public Accounts proposes the repeal of §5.54, concerning special requirements for consultant and professional services contracts. This section is repealed so that a substantially revised section dealing with the same subject matter may be adopted.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

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 greater compliance with the statutes governing the employment of consultants and persons who provide professional services. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711.

This repeal is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.54. *Special Requirements for Consultant and Professional Services Contracts.*

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 February 10, 1988.

TRD-8801424

Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
March 21, 1988
For further information, please call
(512) 463-4004.

★34 TAC §5.54

The Comptroller of Public Accounts proposes new §5.54, concerning requirements for consultant and professional services contracts, to replace §5.54 that is being repealed. The new sections clarify the procedures which state agencies must follow when hiring and paying consultants and persons who provide professional services.

Ben Lock, director of the comptroller's economic analysis center, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

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 greater compliance with the statutes governing the employment of consultants and persons who provide professional services. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Ann Fuelberg, Associate Deputy for State Accounting Operations, P.O. Box 13528, Austin, Texas 78711

The new section is proposed under Texas Civil Statutes, Article 4344, which provide the comptroller with the authority to prescribe, adopt, and enforce rules relating to the payment of accounts of the state.

§5.54. Requirements for Consultant and Professional Services Contracts.

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

(1) Consulting service—The practice of studying an existing or a proposed operation or project of a state agency and advising the agency with regard to the operation or project. The term consulting service does not include services connected with the routine work necessary to the functioning of an agency's programs.

(2) Private consultant—An entity that performs a consulting service.

(3) Professional service—A service within the scope of the practice of accounting, architecture, optometry, medicine, or professional engineering as defined by the laws of the State of Texas, or those services performed by any licensed architect, optometrist, physician, surgeon, certified public accountant, or professional engineer in connection with his professional employment or practice.

(4) State agency—

(A) Any department, commission, board, office, or other agency that:

(i) is in the executive branch of state government;

(ii) has authority that is not limited to a geographic portion of the state; and

(iii) was created by the constitution or a statute of this state;

(B) A university system or an institution of higher education as defined in the Texas Education Code, §61.003, as amended, other than in a public junior college.

(b) Exemptions. Contracts for the employment of the following types of private consultants are exempt from this section:

- (1) registered architects;
(2) registered professional engineers; and
(3) private legal counsel.

(c) Necessity for consulting services. A state agency may employ a private consultant only if there is a substantial need for consulting services and the agency cannot adequately perform the necessary consulting services with its own personnel. A state agency may enter into a consulting services contract with a value in excess of \$10,000 per year only if the governor finds that a need exists for those services.

(d) Notice and publication requirements.

(1) At least 30 days before executing a contract with a private consultant whose total fee is anticipated to exceed \$10,000, a state agency shall notify the Legislative Budget Board and the Governor's Budget and Planning Office of the agency's intent to use a private consultant. The agency must also supply the Legislative Budget Board and the Governor's Budget and Planning Office with information demonstrating that the agency has complied with the requirements for employing a private consultant.

(2) If it is reasonably foreseeable that a contract for consultant services will have a value in excess of \$10,000, the state agency must file, at least 40 days before executing the contract, the following information with the secretary of state for publication in the Texas Register:

- (A) a notice of invitation for offers of consulting services;
(B) the person with the agency who should be contacted by a private consultant who desires to make an offer;
(C) the closing date for the receipt of offers; and
(D) the procedure by which the agency will award the contract for consultant services.

(3) If a state agency and a private consultant enter into a contract with a value in excess of \$10,000, then the agency shall file, within 10 days of contracting, the following information with the secretary of state for publication in the Texas Register:

- (A) a description of the study to be conducted;
(B) the name of the private consultant;

(C) the amount of the contract; and

(D) the due dates of the reports the private consultant is required to give to the state agency.

(4) Amendments or modifications to consultant contracts which were previously published in the Texas Register must comply with the requirements of the secretary of state. Contracts which originally had a value of \$10,000 or less but which, upon amendment or modification, will have a value in excess of \$10,000, must also comply with the requirements of the secretary of state.

(e) Submission of study designs and reports. Upon request, a state agency shall supply the Legislative Budget Board and the Governor's Budget and Planning Office with copies of all study designs and reports resulting from a study by a private consultant. Copies of all reports from private consultants must be filed with the Texas State Library.

(f) Professional Services Procurement Act. Professional services contracts which do not comply with the requirements of the Professional Services Procurement Act, Texas Civil Statutes, Article 664-4, are void and of no effect.

(g) Purchase voucher requirements. Purchase vouchers concerning consultant or professional services contracts must contain the following information and be supported by the following documentation:

- (1) total dollar amount of the contract;
(2) cumulative total of prior payments under the contract;
(3) copies of the contract and all amendments or modifications to that contract when the voucher either represents the first request for payment under a particular contract or is the first voucher submitted since the contract was amended or modified;
(4) the volume and page number of the Texas Register in which the requirements of this section were fulfilled;
(5) in the case of a professional services contract, a statement on the voucher that the contract complies with the Professional Services Procurement Act;
(6) in the case of a consultant services contract with a value in excess of \$10,000 per year, a finding of fact from the governor if a need for the services exist.

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 February 10, 1988.

TRD-8801423 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption:
March 21, 1988
For further information, please call
(512) 463-4004



Withdrawn

Rules An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule 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 within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 291. Water Rates

Subchapter A. General Provisions

★31 TAC §§291.1-291.7

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.1-291.7, concerning the general provisions. The text of the emergency repeal appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801418 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



★31 TAC §§291.1-291.14

The Texas Water Commission has withdrawn the emergency effectiveness of the new §§291.1-291.14, concerning the general provisions. The text of the emergency new section appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801410 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter B. Jurisdiction and Appeal, Pleading and Petition Requirements

★31 TAC §§291.21-291.37

The Texas Water Commission has withdrawn the emergency effectiveness

of the repeal to §§291.21-291.37, concerning the jurisdiction and appeal, pleading and petition requirements. The text of the emergency repeal appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801419 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter B. Utility Rates, Rate Making and Rate/Tariff Changes

★31 TAC §§291.21-291.31

The Texas Water Commission has withdrawn the emergency effectiveness of new §§291.21-291.31, concerning the utility rates, rate making and rate/tariff changes. The text of the emergency new section appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 18, 1988.

TRD-8801409 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069



Subchapter C. Notice

★31 TAC §§291.41-291.44

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.41-291.44, concerning the water rates. The text of the emergency repeal appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801415 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter C. Ratemaking Appeals

★31 TAC §§291.41-291.44

The Texas Water Commission has withdrawn the emergency effectiveness of new §§291.41-291.44, concerning the ratemaking appeals. The text of the emergency new sections appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801405 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter D. Evidence and Procedure

★31 TAC §§291.51-291.56

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.51-291.56, concerning the evidence and procedure. The text of the emergency repeals appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 9). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 18, 1988.

TRD-8801416 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter E. Ratemaking Components

★31 TAC §§291.61, 291.62

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.61, 291.62, concerning the ratemaking components. The text of the emergency repeals appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988

TRD-8801417 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069



Subchapter F. Records and Reports

★31 TAC §§291.71-291.76

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.71-291.76, concerning the records and reports. The text of the emergency repeals appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988

TRD-8801412 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



★31 TAC §§291.71-291.75

The Texas Water Commission has withdrawn the emergency effectiveness of new §§291.71-291.75, concerning the records and reports. The text of the emergency new sections appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801406 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069



Subchapter G. Customer Service and Protection

★31 TAC §§291.81-291.88

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.81-291.88, concerning the customer service and protection. The text of the emergency repeals appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801413 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



★31 TAC §§291.81-291.89

The Texas Water Commission has withdrawn the emergency effectiveness of new §§291.81-291.89, concerning the customer service and protection. The text of the emergency new sections appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801407 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter H. Quality of Service

★31 TAC §§291.91-291.92

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.91-291.92, concerning the quality of service. The text of the emergency repeals appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801414 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



★31 TAC §§291.91-291.95

The Texas Water Commission has withdrawn the emergency effectiveness of the new §§291.91-291.95, concerning the quality of service. The text of the emergency new sections appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801402 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter I. Certificates of Convenience and Necessity

★31 TAC §§291.101-291.115

The Texas Water Commission has withdrawn the emergency effectiveness of the repeal to §§291.101-291.115, concerning the certificates of convenience and necessity. The text of the emergency repeals appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801408 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



★31 TAC §§291.101-291.118

The Texas Water Commission has withdrawn the emergency effectiveness of the new §§291.101-291.118, concerning the certificates of convenience and necessity. The text of the emergency new sections appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 10). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801403 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.



Subchapter I. Utility Submetering

★31 TAC §§291.121-291.126

The Texas Water Commission has withdrawn the emergency effectiveness of the new §§291.121-291.126, concerning the utility submetering. The text of the emergency new sections appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 11). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801404 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.

Subchapter I. Nonsubmetered Master Meter Utilities

★31 TAC §§291.131-291.136

The Texas Water Commission has withdrawn the emergency effectiveness of the new §§291.131-291.136, concerning the nonsubmetered master meter utilities. The text of the emergency new section appeared in the January 1, 1988, issue of the *Texas Register* (13 TexReg 11). The effective date of this withdrawal is February 18, 1988.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801401 William G. Newchurch
Director
Legal Division
Texas Water
Commission

Filed: February 10, 1988
For further information, please call
(512) 463-8069.

Adopted

Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule 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 rule 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 rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Labor and Standards

Chapter 65. Boiler Division

• 16 TAC 65.16

The Texas Department of Labor and Standards adopts an amendment to §65.15, without changes to the proposed text published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 39)

The agency adopts the amendment pursuant to the 70th Legislature's 1987 mandate enunciated in House Bill 5

The amended section will function as a timely resolution of issues arising from failure to process applications within prescribed time frames

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 5221C, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate rules and regulations 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 February 9, 1988.

TRD-8801446 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: March 3, 1988

Proposal publication date: January 1, 1988

For further information, please call (512) 463-3128

Chapter 69. Manufactured Housing Division

General Requirements

16 TAC 69.125

The Texas Department of Labor and Standards adopts an amendment to § 69.125, without changes to the proposed text published in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4886).

The agency adopts the amendment pursuant to the 70th Legislature's 1987 mandate enunciated in House Bill 5 and will set time limits for processing an application

The section establishes a time frame for issuing a registration and allows for a speedy resolution of issues arising from any failures to process an application on a timely basis.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5221f, which provides the commissioner of the Texas Department of Labor and Standards with the authority to adopt rules and regulations, promulgate administrative orders, and take all action necessary to assure compliance with the intent and purpose of this Act to effectuate and provide for uniform enforcement of all provisions of this Act and of the Texas Manufactured Housing Standards 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 February 5, 1988.

TRD-8801448 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: March 3, 1988

Proposal publication date: December 25, 1987

For further information, please call: (512) 463-3128

Chapter 75. Air Conditioning and Refrigeration Contractor License Law

• 16 TAC §75.2

The Texas Department of Labor and Standards adopts an amendment to §75.2, without changes to the proposed text published in the January 1, 1988, issue of the *Texas Register* (13 TexReg 39)

The agency adopts the amendment pursuant to the 70th Legislature's 1987 mandate enunciated in House Bill 5

The amended section will function as a timely resolution of issues arising from failure to process applications within prescribed time frames.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 8861, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate rules and regulations 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 February 9, 1988.

TRD-8801447 Larry Kosta
Assistant Commissioner
Texas Department of Labor
and Standards

Effective date: March 3, 1988

Proposal publication date: January 1, 1988

For further information, please call: (512) 463-3128

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 21. Student Services

Subchapter C. Hinson-Hazlewood College Student Loan Program

for all Loans Which Are Subject to the Provisions of the Guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education Loan Program

★ 19 TAC §§21.53, 21.56, 21.57, 21.59, 21.62, 21.64

The Texas Higher Education Coordinating Board adopts amendments to §§21.53, 21.56, 21.57, 21.59, 21.62, and 21.64. Section 21.62 is adopted with changes to the proposed text published in the December 18, 1987, issue of the *Texas Register* (12 TexReg 4728). The other sections are adopted without changes and will not be republished.

The amendments will bring the program into compliance with federal and state laws. Changes were made to §21.62.

The amendments correct grammar and syntax as well as clarify the resources the institutional loan officer may rely upon to determine applicant resources, adjust the determinants of the annual loan limit to more equitably distribute funds to students at both public and private institutions, and clarify language in the College Access Loan Program

Oral comments were received regarding the need for revision of §21.62, regarding loan interest. Recent changes in federal loan guarantee statutes would allow interest rates to be increased five years into the repayment cycle unless precluded by state program regulations.

Mr. David Krause, Director of Financial Aid at St. Mary's University, commented in favor of the amendments.

The agency agrees with the comments and concludes that the changes are appropriate.

Texas Education Code, Chapter 52, provides the Coordinating Board with the authority to adopt rules regarding the Hinson-Hazlewood College Student Loan Program for all loans which are subject to the provisions of the Guaranteed Student Loan Program, the College Access Loan Program, the Health Education Assistance Loan Program, and the Health Education Loan Program.

§21.62. Loan Interest.

(a) **GSL.** The interest rate charged for loans shall be set from time to time by the commissioner, shall be simple interest, and shall accrue on the outstanding principal balance from the date of disbursement. It shall not exceed the rate set by the commissioner from the date of disbursement through the period of repayment. Guaranteed Student Loans made pursuant to this subchapter are eligible for interest subsidy, and interest is charged to the borrower in accordance with the Higher Education Act of 1965, Public Law 89-329, as amended, and 34 Code of Federal Regulations, Parts 682 and 683.

(b) **SLS.** The interest rate charged for loans shall be set from time to time by the commissioner, shall be simple interest, and shall accrue on the outstanding principal balance from the date of disbursement. It shall not exceed the rate set by the commissioner from the date of disbursement through the period of repayment. Principal and interest become due and payable 60 days after the date of loan disbursement but may be forborne during in-school periods. These loans are not eligible for interest subsidy.

(c) **CALP.** The interest rate charged for loans shall be set from time to time by the commissioner, shall be simple interest, and shall accrue on the outstanding principal balance from the date of disbursement. Principal and interest become due and payable

in monthly installments six months after the student ceases to be enrolled at least half time as determined by the institution. These loans are not eligible for interest subsidy.

(d) **HEAL.** The interest rate charged for loans shall be set from time to time by the commissioner, shall be compounded semiannually, and shall accrue on the outstanding principal balance and any compounded interest from the date of disbursement. It shall not exceed the rate set by the commissioner from the date of disbursement through the period of repayment. Principal and interest become due and payable nine months after the borrower ceases to be enrolled full time as determined by the institution. These loans are not eligible for interest subsidy.

(e) **HELP.** The interest rate charged for loans shall be set from time to time by the commissioner, shall be compounded annually, and shall accrue on the outstanding principal and any compounded interest from the date of disbursement. It shall not exceed the rate set by the commissioner from the date of disbursement through the period of repayment. Principal and interest become due and payable nine months after the borrower ceases to be enrolled full time as determined by the institution. These loans are not eligible for interest subsidy.

(f) (No change.)

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

Issued in Austin, Texas, on February 11, 1988

TRD-8801461 James McWhorter
Assistant Commissioner
Planning and
Administration
Texas Higher Education
Coordinating Board

Effective date: March 3, 1988
Proposal publication date: December 18, 1987
For further information, please call
(512) 462-6420.



**Subchapter L. Paul Douglas
Teacher Scholarship Program**

★19 TAC §§21.301, 21.302,
21.304-21.308, 21.311, 21.312,
21.316, and 21.322

The Texas Higher Education Coordinating Board adopts amendments to §§21.301, 21.302, 21.304-21.308, 21.311, 21.312, 21.316 and 21.322. Section 21.308 is adopted with changes to the proposed text published in the December 18, 1987, issue of the *Texas Register* (12 TexReg 4730). The other sections are adopted without changes and will not be republished.

The amendments add language to enable the board to use grade point average as a criteria for selecting scholars. SAT and ACT scores and enrollment in a teacher education program are removed as criteria for selecting scholars. Unnecessary language is deleted. Language is simplified and included as required by new federal legislation. Due to an oversight, an additional sentence was printed in the proposed §21.308(4) as existing when in fact the language did not exist; therefore, it is reprinted in its final, corrected form.

The amendments will bring program guidelines into compliance with federal requirements.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §61.068 which provides the coordinating board with the authority to adopt rules regarding the Paul Douglas Scholarship Program

§21.308. Criteria for Selecting Scholars. From among the qualified applicants, the scholars will be selected using the following criteria:

(1) high school and/or college grade point average (GPA) or GED score as applicable;

(2) pursuit of a field of study in which Texas has a shortage of teachers as determined by the Texas State Board of Education.

(3) financial need as determined by the financial aid administrator at the institution of higher education to be attended by the scholar; and

(4) rank given by the governor's committee based on an essay, extracurricular activities and a teacher recommendation.

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 February 11, 1988.

TRD-8801462 James McWhorter
Assistant Commissioner
Planning and
Administration
Texas Higher Education
Coordinating Board

Effective date: March 3, 1988
Proposal publication date: December 18, 1987
For further information, please call
(512) 462-6420.



TITLE 37. PUBLIC SAFETY AND CORRECTIONS
Part III. Texas Youth Commission

Chapter 81. General Provisions
Case Management System for Delinquent Youth

★37 TAC §81.112

The Texas Youth Commission adopts an amendment to §81.112, without changes to the proposed text published in the January 12, 1988, issue of the *Texas Register* (13 TexReg 242).

The amendment alters the list of offenses which are considered violent offenses and for which a youth committed, recommended, reclassified, or revoked and reclassified is classified as a violent offender within the Texas Youth Commission. Deletions of offenses are made to reflect current terminology in the Texas Penal Code. Other deletions and additions are made in order to include additional crimes against persons formerly not considered violent offenses.

The new list of offenses will be used to assign youth committed, recommended, reclassified, or revoked and reclassified a classification of violent offender.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Human Resources Code, Article 61, §61.034 which provides the Texas Youth Commission with the authority to make all rules appropriate to proper accomplishment of its functions.

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 February 12, 1988

TRD-8801487 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: March 4, 1988
Proposal publication date: January 12, 1988
For further information, please call
(512) 452-8111 extension 107



TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled
Case Management

★40 TAC §48.3904

The Texas Department of Human Services (DHS) adopts an amendment to §48.3904, the repeal of §48.8901, and new §48.3905 and §48.8901 in its community care for aged and disabled chapter. New §48.8901 is adopted with changes to the proposed text published in the October 6, 1987, issue of the *Texas Register* (12 TexReg 3597). The amendment to §48.3904, the repeal of §48.8901, and new §48.3905 are adopted without changes to the proposed text, and will not be republished.

The amendment, repeal and new sections are justified to better monitor adult foster care providers and to better place adult foster care clients.

The amendment, repeal, and new sections will function by outlining the rights and responsibilities of adult foster care clients and providers and by expanding and clarifying minimum standards that adult foster care providers must meet.

The department received comments from two organizations on the proposal during the public comment: Advocacy, Inc. and the Coalition of Texans with Disabilities. A summary of the comments and the department's response to each comment follows.

One commenter recommended that the department allow children of foster care clients to live in the adult foster care home with their parents. The department disagrees with this comment. The target population for adult foster care is individuals who need long-term care and supervision but who want to remain in the community. The program is not appropriate for short-term emergency care for families.

One commenter recommended a requirement that providers comply with the Rehabilitation Act of 1973, §504. The commenter further recommended that providers be reimbursed up to a certain level to make the required modifications. The department is making no change to the text based on this comment. Department caseworkers make every effort to place disabled clients in foster homes that can meet the needs of the clients. The department will, however, review the issues of accessibility and architectural modifications.

The department initiated three minor changes to the text of §48.8901. In paragraph (1)(H), the words "in a 24-hour

period" were added to the end of the sentence to clarify the time frames in which the provider's absence from the home requires a substitute provider. In paragraph (2)(B)(i) the words "and document in the case narrative" were added to ensure that caseworker determinations are recorded. The requirement for a variance was deleted from paragraph (2)(B)(iii) until the department establishes guidelines for proof of rehabilitation.

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

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

Issued in Austin, Texas, on February 11, 1988.

TRD-8801441 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: March 15, 1988
Proposal publication date: October 6, 1987
For further information, please call
(512) 450-3765.



★40 TAC §48.3905

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

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

Issued in Austin, Texas, on February 11, 1988.

TRD-8801442 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: March 15, 1988
Proposal publication date: October 6, 1987
For further information, please call
(512) 450-3765.



Minimum Standards

★40 TAC §48.8901

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

§48.8901. *Standards for Adult Foster Care.*

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 February 11, 1988

TRD-8801443

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: March 15, 1988

Proposal publication date: October 6, 1987

For further information, please call

(512) 450-3765.

The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§48.8901. *Minimum Standards for Adult Foster Care.* Providers of adult foster care services must meet these minimum standards.

(1) Provider responsibilities. The provider must:

(A) provide services to a client according to the client's service plan;

(B) maintain for each client a client and provider agreement, signed by the provider and the client or client's representative. The provider is responsible for meeting all requirements stated on the form;

(C) maintain the name, address, and telephone number of the following for each client:

(i) the person(s) to be notified in case of emergency, if any;

(ii) the client's physician, if any; and

(iii) the client's DHS caseworker;

(D) report significant changes in the client's condition to the department within 24 hours after awareness of the change;

(E) document and investigate client complaints;

(F) report any situation considered to be an emergency to the client's family or doctor or other community resources, on the same day as awareness of the situation;

(G) notify the department about serious occurrences involving the provider, the home, or the clients, including but not limited to fire, accident, altercation among clients, or illness of the provider or client. The provider must notify the department by telephone no later than the next calendar day after awareness of the occurrence. The provider must notify the department in writing within five workdays after awareness of the occurrences;

(H) ensure that an approved substitute provider is present in the home if at least one client remains in the home when

the provider plans to be absent from the home for more than three hours in a 24-hour period;

(I) receive prior approval from the department if he plans to be absent for more than 24 hours. He must also receive prior approval of the proposed substitute provider and ensure that the substitute provider is aware of and takes responsibility for meeting the client's needs and these standards;

(J) file claims for services according to TDHS rules using the appropriate TDHS forms and agree to accept the claimed amount as full payment for services provided;

(K) notify the department of a change of residence. If the provider moves to another home, he must obtain a certification for the new home. The department does not pay for services delivered in an uncertified home and certification is not retroactive;

(L) notify the department within 24 hours after a client is away from or vacates the adult foster home;

(M) ensure that clients are not abused, neglected, or exploited while in the home; and

(N) ensure that persons whose behavior or health appears to endanger clients are not present in the home.

(2) Provider qualifications.

(A) The provider must:

(i) be physically and mentally able to perform the required duties and tasks;

(ii) be able to communicate with the client and the client's family;

(iii) not deliver direct services when he has a communicable disease or illness but ensure that the client's needs are met by a substitute provider;

(iv) be 18 years old or older;

(v) be able to provide at the time of application three references from persons not related to the provider (or substitute);

(vi) not be related to the CCAD foster care clients. The owner of the facility also must comply with this requirement;

(vii) live in and share the same household (have common living areas) with the client(s). Detached living quarters do not constitute the same living area. The certified provider must be the primary caregiver; and

(viii) be the owner or lessee of the adult foster home.

(B) The following individuals may not provide adult foster care:

(i) anyone who has been identified as a perpetrator in a validated case of abuse, caretaker neglect, or exploitation unless the adult protective services caseworker and the adult foster care worker determine and document in the case narrative:

(I) that the situation can be corrected; and

(II) that the abuse, caretaker neglect, or exploitation is not likely to recur;

(ii) anyone against whom is returned:

(I) an indictment alleging commission of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act;

(II) an indictment alleging commission of any misdemeanor classified as an offense against the person or family, or of public indecency; or

(III) an official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family, or of public indecency. This requirement shall remain in effect pending resolution of the charges. Notification of such action shall be made to the department within 24 hours or the next workday;

(iii) unless proof of rehabilitation is established by the department, anyone convicted of any of the following offenses:

(I) a felony or misdemeanor classified as an offense against the person or the family;

(II) a felony or misdemeanor classified as public indecency; or

(III) a felony violation of any law intended to control the possession or distribution of any substance included as a controlled substance in the Texas Controlled Substances Act.

(C) The department reserves the right to disapprove a substitute provider or attendant. Substitute providers must meet requirements specified in subparagraph (A)(i) —(v) of this paragraph.

(3) Facility certification requirements. All homes in which adult foster care is provided must:

(A) have bedrooms with at least 80 square feet of floor space per client in a single occupancy room, and at least 60 square feet of floor space per client in a multiple occupancy room;

(B) have at least one working telephone available in the home for clients to make local calls. Providers must not charge clients for the use of the telephone;

(C) place emergency telephone numbers including the DHS caseworker's number at or near the telephone;

(D) have a conspicuously posted emergency/disaster evacuation plan that specifies what procedures residents follow in case of emergency, and hold evacuation drills at least every six months;

(E) provide each client with a bed and sufficient drawer and closet space;

(F) have no more than three beds in any one room unless approved otherwise by the caseworker;

(G) provide at least one chair in each client's bedroom;

(H) have at least one dining table and adequate seating for residents;

(I) provide space and furniture

for the resident's visitors;

(J) provide at least one grab bar in the bathtub/shower area;

(K) provide a slip-proof surface in the bathtub/shower area;

(L) ensure that first aid supplies are on the premises;

(M) have an operational smoke detection system. Battery operated detectors are acceptable; and

(N) have a portable A.B.C. type fire extinguisher charged and ready for use.

(4) Certification for payment and licensure requirements.

(A) For purposes of receiving payment for TDHS, adult foster care homes must:

(i) be certified as meeting all of the minimum standards in this section and provide care for no more than four unrelated adults, private pay or TDHS clients, unless the home meets the requirements in subparagraph (B)(i) of this paragraph;

(ii) serve only those foster care clients and private pay individuals approved or referred by TDHS;

(iii) not accommodate any individuals who are under 18 years of age who are unrelated to the provider;

(iv) not accommodate roomers, boarders, or other residents except those individuals approved by the TDHS caseworker;

(v) be inspected annually by fire safety authorities. The provider must

correct any hazardous conditions identified in the inspection within the time specified by the inspector, or before the department's certification/recertification of the home, whichever is earlier; and

(vi) be inspected annually by health authorities. If local health authorities are unable to inspect the home, TDHS staff may conduct the inspection using the health inspection checklist. The provider must correct any unsanitary and unsafe conditions identified in the inspection within the time specified by the inspector, or before the department's certification/recertification of the home, whichever is earlier.

(B) Small group homes in which adult foster care is provided must:

(i) be licensed by the Texas Department of Health as a personal care home for not more than eight adult clients in the home in addition to being certified by TDHS;

(ii) serve only those foster care clients and private pay individuals approved or referred by TDHS;

(iii) not accommodate any individuals who are under 18 years of age who are unrelated to the provider;

(iv) not accommodate roomers, boarders, or other residents except those individuals approved by the TDHS caseworker;

(v) ensure the presence of an additional member of the staff who has been approved by the caseworker at least two

hours a day for homes serving five clients, and four hours a day for homes serving six clients, including private pay clients;

(vi) ensure the presence of an additional member of the staff who has been approved by the caseworker at least six hours a day for homes serving seven clients, and eight hours a day for homes serving eight clients, including private pay clients; and

(vii) ensure that additional qualified staff are on site for the specified number of hours during the hours from 6 a.m. until 8 p.m. The provider must have records to document that qualified staff serve clients for the required number of hours each day.

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 February 11, 1988.

TRD-8801444

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: March 15, 1988

Proposal publication date: October 6, 1987

For further information, please call

(512) 450-3765.



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, February 22, 1988, 10:30 a.m. The Texas Commission for the Blind will meet in the Criss Cole Rehabilitation Center, Austin. According to the agenda summary, the commission will consider items on the agenda.

Contact: Jean Wakefield, P.O. Box 12856, Austin, Texas 78711, (512) 459-2600.

Filed: February 12, 1988, 4:29 p.m.
TRD-8801546

Texas Board of Chiropractic Examiners

Thursday-Saturday, February 25-27, 1988, 8 a.m., 9 a.m., and 8:30 a.m., respectively. The Texas Board of Chiropractic Examiners will meet in Suite 245, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will hold exams in Howard Johnson's Motel, 7800 North IH-35, Austin; consider board appointment to Peer Review Executive Committee, adopt § 73.3, rule amendment related to examining applicants on physiotherapy, propose rule amendment to §75.1, proposal of amendment to §77.2(10), and adopt amendment to §75.4; discuss board exams to be administered if the applicant passed all three parts of the national board; consider use of regular chiropractic college hours as a substitute for continuing education for licensure; discuss inactive status of license renewal; consider board certification of license of applicants who pass February exams, board action to cancel non-renewal for 1986 and 1987; hear executive report from Texas Chiropractic Association; hear reports from committees; consider unfinished or new business; and interview and certify reciprocity applicants. The board will also meet in executive session.

Contact: Bobbye Ferris, 1300 East Anderson Lane, Suite C-245, Austin, Texas 78752, (512) 835-2006.

Filed: February 12, 1988, 4:25 p.m.
TRD-8801542

State Board of Canvassers

Wednesday, February 17, 1988, 2 p.m. The State Board of Canvassers, met in Room 127, State Capitol, Austin. According to the agenda, the board will canvass the returns for the second special election in State Representative, District 92. The emergency status was necessary because of conflict in scheduling.

Contact: Randall Erben, Sam Houston Building, Room 908, Austin, Texas 78711, (512) 463-5650.

Filed: February 12, 1988, 3:08 p.m.
TRD-8801534

Texas Cosmetology Commission

The Texas Cosmetology Commission will meet in the Fairmont Hotel, 1717 North Akard, Dallas. Dates, times, and agendas follow.

Saturday, February 27, 1988 1 p.m. The commission will hear chairman remarks; consider adoption of inspector's manual and personnel handbook; adoption of minutes of October 12, 1987; hear presentations; consider agreed orders, formal orders, adoption of compliance with House Bill Five, and Legislation and Budget Committee formulation; hear presentation of resolution; and consider other business. The commission will also meet in executive session.

Contact: Janis Rebold, 1111 Rio Grande, Austin, Texas, (512) 463-3181.

Filed: February 11, 1988, 2:13 p.m.

Sunday, February 28, 1988, 9:30 a.m. The Operator Examination Commission will hear presentations of assistant attorney general, Bill Conover, director of examinations, Victoria Balderas, vice-chairman,

James R. Tarter, secretary, Examination Committee, and James Overstreet; hear committee reports from Industry and Curriculum; hold open discussion on new exam; and consider other business.

Contact: Janis Rebold, 1111 Rio Grande, Austin, Texas, (512) 463-3181.

Filed: February 11, 1988, 2:13 p.m.
TRD-8801459

Texas Education Agency

Friday, February 12, 1988, 1:30 p.m. The Committee for Students of the State Board of Education met in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee considered curriculum, assessment, remedial and compensatory instruction, dropout reporting, missing child prevention and identification program, special provisions for vocational education, petition to abolish corporal punishment in Texas schools, University Interscholastic League rules, proclamation 65 of board advertising for bids on textbooks, and vocational education. The emergency status was necessary because rescheduling this meeting will enable committee members to attend the 8:30 a.m. hearing on the update of the master plan for vocational education.

Contact: W.N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: February 11, 1988, 3:15 p.m.
TRD-8801464

Monday-Tuesday, February 29-March 1, 1988, 9 a.m., daily. The Education Consolidation and Improvement Act Chapter Two Advisory Committee will meet in Room 8-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will review the formula to be used to flow the 80% portion of chapter two funds to local school districts, the status of 1986-1987 and 1987-1988 projects, recommendations of agency staff regarding enrichment projects for the

1988-1989 school year, and comments which the committee might wish to make concerning the evaluation findings for the 1986-1987 school year.

Contact: Rosalinda Eathorne, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9269.

Filed: February 11, 1988, 3:15 p.m.

TRD-8801465

Employees Retirement System of Texas

Wednesday, February 24, 1988, 1:30 p.m.

The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in Room 302, Texas Air Control Board, 6330 US 290 East, Austin. According to the agenda, the committee will approve minutes of the previous meeting; hear subcommittee reports; consider system staff update; discuss evidence of insurability; and consider other related insurance matters.

Contact: James W. Sarver, 18th and Brazos Streets, Austin, Texas 78701-3207, (512) 476-6431, ext. 217.

Filed: February 12, 1988, 10:57 a.m.

TRD-8801504

Firemen's Pension Commission

Tuesday, February 23, 1988, 1:30 p.m.

The Administrative Division of the Firemen's Pension Commission will meet in the Gemini Room, South Plaza Hotel, I-35 and Woodward, Austin. According to the agenda summary, the division will review and discuss proposed policy and procedure revisions, legislative considerations, and sunset review; and hear presentations by various investment consultants and companies prior to the meeting.

Contact: Helen Campbell, 3910 South I-35, Suite 235, Austin, Texas 78704, (512) 462-0222.

Filed: February 11, 1988, 2:08 p.m.

TRD-8801460

General Land Office

Tuesday, February 23, 1988, 3:30 p.m.

The Veterans Land Board of the General Land Office will meet in Room 831, Stephen F. Austin Building, Austin. According to the agenda summary, the board will approve minutes of the November 16, 1988, meeting; consider forfeited land sale bids, appointment of assistant executive secretary, permanent adoption of rule autho-

rizing the assistant executive secretary to perform all duties required of him by the board, change fees under the VHIP, increase the maximum loan under VHIP, request of John Klaus to rescind his contract (VLB #428-100992), rule change concerning delinquencies and forfeiture procedures, and forfeiture action on delinquent accounts; and discussion of future forfeited land sales.

Contact: Jack Giberson, Stephen F. Austin Building, Room 831, Austin, Texas 78701, (512) 463-5254.

Filed: February 12, 1988, 2:55 p.m.

TRD-8801533

Governor's Office

Wednesday-Thursday, February 24-25, 1988, 9 a.m., daily.

The Select Committee on Education of the Governor's Office will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the committee will consider overview of Edgewood v. Kirby, history of school finance, foundation school program orientation, objectives and priorities, research projects, subcommittees, meeting schedules, panel discussion, and testimony of experts.

Contact: Tina Yampanis, P.O. Box 12428, Austin, Texas 78711 (512) 463-1858.

Filed: February 11, 1988, 3:42 p.m.

TRD-8801473

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

Friday-Saturday, February 26-27, 1988, 8 a.m. and 9 a.m., respectively.

The Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet in the Guest Quarters Suite Hotel, 303 West 15th Street, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider board action on exam; hear committee reports from John Czop concerning continuing education sponsors, Kathleen McLeroy concerning Radio Shack advertisement, Ray Jones concerning reciprocity, Curt Wallis concerning health department, Ray Jones concerning insurance, committee reports for 1988, executive director's report, president's report, and report on future meeting date.

Contact: Wanda F. Steward, 4800 North Lamar Boulevard, Suite 150, Austin, Texas 78756, (512) 459-1488.

Filed: February 12, 1988, 3:10 p.m.

TRD-8801535

Health and Human Services Coordinating Council

Thursday, February 18, 1988, 3 p.m. The Immigration Workgroup of the Health and Human Services Coordinating Council made an emergency revised agenda to a meeting held in the Seventh Floor Conference Room, Sam Houston Building, Austin. According to the agenda, the workgroup will consider federal regulations, allocation formula, INS date, update on state plan, application model, and new business. The emergency status was necessary because agenda item was left off of original submission.

Contact: Jane Huffines, 311-A East 14th Street, Austin, Texas, (512) 463-2195.

Filed: February 12, 1988, 4:17 p.m.

Wednesday, February 24, 1988, 10:30 a.m.

The Children and Youth Services State Coordinating Committee of the Health and Human Services Coordinating Council will meet in the Cris Cole Rehabilitation Center, 4800 North Lamar Boulevard, Austin. According to the agenda, the committee will approve minutes of the previous meeting; consider old business; review and discuss SCR 58; hear report of the Joint Funding Subcommittee, Local Level Subcommittee, Tracking Subcommittee, and Needs and Resources Subcommittee; and consider new business and selection of next meeting site.

Contact: Tim Olsen, 311-A East 14th Street, Austin, Texas, (512) 463-2195.

Filed: February 12, 1988, 11:26 a.m.

TRD-8801519

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Boulevard, Austin. Dates, times, rooms, and agendas follow.

Friday, February 26, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9822-Application for amendment to the articles of incorporation of American Fire and Indemnity, Galveston, in regards to director liability.

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

Filed: February 12, 1988, 11:20 a.m.

TRD-8801518

Friday, February 26, 1988, 10:30 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9821-Application for amendment to the articles of incorporation of American Indemnity, Galveston, in regards to director liability.

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

Filed: February 12, 11:19 a.m.

TRD-8801517

Monday, February 29, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9817-Application of John Stephen Davis, Houston, for a group I, legal reserve life insurance agent's license.

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

Filed: February 12, 1988, 11:19 a.m.

TRD-8801516

Monday, February 29, 1988, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9819-Whether disciplinary action should be taken against Dwight Alan Massey, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the board.

Contact: O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: February 12, 11:18 a.m.

TRD-8801515

Monday, February 29, 1988, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9700-Whether disciplinary action should be taken against Randell James Stacks, Teague, who holds a Group I, legal reserve life insurance agent's license, a variable contract agent's license and a local recording insurance agent's license issued by the board.

Contact: J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

Filed: February 12, 1988, 11:17 a.m.]

TRD-8801514

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**Special Committee on
Organization of State
Agencies**

Thursday, February 18, 1988, 8 a.m. The Subcommittee on Economic Development/Regulatory/Local Affairs of the Special Committee on Organization of State Government, will meet in Room 109, Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the subcommittee will hold a public hearing to consider testimony from invited agency directors about their agencies. The emergency status was necessary because subcommittee needs

to meet before original committee meets.

Contact: Deborah K. Wall, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: February 16, 1988, 9:03 a.m.

TRD-8801574

Wednesday, February 24, 1988, 9 a.m. The Subcommittee on Professional Licensing of the Special Committee on Organization of State Agencies will meet in Room 105, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the subcommittee will hear testimony from representatives of Texas state agencies that license persons to engage in occupations or professions regarding the agencies' organizational structures, budgets, and methods of operation. The subcommittee may discuss and consider potential alternative organization structures for carrying out some or all of these licensing functions. The agencies requested to testify have been notified of the meeting by a letter from the committee staff.

Contact: Ernest Leonard or Susan Hadley, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: February 12, 1988, 2:42 p.m.

TRD-8801525

Thursday, February 25, 1988, 9 a.m. The Subcommittee on Natural Resources, Recreation, and Cultural Affairs of the Special Committee on Organization of State Agencies will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the subcommittee will hear testimony from representatives of Texas state agencies involved with natural resource, environmental, and recreational activities regarding the agencies' organizational structures, budgets, and methods of operation; discuss and consider potential alternative organization structures for carrying out some or all of these functions. The agencies requested to testify have been notified of the meeting by a letter from the committee staff. The subcommittee will hear testimony from knowledgeable persons outside state government regarding the current organization of natural resources and environmental agencies.

Contact: Jim Reed, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: February 16, 1988, 8:22 a.m.

TRD-8801572

◆ ◆ ◆
**Board of Pardons and
Paroles**

Monday-Friday, February 22-26, 1988, 1:30 p.m. daily, except 11 a.m. on Friday. The Board of Pardons and Paroles will meet

at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the board will receive, review, and consider information and reports concerning prisoners/inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

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

Filed: February 12, 1988 10:39 a.m.

TRD-8801494

Tuesday, February 23, 1988, 1:30 p.m. The Board of Pardons and Paroles will consider executive clemency recommendations and related actions (other than out of country conditional pardons), including: full pardons/restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentences; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: February 12, 1988 10:40 a.m.

TRD-8801495

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**Texas State Board of
Pharmacy**

Tuesday-Thursday, February 23-25, 1988, 9 a.m., 8:30 a.m., and 5:30 p.m., respectively. The Texas State Board of Pharmacy will meet in the Austin Airport Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will approve minutes of the disciplinary hearing on November 17-19, 1987, public hearing on January 14, 1988, and board meeting on January 14, 1988; hear report on Class B (nuclear) pharmacy meeting and report on TEX-FARB; discuss and report on veterinarian prescription drugs; consider adoption of §§291.51-291.54, recommendations of board association liaison committee; consider proposed rules §§291.31-291.34, 291.36, 291.39, 291.71-291.76, 309.1-309.8, 309.3, and 291.33(i); consider location of summer policy meeting, modification of board orders and proposed agreed board orders; and hear testimony and review evidence of alleged violations of those laws which person are subject to administrative sanctions and what form the sanctions are to take. The board will also meet in executive session to discuss personnel matters and pending litigation.

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

Filed: February 11, 1988, 4:29 p.m.

TRD-8801484

◆ ◆ ◆
Public Utility Commission of Texas

Thursday, March 10, 1988, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 7292-Inquiry of the general counsel in to intrastate wats overcharges and petition for refunds.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: February 12, 1988, 2:47 p.m.

TRD-88f01532

◆ ◆ ◆
Railroad Commission of Texas

Monday, February 22, 1988, 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 Administrative Services Division will consider and act on the division director's report on division administration, budget, procedure, and personnel matters, including but not limited to discussion, and/or action on the following: management study, oil and gas general counsel, oil field investigator personnel and their operations, the creation and designation of an executive director with related positions and matters, and personnel matters relating to the office of general counsel and special counsel.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7527.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801511

The Automatic Data Processing Division will consider and act on the 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: February 12, 1988, 11:13 a.m.

TRD-8801508

The Flight Division will consider and act on the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6787.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801506

The Gas Utilities Division will consider various matters within the regulatory jurisdiction of the Railroad Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Shelley A. Dreiling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801498

The Office of General Counsel will consider and act on the general counsel's report on division administration, budget, procedures, and personnel matters; including but not limited to discussion and/or action on the following: Hufo Oils, et al v. Railroad Commission C-5937 in the Supreme Court of Texas, Walker Operating, et al v. Federal Energy Regulatory Commission, U.S. Court of Appeals for the 10th Circuit, 85-2683 and 86-2698 et al in relation of Oil and Gas Docket 10-87,017; FERC Orders 500, 500 A-C, and related litigation in the D.C., Fifth, Third, and Seventh Circuits.

Contact: Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801500

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801510

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

Contact: Mary Ann Wiley, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801512

LP-Gas Division will consider and act on the division director's report on division administration, budget, and personnel matters.

Contact: T [REDACTED]

12967, Austin, Texas 78711, (512) 463-6931.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801497

The LP-Gas Division submitted a revised agenda to consider proposed rulemaking to amend 16 TAC §13.84 pertaining to insurance requirements for persons licensed by the compressed natural gas section of the commission.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6931.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801550

The Oil and Gas Division will consider Docket 6-89,689-Motion of Arkla, Inc. for proper field designation, Cities Service O'Banion "A" Well #3, Waskom (Sanders Sand) Field, Harrison County; Docket 6-89,780-Complaint of Cities Service Oil and Gas Corporation regarding proper field designation of several Arkla, Inc. wells, Waskom Field Area, Harrison County; and Docket 6-89,711-Application of Cities Service Oil and Gas Corporation for an exception to statewide rule 10, O'Banion "A" Well, Waskom (Sanders Sand) Field, Harrison County.

Contact: Tim Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801502

The Oil and Gas Division will consider various matters within the jurisdiction of the commission. The commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

C [REDACTED]
A [REDACTED]

CORRECTION

This Document
Has Been Rephotographed
To Assure Legibility.

Filed: February 11, 1988, 4:29 p.m.

TRD-8801484

◆ ◆ ◆
Public Utility Commission of Texas

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Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: February 12, 1988, 2:47 p.m.

TRD-88f01532

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Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7527.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801511

The Automatic Data Processing Division will consider and act on the 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: February 12, 1988, 11:13 a.m.

TRD-8801508

The Flight Division will consider and act on the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6787.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801506

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Contact: Shelley A. Dreiling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7009.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801498

The Office of General Counsel will consider and act on the general counsel's report on division administration, budget, procedures, and personnel matters; including but not limited to discussion and/or action on the following: Hufo Oils, et al v. Railroad Commission C-5937 in the Supreme Court of Texas, Walker Operating, et al v. Federal Energy Regulatory Commission, U.S. Court of Appeals for the 10th Circuit, 85-2683 and 86-2698 et al in relation of Oil and Gas Docket 10-87,017; FERC Orders 500, 500 A-C, and related litigation in the D.C., Fifth, Third, and Seventh Circuits.

Contact: Gail Watkins, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801500

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

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801510

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

Contact: Mary Ann Wiley, P.O. Drawer 12967, Austin, Texas 78704, (512) 463-6710.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801512

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer

12967, Austin, Texas 78711, (512) 463-6931.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801497

The LP-Gas Division submitted a revised agenda to consider proposed rulemaking to amend 16 TAC §13.84 pertaining to insurance requirements for persons licensed by the compressed natural gas section of the commission.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6931.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801550

The Oil and Gas Division will consider Docket 6-89,689-Motion of Arkla, Inc. for proper field designation, Cities Service O'Banion "A" Well #3, Waskom (Sanders Sand) Field, Harrison County; Docket 6-89,780-Complaint of Cities Service Oil and Gas Corporation regarding proper field designation of several Arkla, Inc. wells, Waskom Field Area, Harrison County; and Docket 6-89,711-Application of Cities Service Oil and Gas Corporation for an exception to statewide rule 10, O'Banion "A" Well, Waskom (Sanders Sand) Field, Harrison County.

Contact: Tim Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801502

The Oil and Gas Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Tim Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7325.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801501

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

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

Filed: February 12, 1988, 11:13 a.m.

TRD-8801505

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and

personnel matters.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801503

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801509

The Office of Special Counsel will consider and act on division director's report relating to state and federal legislation, budget, administrative and personnel matters, and proposed and pending litigation.

Contact: Walter E. Lilie, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7149.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801507

The Surface Mining Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6900.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801499

The Transportation Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: C. Tom Clowe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: February 12, 1988, 11:13 a.m.

TRD-8801496

Texas Real Estate Commission

Monday, February 22, 1988, 9:30 a.m. The Texas Real Estate Commission will meet in the Conference Room, 1101 Camino La Costa, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting; consider election of officers; hear staff reports for month of December 1987, appearance of members of the Austin Commercial Real Estate Society to discuss complaint files 88-128, 129, 130, 131, 132, and 88-159, 160; consider education matters, proposed new 22 TAC §535.163 concerning mandatory disclosure of agency by licensees in commercial real estate transactions, motions for rehearing and/or probation, and entry of orders in contested cases. The commission will also meet in executive session to discuss pending litigation pursuant to Texas Civil Statutes, Article 6525-17, §2(c).

Contact: Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 465-3900.

Filed: February 12, 1988, 4:28 p.m.

TRD-8801545

Texas Rehabilitation Commission

Friday, March 4, 1988. The Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Commission will meet in Capital Boardroom A, Radisson Plaza Hotel, 700 San Jacinto Boulevard, Austin. Times and agendas follow.

9 a.m. The Nominating Committee will consider nominations for council vice-chairman and consumer member-at-large to executive committee.

Contact: Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: February 12, 1988, 8:56 a.m.

TRD-8801492

9:30 a.m. The council will approve minutes of the previous meeting; hear the chairman's report, executive director's report, Joint Planning and Advocacy Task Force report, Advocacy and Public Information Committee report, Executive Committee report, and public comments.

Contact: Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: February 12, 1988, 8:56 a.m.

TRD-8801491

House of Representatives

Thursday, February 18, 1988, 8 a.m. The Texas Veterans Memorial Committee/Texas State Korean and Vietnam Board of Directors Fund of the House of Representatives met in Room 105, Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee held a roll call and summary of January meeting; heard financial report and report of capitol architect; and considered general discussion. The emergency status was necessary because it was the only time majority of committee members could meet.

Contact: Arlene Pace, P.O. Box 2910, Austin, Texas 78769.

Filed: February 12, 1988, 2:22 p.m.

TRD-8801521

State Securities Board

The State Securities Board will meet at 1800 San Jacinto Street, Austin. Dates, times, and agendas follow.

Tuesday, February 23, 1988, 9:30 a.m. The State Securities Board will approve minutes of the November 10, 1987, meeting; consider resolution of appreciation of Professor Hal M. Bateman; consider published proposals regarding §§115.1, 115.3, 133.12, 104.1-104.6, 133.7, 133.13, 133.15, 133.19, 133.20, and 133.24; consider new rule proposals regarding §§117, 133.31, and 121; consider budgetary and legislative matters, new business items for subsequent meetings, and update on agency operations with reports from division directors and securities commissioner.

Contact: Richard D. Latham, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: February 12, 1988, 9:33 a.m.

TRD-8801486

Tuesday, March 1, 1988, 9:30 a.m. The Securities Commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities by Oreo Mines, Inc., Bill W. Schmidt, William R. Cook, and Douglas W. Litchfield.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: February 12, 1988, 9:33 a.m.

TRD-8801549

Texas Senate

Wednesday, February 24, 1988, 9 a.m. The Joint Special Interim Committee on High School Dropouts of the Texas Senate

will meet in the Embassy Suites Hotel, 1800 South Second Street, McAllen. According to the agenda summary, the committee will hear speakers and forum for public comment.

Contact: Machree Gibson, P.O. Box 12068, Austin, Texas, (512) 463-0114.

Filed: February 12, 1988, 4:08 p.m.

TRD-8801536

Texas State University System

Thursday, February 25, 1988. The Board of Regents of the Texas State University System will meet in the Chautauqua Room, LBJ Student Center, Southwest Texas State University, San Marcos. Times and agendas follow.

1:30 p.m. The Bonding Committee will review construction projects and documents for the future universities in the system.

Contact: Lamar Urbanovsky, Executive Director, Austin, Texas, (512) 463-1808.

Filed: February 11, 1988, 3:37 p.m.

TRD-8801471

2:15 p.m. The Curriculum Committee will review curriculum needs and requests for the four universities in the system.

Contact: Lamar Urbanovsky, Executive Director, Austin, Texas, (512) 463-1808.

Filed: February 11, 1988, 3:37 p.m.

TRD-8801472

2:45 p.m. The Rules and Regulations Committee will review proposed amendments to the rules and regulations of the system.

Contact: Lamar Urbanovsky, Executive Director, Austin, Texas, (512) 463-1808.

Filed: February 11, 1988, 3:37 p.m.

TRD-8801468

3:30 p.m. The Finance Committee will review financial matters of the system office and the four universities in the system.

Contact: Lamar Urbanovsky, Executive Director, Austin, Texas, (512) 463-1808.

Filed: February 11, 1988, 3:37 p.m.

TRD-8801469

4 p.m. and Friday, February 26, 1988, at 8:15 a.m. The board will review matters of the board and the four universities in the system.

Contact: Lamar Urbanovsky, Executive Director, Austin, Texas, (512) 463-1808.

Filed: February 11, 1988, 3:37 p.m.

TRD-8801469

Toxic Substances Coordinating Committee

Thursday, February 25, 1988, 9 a.m. The Toxic Substances Coordinating Committee will meet in Room G-107, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the committee will consider history of legislation; review mandated charge; consider development of coordination plan, agency assignments, and next meeting schedule.

Contact: Dennis Perrotta, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7268.

Filed: February 12, 1988, 2:13 p.m.

TRD-8801520

The University Interscholastic League

The University Interscholastic League will meet in the Thompson Conference Center, University of Texas campus, 26th and Red River, Austin. Dates, times, rooms, and agendas follow.

Monday, February 15, 1988, 7:55 a.m. The State Conference and District Assignment Review Board met in Room 3.102 to hear appeals as to reclassification and realignment of schools.

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

Filed: February 11, 1988, 4:26 p.m.

TRD-8801483

Tuesday, February 16, 1988, 8 a.m. The Officials Problems and Solutions Committee considered the following agenda.

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

Filed: February 11, 1988, 4:26 p.m.

TRD-8801482

Tuesday, February 16, 1988, 8 a.m. The Officials Problems and Solutions Committee discussed the problems between public schools and southwest officials and to formulate recommendations to be submitted to the athletic committee.

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

Filed: February 11, 1988, 4:26 p.m.

TRD-8801482

Texas Water Commission

The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

Tuesday, February 23, 1988, 10 a.m. The commission will meet in Room 118 to consider water rate matters, water quality proposed permits, amendments and renewals, proposed hazardous waste permit, and contract matters.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 11, 1988, 11:52 a.m.

TRD-8801452

Tuesday, February 23, 1988, 2 p.m. the commission will meet in Room 118 to consider order assessing administrative penalties concerning Alexa Enterprises, Inc. doing business as Engel Utility Company (Permit 11890-01) and preliminary enforcement report and petition concerning Woodcreek Utilities, Inc. (Permit 11431-01 and 11790-01).

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 11, 1988, 11:52 a.m.

TRD-8801451

Wednesday, February 24, 1988, 10 a.m. The commission will meet in Room 118 to consider request by City of Smithville for a temporary order for authorization to discharge 20,000 gallons of shock treatment wastewater from City of Smithville well #5 into a drainage ditch; thence to a storm sewer which discharged to the Colorado River, Bastrop County.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 11, 1988, 11:52 a.m.

TRD-8801450

Wednesday, February 24, 1988, 2 p.m. The commission will meet in Room 118 to consider order assessing administrative penalties and requiring certain actions of Capitol Metal Finishing, Inc. (solid waste registration #31593).

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 11, 1988, 11:53 a.m.

TRD-8801449

Monday, February 29, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 503-G, Sam Houston Building, 201

East 14th Street, Austin. According to the agenda summary, the office will consider Docket 7391-R-Application for rate increase by Haskin Water Utility, Inc.

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

Filed: February 11, 1988, 11:50 a.m.

TRD-881455

Monday, February 29, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 1-109, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7395-R-Application for rate increase by B&B Sewer Company.

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

Filed: February 11, 1988, 11:49 a.m.

TRD-8801456

Monday, February 29, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 618, to consider Docket 7282-1 Complaint filed by customers of Kerrville South Water Company.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899

Filed: February 11, 1988, 4:09 p.m.

TRD-8801481

Monday, March 7, 1988, 2 p.m. The commission will meet in Room 123, to consider the executive director's report on agency administration, policy, budget procedures, and personnel matters.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 11, 1988, 11:15 a.m.

TRD-8801454

Wednesday, March 16, 1988, 10 a.m. The commission will meet in Room 118, to consider petition for creation of Northwest Austin Municipal Utility District #2, containing 1103.80 acres of land.

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

Filed: February 11, 1988, 4:11 p.m.

TRD-8801479

Wednesday, March 16, 1988, 10 a.m. The commission will meet in Room 118 to consider petition for creation of Northwest Austin Municipal Utility District #1, containing 707.19 acres of land.

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

Filed: February 11, 1988, 4:10 p.m.

TRD-8801480

Monday, March 21, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 512, to consider Docket 7415-S-Application for a water certificate of convenience and necessity from Denton Utilities, Inc. doing business as Denton Utility Company to San Antonio City Water Board.

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

Filed: February 12, 1988, 4:21 p.m.

TRD-8801541

Monday, March 21, 1988, 2 p.m. The commission will meet in Room 123 to consider executive director's report on agency administration, policy, budget procedures, and personnel matters

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 11, 11:51 a.m.

TRD 8801453

Friday, March 25, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 512, to consider Docket 7449-C-Application to amend a water certificate of convenience and necessity filed by the City of West Tawakom

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: February 12, 1988, 4:07 p.m.

TRD 8801538

Wednesday, March 30, 1988, 10 a.m. The Office of Hearings Examiner will meet in the Commissioner's Courtroom, Brazoria County Courthouse, Angleton. According to the agenda summary, the office will consider application of Phillips 66 Company, Sweeny Refinery and Petrochemical Complex, P.O. Box 866, Sweeny, Texas 77480 for a permit (proposed permit HW-50186-001) to continue to operate an existing treatment and disposal facility for hazardous and non-hazardous industrial solid wastes. The facility is located in Brazoria and Matagorda Counties.

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

Filed: February 12, 1988, 4:07 p.m.

TRD-8801457

Texas Water Development Board

Thursday, February 25, 1988, 9:30 a.m. The Texas Water Development Board will meet in the Trinity Central Room, 200 Main Street, Fort Worth. According to the agenda summary, the board will approve minutes of the January 21, 1988, meeting; hear devel-

opment fund manager's report; consider sale of approximately \$50,000,000 Texas water development bonds for water quality enhancement and \$20,000,000 Texas water development bonds for flood control purposes, extension of loan commitments for Dayton and Pharr, increase in financial assistance for North Texas Municipal Water District, financial assistance for the town of Prosper and the city of Mission, adoption of new rules 31 TAC §§355.51-355.60, the need for regional flood control planning in the floodplains of Trinity River and tributaries, a new method of processing municipal wastewater, status of proposed sale of \$25,000,000 tax exempt/taxable Texas water development bonds.

Contact: M. Reginal Arnold, III, P.O. Box 13231, Austin, Texas, (512) 463-7947.

Filed: February 16, 1988, 9 a.m.

TRD-8801576

Regional Meetings Meetings Filed February 11

The Education Service Center, Region VII, will meet in the Holiday Inn, Henderson, on February 25, 1988, at 7 p.m. Information may be obtained from Don J. Peters, 818 East Main Street, Kilgore, Texas 75662, (214) 984-3071.

The Guadalupe-Blanco River Authority, Board of Directors, met at 933 East Court Street, Seguin, on February 18, 1988, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Mills County Appraisal District, will meet in the Jury Room, Mills County Courthouse, Goldthwaite, on February 18, 1988, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Nolan County Central Appraisal District, Board of Directors, met in Suite 317A, Nolan County Courthouse, Sweetwater, on February 17, 1988, 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556 (915) 235-1427.

The Wise County Appraisal District, Board of Directors, met in the Boardroom, 206 South State Street, Decatur, on February 18, 1988, at 9 a.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3082, ext. 74

The Wood County Appraisal District, Board of Directors, met in the Conference Room, 217 North Main, Quitman, on February 18, 1988, at 1:30 p.m. Information may be obtained from W. Carson Wages,

TRD-8801445

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Meetings Filed February 12

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson Avenue, Jourdanton, on February 18, 1988, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson Avenue, Jourdanton, Texas 78026, (512) 769-2730.

The Barton Springs-Edwards Aquifer Conservation District, met in Suite F, 909 North Loop Four, Buda, on February 15, 1988, at 7 p.m. Information may be obtained from Larry G. Hada, 909 North Loop Four, Suite F, Buda, Texas 78610, (512) 295-3596.

The Capital Area Rural Transportation System (CARTS), Board of Directors, met in Suite 100, 2520 South IH-35, Austin, on February 18, 1988, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 5021 East First Street, Austin, Texas 78702, (512) 478-7433.

The Dallas Area Rapid Transit, Minority Affairs Committee and Budget and Finance Committee, met at 601 Pacific Avenue, Dallas, on February 16, 1988, at 2 p.m. and 4 p.m., respectively. The Audit Committee met at the same location on February 17, 1988, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Education Service Center, Region I, Board of Directors, met at 1900 West Schunior, Edinburg, on February 16, 1988, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas, (512) 383-5611.

The Education Service Center, Region XII, Board of Directors, met at 401 I-35, Waco, on February 18, 1988, at 7:30 p.m. Information may be obtained from Weidon O. Mills, P.O. Box 1249, Waco, Texas 76703, (817) 756-7494.

The Education Service Center, Region XV, Board of Directors, met in Conference Room One, 612 South Irene Street, San Angelo, on February 18, 1988, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902.

The Education Service Center, Region XX, Board of Directors, will meet at 1314 Hines Avenue, San Antonio, on February 24, 1988, at 3 p.m. Information may be obtained from Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78209, (512) 271-7611.

The Hays County Appraisal District, Appraisal Review Board, met at 632 A East Hopkins, San Marcos, on February 17, 1988, at 9 a.m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666 (512) 754-7400.

The Lamar County Appraisal District, Board of Directors, met at 1523 Lamar Avenue, Paris, on February 15, 1988, at 5 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, 785-7822.

The Lower Colorado River Authority, Planning and Public Policy Committee, Natural Resources Committee, Finance and Administration Committee, Energy Operations Committee, and Audit and Budget Committee, met at 3700 Lake Austin Boulevard, Austin, on February 17, 1988, at 9 a.m. The Board of Directors met at the same location on February 18, 1988, at 9 a.m. Information may be obtained from John E. Bagalay, 3700 Lake Austin Boulevard, Austin, Texas, (512) 473-3200.

The Tyler County Appraisal District, Board of Directors, met at 103 Pecan, on February 18, 1988, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8801488

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Meetings Filed February 16

The Brazos Valley Development Council, Brazos Valley Regional Review Committee, met in Suite Two, 3006 East 29th Street, Bryan, on February 18, 1988, at 8:30 a.m. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805 (409) 776-2277.

The Deep East Texas Council of Governments, Tyler County Minority Organizations, will meet in the District Courtroom, Tyler County Courthouse, Woodville, on March 1, 1988, at 6:30 p.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951.

The Education Service Center, Region IV, Board of Directors, will meet in the Boardroom, 7145 West Tidwell, Houston, on February 26, 1988, 10:30 a.m. Information may be obtained from Tom Pate Jr., 7145 West Tidwell, Houston, Texas 770092, (713) 462-7708

The Jasper County Appraisal District, Board of Directors, met in the Buna CISD Administration Building, Highway 62, Buna, on February 18, 1988, at 7 p.m. Information may be obtained from David W. Luther, Jasper County Courthouse An-

The Texas Municipal League Risk and Insurance Management Services, Board of Trustees, Workers' Compensation and Joint Self-Insurance Funds, will meet at the Westin Hotel, El Paso, on February 21 and 22, 1988, at 2 p.m. and 9 a.m. respectively. Information may be obtained from Allen F. Hyman, Director of Insurance Services.

TRD-8801573

In Addition

The *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 state 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 February 9, 1988, the banking commissioner received an application to acquire control of Northwest Bank, Roanoke, by Sam Lee, Roanoke.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705 (512) 475-4451.

Issued in Austin, Texas, on February 9, 1988.

TRD-8801400 Jorge A. Gutierrez
General Counsel
Texas Department of Banking

Filed: February 10, 1988
For further information, please call (512) 479-1200.



Texas Education Agency Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Commerce have jointly awarded three grants and one contract for "Implementing Regional Planning for Occupational Education and Training to Support Economic Development Initiatives in Texas" (RFA 701-88-007). The proposal request was published in the September 18, 1987, issue of the *Texas Register* (12 TexReg 3283). The grants and the contract have been awarded for the period of December 15, 1987, through June 30, 1988. The Texas Education Agency will serve as fiscal agent for funds received from the two cooperating state agencies under the Carl D. Perkins Vocational Education Act, Public Law 98-524, Title II, Part B, and the Job Training Partnership Act, Public Law 97-30, Title I, §123.

Three grants to conduct regional planning projects have been awarded. Each grantee must submit to the Texas Education Agency a five-year planning manual and a final report.

One grant was awarded to Region 20 Education Service Center, 1314 Hines Avenue, San Antonio, Texas 78208, for \$145,395. A second grant was awarded to El Paso Community College, P.O. Box 20500, El Paso, Texas 79998, for \$146,139. The third grant was awarded to Region 8 Education Service Center, P.O. Box 1894, Mount Pleasant, Texas 75455, for \$150,000.

A contract to independently evaluate the three planning projects was awarded to Decision Information Resources, Inc., 2411 Smith Street, Suite 200, Houston, Texas 77006, for \$34,997.

Issued in Austin, Texas, on February 10, 1988.

TRD-8801466 W. N. Kirby
Commissioner of Education
Texas Education Agency

Filed: February 10, 1988
For further information, please call (512) 463-9212.



General Land Office Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas General Land Office invites interested individuals and companies to submit proposals for a consultant contract.

Proposal Specifications. The Texas General Land Office conducts administrative redetermination hearings on audit assessments prepared by the Audit Division of the General Land Office. Many of these hearings involve a question as to the historic sales value of natural gas produced from state leases. The Legal Services Division of the General Land Office represents the Audit Division in these hearings and has determined that there is a substantial need for the services of a consultant qualified to design information and database systems, conduct research in support of determinations of the historic sales value of natural gas produced from mineral leases on State of Texas lands, and offer expert testimony in support of opinions as to the value of natural gas produced during approximately the past ten years from specific wells in Texas. In addition, the consultant will assist General Land Office personnel in the compilation and evaluation of data related to natural gas sales and production which is available through public and private sources. The General Land Office does not currently have personnel of sufficient experience to satisfy the testimonial requirements of the consultant sought and cannot contract with another state agency for the services required.

Evaluation Criteria. Applicants will be evaluated based on the competence, knowledge, qualifications, and level of experience demonstrated in analysis of natural gas markets; analysis of contracts of the sale of natural gas; analysis of regulatory issues related to natural gas sales and pricing; and reasonableness of the proposed fee. The successful candidate will demonstrate a working knowledge of the terms and provisions of gas purchase contracts, the terms and provisions of mineral leases and custom and practice in the natural gas industry relating to the measurement and sale of natural gas. Resumes will also be evaluated based on the consultant's prior experience with the design and completion of research assignments involving

the identification and verification of field prices for natural gas. Consultants are expected to have a strong background in economics and experience with research utilizing records maintained by the Railroad Commission of Texas and the Office of the Comptroller. Applicants should have prior experience in testifying as an expert in litigation related to natural gas sales contract and gas pricing issues and should have been accepted previously as an expert on price and contract issues in state or federal courts.

Applicants should itemize the hourly charges proposed for the various categories of work to be performed. Charges should be based upon the knowledge and experience of the personnel proposed to provide the services.

The General Land Office has previously engaged Enerpro, a division of Planometrics, Inc., as a consultant for similar services with respect to a specific group of state leases. The General Land Office anticipates that Enerpro will submit a proposal and unless a material difference is perceived in the bids submitted, the General Land Office will engage Enerpro as the consultant under this proposal.

Limitations. The contract period will be April 1, 1988-December 31, 1988.

Contract. Resumes addressing the experience required and providing information demonstrating ability to perform project activities are to be submitted to John A. Riley, Director of Audit Hearings, Texas General Land Office, 1700 North Congress Avenue, Austin, Texas 78701-1495. For additional information contact John A. Riley at (512) 463-5007.

Closing Date. The last day to receive resumes is 4 p.m. on March 15, 1988.

Issued in Austin, Texas, on February 11, 1988.

TRD 8801474 Gary Mauro
Commissioner
General Land Office

Filed: February 11, 1988
For further information, please call (512) 463-5009.

Request for Proposals

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas General Land Office invites interested individuals and companies to submit proposals for a consultant contract.

Proposal Specifications. The Texas General Land Office manages leasing and development of surface and mineral interests in more than 12 million acres of state land dedicated to the permanent school fund, a perpetual fund for elementary and secondary public education in Texas. More than \$577 million was deposited to the fund during the last biennium, most of which was from oil and gas development.

The commissioner of the General Land Office is also chairman of the Boards for Lease of Department of Corrections and Parks and Wildlife Lands. The staff of the General Land Office provides evaluations and recommendations on proposals for use of these lands and processes receipts. The Asset Management Division of the General Land Office also maintains a comprehensive inventory of all other state lands, including improvements, and provides evaluations and recommendations for highest and best use of these properties.

The commissioner of the General Land Office is also chairman of the Veterans Land Board, a three-member board

which oversees administration of land, housing, and home improvement benefits to eligible Texas veterans. Low interest loans are available through the program from tax exempt bonds issued by the board. Agency staff process land and home improvement applications and maintain the loan accounts; home loans are administered in the private sector and monitored by agency personnel.

The General Land Office staff totals 560, and the agency is organized in nine programs, each headed by a deputy land commissioner who reports to the commissioner.

The Data Services Program provides computer services to all programs of the General Land Office and is critical to the effective management of state lands and the veterans programs. Agency reliance on computer technology has increased significantly during the last five years, and the capacity of existing equipment and software is not sufficient to meet future needs. The agency has determined that there is a substantial need for the services of a qualified consultant to comprehensively evaluate the computer technology efforts in the agency and report on the status of critical issues such as the application systems installed in the agency, the application development/maintenance practices, and the quality assurance procedures; the degree to which the existing application systems serve the overall agency mandate; the computer equipment, system software, utilities, system development tools, and the role of personal computers in the agency; and system utilization and capacity, the utilization monitoring process, and the operation of the computer center.

Evaluation Criteria. Applicants will be evaluated on the basis of competence, knowledge, qualifications, and the level of experience demonstrated in similar work for other state agencies, on the organization and size of the firm; the quality and experience of the staff to be assigned; the quality and detail of the project approach; and the responsiveness of proposals to the purpose and scope of services.

Applicants should itemize fees for the work to be performed, including any incidental expenses the agency would bear.

Limitations. The contract period will be May 1, 1988-October 31, 1988.

Contact. Proposals addressing experience required and providing information demonstrating ability to perform the scope of work should be submitted to June Middlebrooks, Deputy Commissioner for Data Services, General Land Office, 1700 North Congress, Austin, Texas 78701. For additional information, contact June Middlebrooks at (512) 463-5141.

Closing Date. The deadline for receiving proposals is 5 p.m., March 14, 1988.

Issued in Austin, Texas, on February 11, 1988.

TRD-8801475 Gary Mauro
Commissioner
General Land Office

Filed February 11, 1988
For further information, please call (512) 463-5009.

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 a name change by Safeco Title Insurance Corporation, a foreign title insurance company.

The home office is in Baltimore, Maryland. The proposed new name is Chicago Title Insurance Company of Maryland.

(2) Application for admission to do business in Texas of Employee Benefits Insurance Company, a foreign fire and casualty insurance company. The home office is in San Jose, California.

(3) Application for a name change by Edsonnet Life Insurance Company, a domestic life insurance company. The home office is in Houston. The proposed new name is United States Annuity Life Insurance Company.

(4) Application for incorporation of the MetLife Insurance Company of Texas, a domestic life insurance company. The home office is in Austin.

(5) Application for name change by Reliable Life and Casualty Company, a foreign life insurance company. The home office is in Madison, Wisconsin. The proposed new name is North American Insurance Company.

(6) Application for a name change by Home and Automobile Insurance Company, a foreign fire and casualty insurance company. The home office is in Chicago, Illinois. The proposed new name is National Liberty and Fire Insurance Company.

(7) Application for a name change by National American Insurance Company, a foreign fire and casualty insurance company. The home office is in New York, New York. The proposed new name is Capital Markets Assurance Corporation.

(8) Application for admission to do business in Texas of Baldwin Sadler Corporation, a foreign third party administrator. The home office is in King of Prussia, Pennsylvania.

(9) Application for admission to do business in Texas of Equicor-Equitable HCA Service Corporation, a foreign third party administrator. The home office is in Wilmington, Delaware.

(10) Application for admission to do business in Texas of Management Corporation of America, a foreign third party administrator. The home office is in Newport, Arkansas.

(11) Application for admission to do business in Texas of Foundation Financial Services, Inc., a foreign third party administrator. The home office is in Reno, Nevada.

(12) Application for incorporation of Employee Security Administration, Inc., a domestic third party administrator. The home office is in Dallas.

(13) Application for admission to do business in Texas of Smith-Sternau Organization, Inc., a foreign third party administrator. The home office is in Washington, D.C.

(14) Application for admission to do business in Texas of National Premium and Benefit Administration Company, Inc., a foreign third party administrator. The home office is in Dover, Delaware.

(15) Application for admission to do business in Texas of Texas Insurance Consultants and Administrators, Inc., a foreign third party administrator. The home office is in Chicago, Illinois.

(16) Application for incorporation to do business in Texas of Ry-Ron, Inc., a domestic third party administrator. The home office is in Houston.

(17) Application for admission to do business in Texas of American Benefit Administrative Services, Inc., a foreign third party administrator. The home office is in Oak Brook Terrace, Illinois.

(18) Application for admission to do business in Texas of Ardiel Insurance Service, Inc., a foreign third party administrator. The office is in Daly City, California.

Issued in Austin, Texas, on February 3, 1988

TRD-8801477 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed February 11, 1988

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

Texas Parks and Wildlife Department Consultant Contract Award

This consultant service selection is filed under the Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the October 30, 1987, issue of the *Texas Register* (12 TexReg 4025).

The services of the consultant will be continued by an amendment to the existing agreement. His services to the agency consist of: advising on real estate and land acquisition matters, assisting in developing and implementing a long-range plan in matters pertaining to land acquisition, reviewing existing legislation and recommending changes on land acquisition matters, advising on how to secure private donations of land and other related assets, and assisting in developing a real estate and land acquisition program for the agency.

The name and address of the consultant is Elton Bomer, 711 West Corsicana Street, Athens, Texas 78751. The total value of this award is \$25,100. The amendment is effective January 1, 1988, and will terminate on August 31, 1988.

Issued in Austin, Texas, on February 10, 1988

TRD-8801411 Charles D. Travis
Executive Director
Texas Parks and Wildlife Department

Filed February 10, 1988

For further information, please call (512) 389-4805.

Employees Retirement System of Texas Consultant Contract Award

The award of this contract for consulting services is filed under Texas Civil Statutes, Article 6252-11c. The Employees Retirement System of Texas published a request for proposals in the November 6, 1987, issue of the *Texas Register* (12 TexReg 4143) to obtain a private consultant to assist the Employees Retirement System of Texas with flexible benefits. The consultative services will consist of the following: providing on-going technical assistance in the development, implementation, and maintenance of a flexible benefits programs for state employees.

The due dates of documents or reports of intangible results will be on an on-going basis. The proposal selected was that of the Wyatt Company, Actuaries and Consultants, 1900 Republic Bank Tower, Dallas, Texas 75201.

The effective date of the contract is January 1, 1988. The total cost of the project is \$30,000.

Issued in Austin, Texas, on February 11, 1988

TRD-8801463 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Filed February 11, 1988

For further information, please call (512) 476-6431, ext. 178.

Board of Regents, Texas State University System

Notice of Intent to Solicit Bids

The Board of Regents, Texas State University System, intends to solicit bids from all interested companies for a combined group health, life, disability, and dental insurance program for the system's 3,500 employees and retirees. Previously, each of the four universities in the system operated separate group insurance programs.

Bid packets, including specifications, bid forms, experience, and the detailed requirements of Senate Bill 95, 65th Legislature, 1977, will be available March 15, 1988, in the office of the Board of Regents, Texas State University System, 505 Sam Houston Building, Austin, Texas 78701. A bid packet may be picked up in person on that date or mailed to interested companies requesting such in writing from William A. Nance, Director of Finance. Bids will be due in the system office on April 29, 1988.

Companies requesting a bid packet should specify whether they intend to bid on the entire program or only specific portions of the program. It is not necessary to bid all coverages to be considered.

In accordance with Senate Bill 95, the Board of Regents will not be required to automatically accept the lowest bid. In addition to gross premiums, retention charges and services rendered will also serve as the basis for award of the contract.

Issued in Austin, Texas, on February 8, 1988

TRD-8801391 Lamar G. Urbanovsky
Executive Director
Board of Regents
Texas State University System

Filed: February 10, 1988
For further information, please call (512) 463-1808.

Texas State Treasury Department

Notice of Request for Information

The Texas State Treasury Department (the treasury) announces its issuance of a request for information from potential providers of securities master trust custody services to the State of Texas' investing agencies.

The purpose of this request for information is to establish a list of approved master trust custodians which meet the standards set out in the request for information. The request for information will not be used for the purpose of selecting one custodian with which to contract. At a later date, each individual investing state agency will prepare a request for proposals detailing the specific services that agency requires and transmit it to those custodians meeting the standards of this request for information. The custodian selected by each state agency will then execute a master trust custody agreement with the treasury and the investing state agency.

Under the master trust custody agreement, the custodian's primary duty would be to serve as the treasury's and investing agency's correspondent and trust custodian for the transfer and deposit of investment securities in the Depository Trust Company of New York.

The treasury will consider all responses to this request for information from national or state banks chartered to do business in Texas, which have their primary trust opera-

tions in Texas, and which are direct participants in the Depository Trust Company of New York.

The treasury will select the custodians which meet or exceed the mandatory requirements set out by the request for information. The treasury may be assisted in its decision by the State Auditor's Office, the investing agencies involved, and disinterested outside parties with expertise in this area.

The information provided by the custodian should accurately represent the custodian's ability to perform the services described, based on the best information available at the time of the response. It is expected that the investing agencies may incorporate any response to the request for information in both their requests for proposals and any resulting contract.

All interested parties may obtain a copy of the request for information beginning on February 15, 1988, from the Texas State Treasury Department, L.B.J. State Office Building, First Floor, 111 East 17th Street, Austin, Texas, 78711, Attention: Richard Scott (512) 463-6022.

Written responses to the request for information must be received by the treasury by 5 p.m. on March 18, 1988.

Issued in Austin, Texas, on February 11, 1988

TRD-8801437 Anne L. Schwartz
General Counsel
State Treasury Department

Filed February 11, 1988
For further information, please call (512) 463-5971.

Texas Water Commission

Invitation for Bids

Sealed proposals addressed to the Texas Water Commission for the construction of a water system extension to serve the Superfund Impacted Service Area Odessa Chromium Site 1, Ector County, will be received at the office of S. W. Howell Engineering, Inc., 409 East 57th Street, Odessa, until 9:30 a.m. on the 23rd day of March, 1988. At 10 a.m., all bids will be publicly opened and read aloud at the City Council Chambers, Odessa City Hall. Any bids received later than 9:30 a.m. will be returned unopened.

Bidders must submit a bid bond or certified check, satisfactory to the Texas Water Commission, in the amount of 5.0% of the total bid submitted, payable without recourse to the Texas Water Commission as a guarantee that bidder will enter into contract and execute bond and guaranty on the forms provided within 10 days after notice of award of contract. Bids without required check or bond will not be considered.

The successful bidder must furnish performance bond and payment bond in the amount of 100% of the total contract price from a surety company holding a permit from the State of Texas to act as surety, or other surety or sureties acceptable to the Texas Water Commission.

All lump sum and unit prices must be stated in both script and figures on the forms provided. The Texas Water Commission reserves the right to reject any or all bids and to waive formalities. In case of ambiguity or lack of clearness in stating prices in the bids, the Texas Water Commission reserves the right to consider the most advantageous construction thereof or to reject the bid. Unreasonable or unbalanced unit prices will be sufficient grounds to reject any bid.

Bidders are expected to inspect the site of the work and to inform themselves regarding all local conditions.

Attention to bidders is directed to the provisions of the 43rd Legislature, House Bill 54, Chapter 45, requiring that not less than the general prevailing rates of per diem wages for work performed shall be paid all laborers, workmen, and mechanics employed in the construction of public works. Also, the successful bidder will be required to comply with the Labor Standard Provisions for Federally Assisted Construction Contracts (Form 5720-4).

Any contract or contracts awarded under this invitation for bids are expected to be funded in part by a grant from the United States Environmental Protection Agency. Neither the United States nor any of its departments, agencies, or employees is or will be a party to this invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 Code of Federal Regulations, Part 33.

All qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin. Bidders on this work will be required to comply with the President's Executive Order Number 11246, as amended. The requirements for bidders and contractors under this order are explained in the specifications.

Instructions to bidders, proposal forms, specifications and plans are on file at Texas Water Commission in Austin and at the office of S.W. Howell Engineering, Inc., 409 East 57th Street, Odessa, Texas 79762.

Plans and specifications may be secured from S. W. Howell Engineering, Inc., upon the deposit of \$50, which deposit shall be returned to the contractor upon submission of a bonafide bid on the work, or upon returning the plans and specifications immediately after examination of same and advising the engineer that a bid will not be submitted. Otherwise, the deposit shall be forfeited.

Issued in Austin, Texas, on February 12, 1988

TRD-8801490 William G. Newchurch
Director
Legal Division
Texas Water Commission

Filed: February 12, 1988

For further information, please call (512) 463-7801.

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Sealed proposals addressed to the Texas Water Commission for the construction of a water system extension to serve the Superfund Impacted Service Area Odessa Chromium Site II, Ector County, will be received at the office of S. W. Howell Engineering, Inc., 409 East 57th Street, Odessa, until 9:30 a.m. on the 23rd day of March, 1988. At 10 a.m., all bids will be publicly opened and read aloud at the City Council Chambers, Odessa City Hall. Any bids received later than 9:30 a.m. will be returned unopened.

Bidders must submit a bid bond or certified check, satisfactory to the Texas Water Commission, in the amount of 5.0% of the total bid submitted, payable without recourse to the Texas Water Commission as a guarantee that bidder will enter into contract and execute bond and guaranty on the forms provided within 10 days after notice of award of contract. Bids without required check or bond will not be considered.

The successful bidder must furnish performance bond and payment bond in the amount of 100% of the total contract price from a surety company holding a permit from the State of Texas to act as surety, or other surety or sureties acceptable to the Texas Water Commission.

All lump sum and unit prices must be stated in both script and figures on the forms provided. The Texas Water Commission reserves the right to reject any or all bids and to waive formalities. In case of ambiguity or lack of clearness in stating prices in the bids, the Texas Water Commission reserves the right to consider the most advantages construction thereof, or to reject the bid. Unreasonable or unbalanced unit prices will be sufficient grounds to reject any bid.

Bidders are expected to inspect the site of the work and to inform themselves regarding all local conditions.

Attention to bidders is directed to the provisions of the 43rd Legislature House Bill 54, Chapter 45, requiring that not less than the general prevailing rates of per diem wages for work performed shall be paid all laborers, workmen, and mechanics employed in the construction of public works. Also, the successful bidder will be required to comply with the Labor Standard Provisions for Federally Assisted Construction Contracts (Form 5720-4).

Any contract or contracts awarded under this invitation for bids are expected to be funded in part by a grant from the United States Environmental Protection Agency. Neither the United States nor any of its departments, agencies, or employees is or will be a party to this invitation for bids or any resulting contract. This procurement will be subject to regulations contained in 40 Code of Federal Regulations Part 33.

Equal Opportunity in Employment. All qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin. bidders on this work will be required to comply with the President's Executive Order Number 11246, as amended. The requirements for bidders and contractors under this order are explained in the specifications.

Instructions to bidders, proposal forms, specifications and plans are on file at Texas Water Commission in Austin, and the office of S. W. Howell Engineering, Inc., 409 East 57th Street, Odessa, 79762.

Plans and specifications may be secured from S. W. Howell Engineering, Inc., upon the deposit of \$50, which deposit shall be returned to the contractor upon submission of a bonafide bid on the work, or upon returning the plans and specifications immediately after examination of same and advising the engineer that a bid will not be submitted. Otherwise, the deposit shall be forfeited.

Issued in Austin, Texas, on February 12, 1988

TRD-8801489 William G. Newchurch
Director
Legal Division
Texas Water Commission

Filed: February 12, 1988

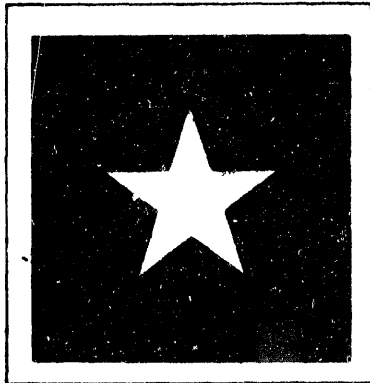
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