

Texas Register

SEP 16 1988

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Texas Register Publications

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Texas Register

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

Governor—appointments, executive orders, and proclamations

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

Emergency Sections—sections adopted by state agencies on an emergency basis

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

Adopted Sections—sections adopted following a 30-day public comment period

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 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 using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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

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

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◆ ◆ ◆



Name: Josh Hansen
Grade: 3
School: O'Henry Elementary, Richardson

The Governor

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

Appointments Made August 19, 1988

To be a member of the **Texas Rehabilitation Commission** for a term to expire August 31, 1991: Ray A. Wilkerson, 5906 Lookout Mountain, Austin, Texas 78731. Mr. Wilkerson will be filling the unexpired term of Dr. Cutberto Garza of Houston who resigned.

To be a member of the **Teachers' Professional Practices Commission** for a term to expire August 31, 1990: Diane Ewing, 2524 Crestview Circle, Irving, Texas 75062. Mrs. Ewing is being reappointed.

To be a member of the **Teachers' Professional Practices Commission** for a term to expire August 31, 1989: Arnold D. Oates, Ph.D., 15506 Dawn Crest, San Antonio, Texas 78248. Dr. Oates will be replacing John Sawyer, III, of Houston whose term expired.

To be a member of the **Gulf Coast Waste Disposal Authority** for a term to expire August 31, 1990: Kathleen McCrory Vaughn, 9622 Bayou Woods, Baytown, Texas 77521. Mrs. Vaughn is being reappointed.

To be a member of the **Gulf Coast Waste Disposal Authority** for a term to expire August 31, 1990: Philip A. Werner, 1322 Rosenberg, Galveston, Texas 77550. Mr. Werner is being reappointed.

To be a member of the **Citizens Advisory Committee for the Gulf Initiative** for a term at the pleasure of the Governor: Joe Dial, 3X Ranch, Placedo, Texas 77977. Mr. Dial is being appointed to a new position.

Issued in Austin, Texas on January 9, 1988.

TRD-8809298

William P. Clements, Jr.
Governor of Texas

Appointments Made September 6, 1988

To be a member of the **Board of Regents of East Texas State University** for a term to expire February 15, 1993: William Davis Norton, 5811 Covey Lane, Tyler, Texas 75703. Mr. Norton will be filling the unexpired term of Gaylord T. Hughey of Tyler who resigned.

To be **Judge of the 176th Judicial District Court, Harris County** until the next general election and until his successor shall be duly elected and qualified: James Brian Rains, 8460 Winningham, Houston, Texas 77055. Mr. Rains will be replacing Judge William M. Hatten of Houston who resigned.

To be a member of the **Advisory Council on Community Affairs** for a term to expire January 31, 1990: Jean Lewis McReynolds, 3801 Austin Avenue, Waco, Texas 76710. Ms. McReynolds will be replacing Maria Berriozabal of San Antonio whose term expired.

To be a member of the **Air Conditioning and Refrigeration Contractors Advisory Board** for a term to expire February 1, 1991: Martha Walker, 800 Ten Mile Road, Ferris, Texas 75125. Mrs. Walker will be filling the unexpired term of Ralph Becker of Houston who resigned.

To be a member of the **Texas State Board of Examiners of Dietitians** for a term to expire September 1, 1993: Lydia Damrel, 150 Stephenson Road, Vidor, Texas 77662. Mrs. Damrel will be replacing Madgelean Bush of Houston whose term expired.

To be a member of the **Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids** for a term to expire December 31, 1989: Richard L. Riess, Ph.D., 2611 Sandalwood, College Station, Texas 77840. Dr. Riess will be filling the unexpired term of Carl McGovern of Edinburg who is deceased.

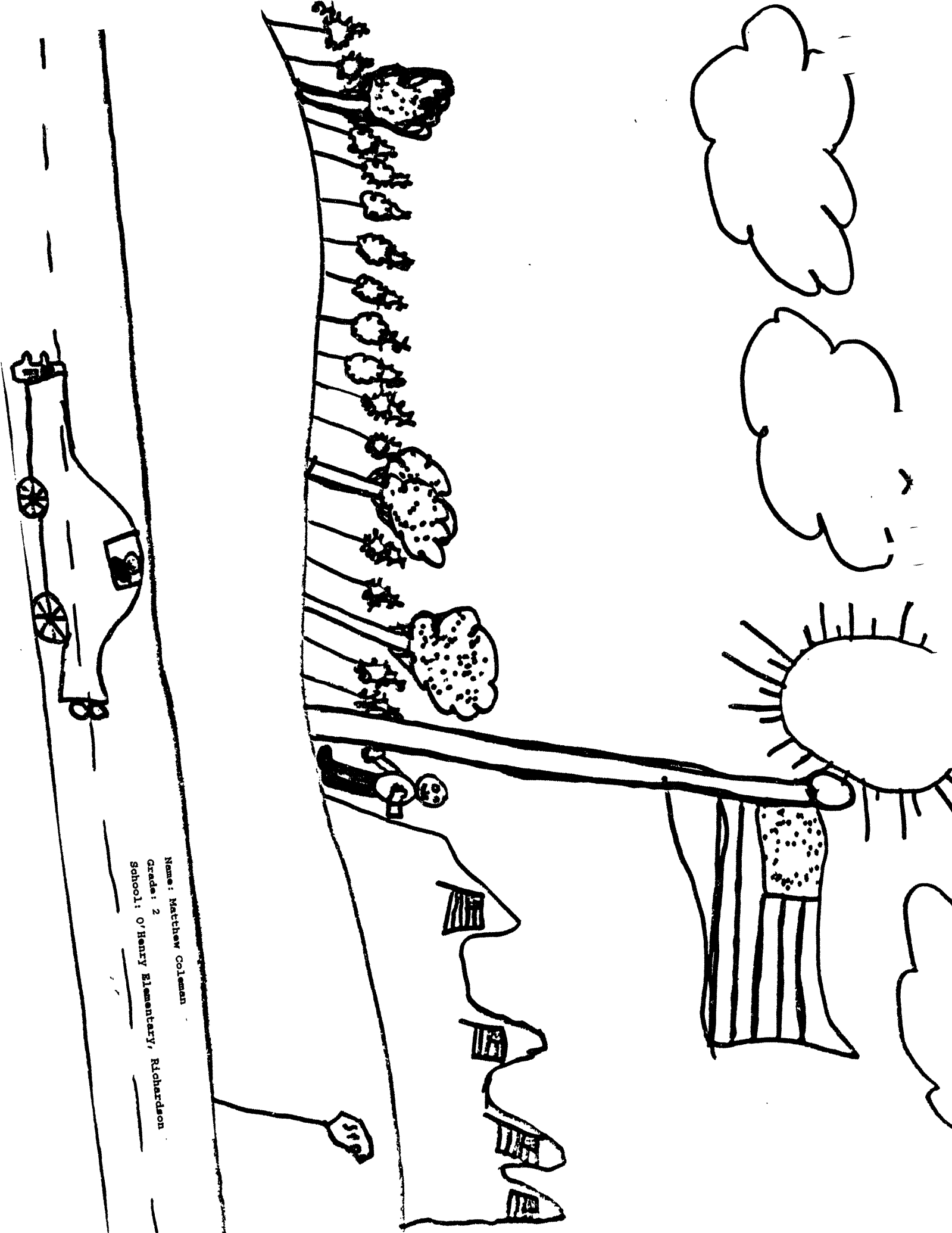
To be a member of the **Council on Disabilities** for a term to expire January 31, 1989: Marvin Richard Marek, Jr., 15614 Robin Ridge, San Antonio, Texas 78248. Mr. Marek will be replacing Mrs. Joseph Chimelak of Houston whose term expired.

To be a member of the **Texas Criminal Justice Task Force** for a term at the pleasure of the Governor: Allan B. Polunsky, 11654 Elm Ridge Road, San Antonio, Texas 78230. Mr. Polunsky is being appointed to a new position.

Issued in Austin, Texas on January 9, 1988.

TRD-8809218

William P. Clements, Jr.
Governor of Texas



Name: Matthew Coleman
Grade: 2
School: O'Henry Elementary, Richardson

Attorney General

Description of Attorney General submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes, Article 4399, and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies maybe held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the *Texas Register*. The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General Opinion, and represents the opinion of the Attorney General unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record.

Letter Opinions

(Editor's note: The Attorney General responds to many requests for opinions and open records decisions with letter opinions. A letter opinion has the same force and effect as a formal Attorney General opinion unless and until it is modified or overruled by a subsequent letter opinion, a formal Attorney General Opinion, or a decision of a court of record. Beginning with this edition, the Texas Register will publish notice of letter of opinions issued by the Attorney General. Copies of the full text of the letters are filed with the Texas Register and are available from the Texas Attorney General's Office and the Texas Register.)

LO-88-72 (RQ-1437). Request from David H. Cain, Chairman, Committee on Transportation, Texas House of Representatives, Austin, concerning whether a member of the Texas House of Representatives may be employed by an operation owned by a mass transit authority. TRD-8809158

LO-88-77 (RQ-983). Request from Jo King McCrorey, Executive Director, Board of Barber Examiners, Austin, concerning whether the Board of Barber Examiners has authority to regulate and enforce minimum standards of sanitation and sterilization for "haircutting services" in Texas Department of Correction facilities. TRD-8809159

LO-88-78 (RQ-1373). Request from Bob Bullock, Comptroller of Public Accounts, LBJ State Office Building, Austin, concerning eligibility for licensure to conduct bingo games. TRD-8809168

LO-88-80 (RQ-1474). Request from Terrai Smith, State Representative, Texas House of Representatives, concerning interpretation of the Family Code, §14.05 which permits court to order that child support continue past child's 18th birthday if child is "fully enrolled in an accredited secondary school in a program leading toward a high school diploma." TRD-8809169

LO-88-83 (RQ-1463). Request from Joe Lucas, El Paso County Attorney, El Paso, concerning whether a home-rule city may enact an ordinance regulating devices such as air guns that are operated by a spring. TRD-8809170

LO-88-84 (RQ-1436). Request from Gary Joe Taylor, Leon County Attorney, Centerville, concerning whether real property records must be available to a member of the public for inspection and copying. TRD-8809167

LO-88-86 (RQ-1409). Request from Jim Mapel, Criminal District Attorney, Brazoria County, Angleton, concerning whether the Brazoria County Conservation and Reclamation District Number 3 or Brazoria County has the duty to maintain certain bridges. TRD-8809166

LO-88-87 (RQ-1458). Request from Terry McEachern, District Attorney, 64th and 242nd Judicial Districts, Plainview, concerning whether purported salary increases for elected county officials are valid. TRD-8809165

LO-88-88 (RQ-1327). Request from Kenneth H. Ashworth, Commissioner, Texas Higher Education Coordinating Board, Austin, concerning questions regarding Optional Retirement Program. TRD-8809164

LO-88-89 (RQ-1412). Request from Joseph J. Skrivanek, III, County Attorney, Burleson County, Caldwell, concerning whether certain property qualifies as open-space timber land or as open-space agricultural land. TRD-8809163

LO-88-90 (RQ-1399). Request from David H. Cain, Committee on Transportation, Texas House of Representatives, Austin, concerning interpretation of Article 6687-

9b, which deals with the registration of tow trucks. TRD-8809162

LO-88-93 (RQ-1492). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning mechanism for funding the Advisory Commission of State Emergency Communications. TRD-8809161

LO-88-94 (RQ-1456). Request from George P. Morrill II, Bee County Attorney, Beeville, concerning whether a county may expend county funds for a county employee awards banquet. TRD-8809160

Open Records Decisions

ORD-502 (RQ-1332). Request from Lloyd Garza, City Attorney, City of San Antonio, San Antonio, concerning whether photographs of police officers involved in a shooting are excepted from public disclosure under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a §3(a)(19).

Summary of Opinion. The Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(19), protects from required disclosure all photographs of peace officers unless the circumstances in subsections (A), (B), and/or (C) of §3(a)(19) occur or the peace officer gives written consent to release as provided in §3(c). TRD-8809156

ORD-503 (RQ-1342). Request from Doyce R. Lee, Commissioner, State Board of Insurance, Austin, concerning whether information regarding the conservatorship and receivership of a company investigated by the State Board of Insurance is protected from disclosure under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

Summary of Opinion. The Texas Insurance Code, Article 21.28-A, §3A, in conjunction with the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(1), protects from required disclosure

"hearings, orders, notices, correspondence, reports, records, and other information in the possession of the State Board of Insurance relating to the supervision or conservatorship of any insurance company." This protection does not apply on the appointment of a receiver for the insurance company. The facts presented, i.e., when proceedings were initiated to establish a temporary "receivership" and were later non-suited, did not trigger the receivership exception for protection under §3A(a).
TRD-8809157



Opinions

JM-946 (RQ-1377). Request from Jim Hightower, Commissioner of Agriculture, Austin, concerning the authority of the legislature to transfer funds from the Produce Recovery Fund Board into the General Revenue Fund.

Summary of Opinion. The transfer of \$337,348 from the Produce Recovery Fund to the General Revenue Fund by operation of Senate Bill 6, 69th Legislature, 3rd Called Session, was lawful so long as it did not impair any vested rights. The transfer

might result in impairment of vested rights of certain claimants, if the transfer results in depletion of the Produce Recovery Fund such that their claims cannot be paid. That any vested rights will be impaired is, however, only a hypothetical possibility since the fund is at present still viable.

Senate Bill 6 did not alter the legal responsibility of the Produce Recovery Board in administering the fund.

Whether appropriations should be made to replenish the fund if depleted, is of course a matter within the purview of the legislature.
TRD-8809153



JM-947 (RQ-1198). Request from Tim Curry, Criminal District Attorney, Tarrant County, Fort Worth, concerning whether a commissioners court may require performance evaluations of assistant district attorneys not covered by civil service, and related questions.

Summary of Opinion. In arriving at the salary figures to be included in the county budget for personnel of the District Attorney's Office, the commissioners court of Tarrant County may approve, disapprove,

or modify the salary figures proposed by the district attorney. The commissioners court may require performance evaluations whereby salaries of personnel in the District Attorney's Office are set for budgetary purposes by the commissioners court. The commissioners court may not require that the fixing of salaries of such personnel by the district attorney, for purposes of proposing such salary figures to the commissioners court, be based on such performance evaluations. TRD-8809154



JM-948 (RQ-1432). Request from W. S. McBeath, Administrator, Texas Alcoholic Beverage Commission, Austin, concerning the authority of the Alcoholic Beverage Commission to prorate club membership for purposes of determining permit fees for a private club registration permit.

Summary of Opinion. The Alcoholic Beverage Commission is not authorized to prorate private club membership for purposes of determining the permit fee under Alcoholic Beverage Code, §32.02. Under §32.02, the permit fee is based on the highest number of members in good standing during the year for which the permit fee is to be paid, rather than on a prorated membership figure. TRD-8809155



Proposed Sections

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

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

TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

Chapter 23. Substantive Rules

Customer Service and Protection

• 16 TAC §23.54

The Public Utility Commission of Texas proposes new §23.54, concerning private pay telephone service. The new section includes codification of terms and conditions of, and the rate structure for, private pay telephone service.

The commission particularly solicits comments on the following topics: how quick, easy, and reliable access to local emergency services from private pay telephones can be assured in areas where 911 service is not available, especially where the private pay telephone owner uses an alternative operator service (see proposed §23.54(d)(1)(B)); whether the commission can delegate approval of compliance tariffs to the hearings division (see proposed §23.54(k)); if the commission can delegate approval of compliance tariffs, whether the commission should approve a set of guidelines for use by the Hearings Division; if the commission should approve a set of guidelines, what those guidelines should be: what, if any, notice is appropriate in connection with approval of compliance tariffs required by proposed §23.54(k); if the rule should recognize and allow the use of call distributor terminal devices; if the rule should further address the obligation to maintain private pay telephones in operable condition (see proposed §23.54(d)(1)(E) and (F) and (e)(5)); if a local exchange company should be allowed to offer private pay telephone access lines at existing one party business rates in lieu of providing cost studies required by the proposed rule; what rate justification average schedule companies should be required to provide for establishment of private pay telephone service (see proposed §23.54(i)); and when local exchange companies should be required to file private pay telephone service tariffs in lieu of using special assembly tariffs to provide private pay telephone service (see proposed §23.54(j)).

Martin Wilson, assistant general counsel, 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. Wilson 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 uniform state-wide terms and conditions of, and a uniform rate structure for, private pay telephone service. The anticipated economic cost to individuals who are required to comply with the proposed section will be the cost of filing a tariff in compliance with this proposed section upon final adoption.

Comments on the proposal may be submitted to Phillip A. Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, within 30 days after publication.

The new section is proposed under Texas Civil Statutes, Article 1446c, §16, which provides the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

§23.54. Private Pay Telephone Service.

(a) General. Private pay telephone service includes all coin, coinless, credit card reader, and cordless instruments provided that these telephones are accessible by members of the general public, business patrons, employees, and/or visitors of the customer, and provided that the end user pays on a per call basis. Further, all coin and credit card reader sets must be instrument implemented. Private pay telephone service cannot be connected to, from, or through any customer provided telecommunications switching systems, or telephone company provided central office based switching systems.

(b) Available upon request. Upon formal request for service by any prospective private pay telephone service provider, a local exchange telephone company is required to file a tariff providing for interconnection of private pay telephones. A local exchange company may provide private pay telephone service pursuant to special assembly tariffs as provided in subsection (j) of this section.

(c) Initial filing requirements. When a local exchange telephone company makes its initial filing to offer private pay telephone service the application shall include the proposed tariff, a surrogate cost study based on the traffic sensitive and nontraffic sensitive costs of providing interconnection to telephone company provided pay telephones, and supporting explanation. Small companies and cooperatives may be exempt from the requirement of providing

company specific cost studies and/or tracking studies, but shall comply with the provisions of subsection (h) of this section. Notice shall be given in accordance with §21.25 of this title (relating to Contents of Notice for Proceedings Other Than Rate Setting, Licensing, or Rulemaking Proceedings) and shall specifically state that approval of a private pay telephone tariff is sought.

(d) Customer responsibilities. Private pay telephones must be registered in compliance with Part 68 of the Federal Communications Commission's Registration Program or connected behind an FCC registered coupler.

(1) Private pay telephones must provide the following:

(A) completion of all local and toll calls, regardless of dialing sequence;

(B) access to 911 emergency service, where available, at no charge and without requiring a coin or credit card. Where 911 service is not available local emergency numbers must be posted on the instrument's instruction card and must be accessible without a charge and without requiring a coin;

(C) access to any operator service, which shall be available 24 hours a day at no charge and without requiring a coin or credit card, provided that, upon end user request, access to the local exchange company-provided operator shall be available at no charge;

(D) access to and charges for directory assistance on the same basis as provided by the local exchange company from public pay telephones;

(E) attached to the set, instructions for use including specific instructions for the services in items (A) through (D) of this subparagraph, refunds and complaints, one-way calling if so equipped, long distance access instructions, and repair or out-of-service conditions; and

(F) attached to each set, conspicuous notice identifying each set as a

private pay telephone stating that the pay telephone set is not a telephone company instrument and providing the name and telephone number of the owner or agent responsible for refunds and repairs.

(2) The customer will be responsible for the payment of charges for all local and toll messages, including local and long distance directory assistance charges originating from or accepted at this type of service, except as otherwise indicated. If the customer subscribes to telephone company-provided incoming or outgoing call screening, the customer will not be responsible for charges incurred for calls placed in violation of the telephone company-provided incoming or outgoing call screening restrictions.

(3) The private pay telephone customer must:

(A) conspicuously display in close proximity to the set, notice that detailed toll billing records showing the time and date of all calls dialed "1+, " together with the called numbers, may be provided by the local exchange company to the private pay telephone customer, who shall be identified by name in the notice;

(B) comply with all applicable federal, state, and local laws and regulations including those concerning the use of these telephones by disabled and/or hearing impaired persons;

(C) comply with all Public Utility Commission rules and regulations regarding the use of private pay telephones;

(D) not impose a time limit on local calls: and

(E) not impose a total charge for a local call, including applicable operator service charge, at an amount greater than the rate charged for a local call made on a public or semi-public pay telephone.

(e) Local exchange company responsibilities.

(1) A listing in the local telephone directory will be provided to the customer on request.

(2) Access for private pay telephone customers must be available in all exchanges.

(3) Selective class of call and billed number screening will be provided where facilities are available.

(4) Where telephone company-provided incoming or outgoing call screening is not available, the telephone company will not bill any third number billed, collect, "0+" or "0-" calls to a number which has been clearly identified to the local operator at the time of the call attempt as a

private pay telephone. The local exchange company will not be responsible for refunds or adjustments of charges for calls placed through non-telephone company operators.

(5) The local exchange company need not initiate a maintenance service call or take any other action in response to a trouble report on a private pay telephone until such time as requested by the private pay telephone owner or its agent. The private pay telephone owner must keep the local exchange company advised of the identity of the private pay telephone owner or agent authorized to request a maintenance service call.

(6) Access to directory assistance shall be provided to private pay telephone customers at the same rate the local exchange company charges the end user of its public pay telephones.

(f) Violation of regulations.

(1) If a customer is in violation of tariff provisions, the local exchange company will notify the customer of the violation in writing. The customer must correct the violation and notify the local exchange company in writing that the violation has been corrected within 10 days of receipt of notice of a violation.

(2) If the customer does not comply with this provision, the local exchange company shall disconnect service to the private pay telephone until the customer complies with the provisions in the tariff.

(g) Rate structure. Rates must be designed on a flat access line and a local message usage rate basis. Multi-element measured rates are prohibited. In areas without measuring capabilities, the company may use a flat rate usage surrogate instead of a per call message rate. Measurement abilities are defined as the capability in place to measure and bill private pay telephone usage without incurring unreasonable expense.

(h) Cost studies.

(1) The surrogate cost study filed with the initial application for approval of a private pay telephone tariff shall include the following information:

(A) unseparated total company non-traffic sensitive revenue requirement;

(B) interstate subscriber plant factor;

(C) intrastate subscriber plant factor;

(D) total number of access lines in service;

(E) local traffic sensitive revenue requirement;

enue requirement;

(F) total number of local messages; and

(G) average number of local calls from a company owned public telephone.

(2) The company shall collect and report actual data showing the cost of providing private pay telephone service, and report such data to the commission on a quarterly basis until such time as rates for private pay telephone service based on historical data are established for the service. These reports must include the following:

(A) revenues and expenses associated with the provision of each element of private pay telephone service, including but not limited to, access line, per message charge, and telephone company-provided incoming or outgoing call screening;

(B) the number of private pay telephones installed;

(C) the number of company-owned public phones displaced; and

(D) the average number of calls placed from private pay telephones in areas with measuring capabilities.

(3) Cooperatives and companies with less than six private pay telephone customers, or with less than 50 private pay telephone access lines, are exempt from filing pay telephone cost studies and tracking reports except as indicated in this subsection. These companies shall file surrogate cost studies based on nontraffic sensitive and traffic sensitive revenue requirements plus contribution.

(4) Tracking reports showing actual data shall be filed within 45 days after the sixth pay telephone customer or the 50th pay telephone access line has received service for twelve months. These tracking reports shall include cost and revenue information necessary to design rates based on actual costs.

(5) Cost studies shall be included in the first general rate case filed after the sixth pay telephone customer has received service or the 51st private pay telephone access line is installed. These cost studies shall include cost and revenue information necessary to design rates based on actual costs.

(i) Average schedule companies. Average schedule companies are exempt from the requirements and filings in subsection (h) of this section.

(j) Special assembly tariffs. Private pay telephone service may be provided

pursuant to existing special assembly tariffs. Special assembly rates must be computed in accordance with this rule. Local exchange companies that provide private pay telephone access pursuant to special assembly tariffs shall enter into a written agreement with the customer, obtaining the customer's agreement to abide by the customer responsibilities contained in this rule.

(k) Compliance. All local exchange companies shall file revised tariffs in compliance with this section within 45 days of the effective date of this section. The compliance tariffs will be reviewed by the Telephone Division. Within 35 days of the date of filing of the report, the Hearings Division shall either approve the tariff or suspend the effective date of the tariff for further review.

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 September 9, 1988.

TRD-8809285 Phillip A. Holder
Secretary
Public Utility Commission
of Texas

Earliest possible date of adoption: October 17, 1988

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

◆ ◆ ◆
TITLE 19. EDUCATION
Part I. Texas Higher
Education Coordinating
Board

Chapter 21. Student Services
Subchapter L. Paul Douglas
Teacher Scholarship Program
• 19 TAC §21.319

The Texas Higher Education Coordinating Board proposes an amendment to §21.319, concerning the Paul Douglas Teacher Scholarship Program. The change is necessitated by new federal regulations defining how the interest rate shall be determined for the program. The effect of the change is to make the method of determination, determination date, and rate consistent with those of the supplemental loans for students

Mack Adams, assistant commissioner for student services, has determined that for the first five-year period the proposed section is 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. Adams also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the maximum interest rate charged borrowers is capped at 14%. Before the change, the maximum rate could have exceeded 14%. There

is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Kenneth H. Ashworth, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The amendment is proposed under Texas Education Code, §61.068, which provides the Texas Higher Education Coordinating Board with the authority to adopt rules regarding the Paul Douglas Teacher Scholarship Program. §21.319. *Loan Interest.*

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

(c) Interest rate. The interest rate shall be at an annually adjusted rate which is equivalent to the rate charged for loans made through the Supplemental Loans to Students (SLS) Program and the Parent's Loans to Undergraduate Students (PLUS) Program beginning July 1st of each year [the greater of 14% of 5.0% above the 91-day United States Treasury bill rate for the most recent quarter ending March 31. The interest rate charged during the repayment period is the greater of these rates determined when the repayment schedule is established].

(d) (No change.)

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

Issued in Austin, Texas, on September 6, 1988.

TRD-8809179 James McWhorter
Assistant Commissioner for
Planning and
Administration
Texas Higher Education
Coordinating Board

Proposed date of adoption: October 28, 1988

For further information, please call: (512) 462-6420

◆ ◆ ◆
TITLE 25. HEALTH
SERVICES
Part I. Texas Department
of Health
Chapter 1. Texas Board of
Health
Services to Disabled Persons
• 25 TAC §1.121

The Texas Department of Health proposes new §1.121, concerning a memorandum of understanding (MOU) on the coordination of services to disabled persons. New §1.121 adopts by reference the MOU. Legislation passed by the 70th Legislature, 1987 (Human Resources Code, §22.011), requires the Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf, and the

Texas Education Agency to adopt by rule a memorandum of understanding to facilitate the coordination of services to disabled persons.

The memorandum of understanding clarifies the financial and service responsibilities of each agency in relation to disabled persons and addresses how each agency will share data relating to services delivered to disabled persons.

Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed section is 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. Seale has also 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 increased coordination of services to disabled persons and sharing of data related to service delivery. 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 Mike Ezzell, Special Assistant to the Commissioner, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days following publication of this proposal in the *Texas Register*.

The new section is proposed under Texas Codes Annotated, Human Resources Code, §22.011, which provide the Texas Board of Health with the authority to adopt by rule a memorandum of understanding concerning the coordination of services to disabled persons; and Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health.

§1.121. Memorandum of Understanding on the Coordination of Services to Disabled Persons.

(a) The Texas Department of Health adopts by reference a memorandum of understanding entered into between the Texas Department of Human Services, the Texas Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf, and the Texas Education Agency, concerning the coordination of each agency's financial and service responsibilities in relation to delivery of services to disabled persons.

(b) Copies of the memorandum of understanding are filed in the office of the Associate Commissioner for Personal Health Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and may be reviewed during regular business hours.

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

Issued in Austin, Texas, on September 9,

1988.

TRD-8809267

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

Proposed date of adoption: November 5,
1988.

For further information, please call: (512)
458-7263

◆ ◆ ◆
**TITLE 31. NATURAL
RESOURCES AND
CONSERVATION**

**Part X. Texas Water
Development Board**

**Chapter 355. Research and
Planning Fund**

General Policy

• **31 TAC §355.1**

The Texas Water Development Board proposes
an amendment to §355.1, concerning fund

allocation. The amended section establishes the board's policy concerning the allocation of research and planning fund money by rule for state fiscal year 1989. Senate Bill 1, the General Appropriations Act, 70th Legislature, 1987, Article 1, Rider 16, to the Texas Water Development Board, requires the board to establish through rule a system of prioritizing the use of the research and planning fund, giving first priority to studies required by statute. The amended section establishes the allocation of funds between bay and estuary studies and flood protection and regional water supply and wastewater planning.

Susan Taylor, director of accounting, has determined that for the first five-year period the proposed section is 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.

Ms. Taylor also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the increased efficiency of allocating the limited monies in the research and planning fund. The amended section identifies the priorities used by the board to ensure the greatest benefit from

these limited funds. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Herbert Grubt, Director of Planning, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711.

The amended section is proposed under the Texas Water Code, §6.101, which provides the board with the authority to adopt rules necessary to carry out its powers and duties. **§355.1. Fund Allocation.**

(a) Pursuant to Senate Bill 1, the General Appropriations Act, 70th Legislature, 1987, Article 1, rider 16, to Texas Water Development Board, the board hereby allocates research and planning funds in the amount of \$2.3 million for fiscal year 1989 [1988] as follows:

- (1) Bay and Estuary Studies, \$700,000; and
- (2) Flood Protection and Regional Water Supply and Wastewater Planning, \$1,600,000.

<u>[Purpose</u>	<u>Quantity</u>
Bays and Estuaries Studies	\$800,000
Regional Water Supply and Regional Wastewater Planning	1,250,000
Flood Protection Planning	150,000
Water Research	<u>100,000</u>
Total	\$2,300,000]

[(b) The board specifies that of the \$1.25 million allocation for regional water supply and regional wastewater planning, \$500,000 shall be for solicited (board-requested) proposals and \$750,000 shall be for unsolicited (open-competition) proposals. The board further specifies that proposals from political subdivisions in counties located within and adjacent to the Rio Grande Basin shall be given the highest priority for funding of regional water supply and regional wastewater planning using \$300,000 of the solicited category of funding, with the remaining \$200,000 of solicited category funding allocated to other areas of the state where severe water supply or water quality problems 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 August 31, 1988.

TRD-8809236 Suzanne Schwartz
General Counsel
Texas Water Development
Board

Earliest possible date of adoption: October 17, 1988

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. Intermediate Care Facility for Mentally Retarded

Subchapter C. Eligibility for Participation in an Intermediate Care Facility for Mentally Retarded

The Texas Department of Human Services (DHS) proposes the repeal of §§27.201, 27.202, 27.901, 27.1101, 27.1102, and 27.1304, concerning conditions for provider participation in the Intermediate Care Facility for the Mentally Retarded (ICF-MR) program, in the department's ICF-MR chapter. The purpose of the repeals is to eliminate obsolete sections that are not included in the ICF-MR Standards for Participation and that have been superseded by federal regulations.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed repeals will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the repeals.

Mr. Packard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as

a result of enforcing the repeals will be to clean up and clarify the rules for provider participation in the ICF-MR program. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-546, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

• 40 TAC §27.201, §27.202

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

The repeals are proposed 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.

§27.201. *Participation in an Intermediate Care Facility for Mentally Retarded.*

§27.202. *Provider Application Acceptance.*

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 September 12, 1988.

TRD-8809286 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: December 12, 1988.

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

Subchapter J. Conditions for Participation

• 40 TAC §27.901

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

The repeal is proposed 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.

§27.901. *Introduction.*

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 September 12, 1988.

TRD-8809288 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: December 12, 1988.

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

Subchapter L. Eligibility for Participation

• 40 TAC §27.1101, §27.1102

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

The repeals are proposed 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.

§27.1101. *Criteria.*

§27.1102. *Negative Sanctions.*

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 September 12, 1988.

TRD-8809289 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: December 12, 1988.

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

Subchapter N. Administrative Management

• 40 TAC §27.1304

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

The repeal is proposed 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.

§27.1304. *Governing Body.*

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 September 12, 1988.

TRD-8809290 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: December 12, 1988.

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

Adopted Sections

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

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

TITLE 1. ADMINISTRATION

Part III. Office of the Attorney General

Chapter 55. Child Support Enforcement

• 1 TAC §55.101

The Office of the Attorney General adopts an amendment to §55.101, without changes to the proposed text as published in the May 31, 1988, issue of the *Texas Register* (13 TexReg 2657).

The amendment involves the adoption of a new form that will be used by noncustodial fathers to appeal one of two things: an IRS intercept of a tax return to pay past due child support or notification of nonpayment of child support to a consumer reporting agency. The new form will help improve the processing of these appeals and will result in a speedier review of the appeal.

The new form will help the noncustodial parent provide the attorney general with the information that the agency will need to efficiently process the appeal.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Human Resources Code, Chapter 76, which provides the Office of the Attorney General with the authority to administer the Texas Child Support Enforcement Division established under the United States Social Security Act, Title IV-D.

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 September 1, 1988.

TRD-8809152

Lou McCreary
Special Assistant Attorney
General
Office of the Attorney
General

Effective date: September 2, 1988

Proposal publication date: May 31, 1988

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



TITLE 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 291. All Classes of Pharmacy

Clinic Pharmacy (Class D)

• 22 TAC §291.93

(Editor's note: The following section was originally adopted in the August 30, 1988, issue of the Texas Register. Due to submitted and published errors the section is being republished as adopted with changes.)

§291.93. Operational Standards

(a) Registration.

(1) All Class D pharmacies shall register annually with the board on a license application provided by the board, following the procedures specified in §291.1 of this title (relating to Pharmacy License Application).

(2) All clinic pharmacies shall provide a copy of their policy and procedure manual, which includes the formulary, to the board with the initial license application.

(3) The registration form shall be signed by the pharmacist-in-charge of the clinic pharmacy.

(4) The owner or managing officer of the clinic shall sign the registration form and shall agree to comply with the rules adopted by the board governing clinic pharmacies.

(5) The registration form shall be certified and state whether the clinic pharmacy is a sole ownership and give the name of the owner, or if a partnership, name all the managing partners, or if a corporation, name all the managing officers.

(6) The following fees will be charged.

(A) A fee as specified in §291.6 of this title (relating to Pharmacy License Fees) will be charged for the issuance of a new license and for each renewal.

(B) A pharmacy operated by the state or a local government that qualifies for a Class D license is not required to pay a fee to obtain a license.

(7) When a clinic pharmacy changes ownership, a new and separate license application must be filed with the board and the old license returned to the board's office.

(8) A Class D (clinic) pharmacy shall notify the board in writing of any change in name or location within 10 days.

(9) A separate license is required for each principal place of business and only one pharmacy license may be issued to a specific location.

(10) A clinic pharmacy shall notify the board in writing within 10 days of a change of the pharmacist-in-charge or staff pharmacist or consultant pharmacist.

(11) A clinic pharmacy shall notify the board in writing within 10 days of permanent closing.

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

Issued in Austin, Texas, on June 16, 1988.

TRD-8806241

Fred S. Brinkley, Jr.
Executive
Director/Secretary
Texas State Board of
Pharmacy

Effective date: September 14, 1988

Proposal publication date: March 25, 1988

For further information, please call: (512) 832-0661

◆ ◆ ◆ Part XVI. Texas State Board of Physical Therapy Examiners

Chapter 321. Definitions

• 22 TAC §321.1

The Texas State Board of Physical Therapy Examiners adopts an amendment to §321.1, without changes to the proposed text as published in the July 8, 1988, issue of the *Texas Register* (13 TexReg 3402).

By this amendment the board offers further clarification of the intent of the Act; a charge given to members of the Physical Therapy Board by the Texas Physical Therapy Practice Act.

The amendment defines the terms used in the Act in order to clarify the intent of the Physical Therapy Act.

No comments were received regarding adop-

tion of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512e, §3(e) which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act and carry out its duties in administering 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 September 7, 1988.

TRD-8809184 Lois M. Smith
Executive Director
Texas State Board of
Physical Therapy
Examiners

Effective date: September 28, 1988

Proposal publication date: July 8, 1988

For further information, please call: (512) 463-1846

◆ ◆ ◆
Chapter 337. Display of License

• 22 TAC §337.2

The Texas State Board of Physical Therapy Examiners adopts an amendment to §337.2, without changes to the proposed text as published in the July 8, 1988, issue of the *Texas Register* (13 TexReg 3403).

The amendment shows that the board has changed the address to the new board office location.

The amendment informs the public of the change of address of the board office.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512e, §3(e), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act and carry out its duties in administering 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 September 7, 1988.

TRD-8809183 Lois M. Smith
Executive Director
Texas State Board of
Physical Therapy
Examiners

Effective date: September 28, 1988

Proposal publication date: July 8, 1988

For further information, please call: (512) 835-1846

◆ ◆ ◆
Chapter 343. Enforcement of Act

• 22 TAC §343.1

The Texas State Board of Physical Therapy Examiners adopts an amendment to §343.1, without changes to the proposed text as published in the July 15, 1988, issue of the *Texas Register* (13 TexReg 3502).

By this amendment the board offers further clarification of the intent of the Act relation to the Physical Therapy Practice Act, §19.

The amendment offers further clarification regarding the investigation and enforcement procedures utilized by the board as advised by the attorney general's office.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512e, §3(e) which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act and carry out its duties in administering 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 September 7, 1988.

TRD-8809192 Lois M. Smith
Executive Director
Texas State Board of
Physical Therapy
Examiners

Effective date: September 28, 1988

Proposal publication date: July 15, 1988

For further information, please call: (512) 835-1846

◆ ◆ ◆
State Board of Insurance Exempt Filing

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

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

These actions become effective 15 days after the date of publication or on a later specified date.

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

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

Manual. Rule 6 of the General Rules Section is amended to allow physical damage coverages to be written for a term of 36 months on personal auto policies and all other policies may provide coverage up to 36 months, or as otherwise provided for in the *Texas Automobile Manual*. Rule 7 of the General Rules Section is amended to provide for pro-rata premiums on policies with terms of less than year. Rule 38 of the Common Coverages Section is amended to increase the minimum premium, increase the percentage of government tax, increase the policy fee, correct spelling, and change the deductibles on collision and theft coverages. Rule 38, Rate Section II is amended by changing the additional amounts of physical damage coverage, the deductibles, increased amounts for non-refrigerated trucks, change of limits on property damage and public liability, medical payment limits, minimum premiums, and government tax.

These amendments are effective on and after December 1, 1988. This notification is made

pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Tax.

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

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

Issued in Austin, Texas on September 7, 1988.

TRD-8809228 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 1, 1988

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

Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the billeting 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 Air Control Board

Friday, September 16, 1988, 10 a.m. The Budget and Finance Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, there will be discussion on the status of the October 1988 Legislative Budget submission; proposed interagency contract with the Texas Water Commission; and consideration of relocation of the Austin offices.

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

Filed: September 8, 1988, 2:53 p.m.

TRD-8809213

Friday, September 16, 1988, 10:30 a.m. The Texas Air Control Board will meet at 6330 Highway 290 East, Austin. According to the agenda summary, the board will approve minutes of August 12, 1988, meeting; hear public testimony, reports, enforcement report, agreed enforcement orders; consideration and action on proposed rule; consideration of relocation of the Austin offices; hear staff report concerning activities of Texas Air Control Board Region 11 (El Paso); and consider new business.

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

Filed: September 8, 1988, 2:53 p.m.

TRD-8809212

Texas Alcoholic Beverage Commission

Monday, September 26, 1988, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Room 320, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of the August 22, 1988, meeting; hear administrator's and staff's report of agency activity; and approve affidavit of destruction of tested alcoholic beverages.

Contact: W.S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: September 13, 1988, 9:55 a.m.

TRD-8809398

Texas Antiquities Committee

Friday, September 23, 1988, 9:30 a.m. The Texas Antiquities Committee will meet in Room 118, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will approve minutes of previous Texas Antiquities Committee meeting of July 22, 1988; ratify appointment of staff director; approve TAC Chapter 43, Rules of Procedure; hear status report on request for attorney general's opinion; approve designation of seventeen State Archaeological Landmarks in Chambers, Brewster, and Burnet counties; hear staff reports on NUMA/TAC joint underwater archaeology project in Galveston and Corps of Engineers shipwreck discovery, New North Jetty, in Freeport; and conduct a public hearing to consider the removal of State Archaeological Landmark status from and/or issuance of a demolition permit for the "Old" Bowie County Courthouse in New Boston.

Contact: Molly Godwin, P.O. Box 12276, Austin, Texas 78711, (512) 463-6098.

Filed: September 9, 1988, 9:08 a.m.

TRD-8809233

Texas Bond Review Board

Tuesday, September 20, 1988, 10 a.m. The Texas Bond Review Board will meet in the Senate Chamber, State Capitol Building, Austin. According to the agenda, there will be approval of minutes of previous meeting; consideration of proposed issues, Texas Housing Agency, Multi-family Housing Revenue Refunding Bonds, Series 1988E (First Federal Savings of Arkansas, Andrew's Mark Development), Multi-family Housing Revenue Refunding Bonds, Series 1988F (Colin's Landing Development); and other business.

Contact: Tom K. Pollard, Room 700, Sam Houston Building, Austin, Texas 78701, (512) 463-1741.

Filed: September 9, 1988, 4:50 p.m.

TRD-8808279

Texas Department of Corrections

Monday, September 12, 1988, 9 a.m. The Texas Board of Corrections of the Texas Department of Corrections met at 1500 Marilla, Dallas. According to the emergency revised agenda summary, the board met in executive session to consider the Windham School System; discussed items and board member items. The emergency status was necessary because of unanticipated developments in negotiations on real estate transaction requiring board attention.

Contact: James A. Lynaugh, P.O. Box 99, Huntsville, Texas 7730, (409) 294-2101.

Filed: September 9, 1988, 8:47 a.m.

TRD-8809231

Texas Cosmetology Commission

Sunday, September 11, 1988, 9 a.m. The Texas Cosmetology Commission met at the Hyatt Regency, 123 Loyosa, San Antonio. Submitted an emergency revised agenda. According to the agenda summary, there were introductions; opening remarks; discussion of contract between the Texas Cosmetology Commission and the Board of Barber Examiners; adoption of contract between the Texas Cosmetology Commission and the Board of Barber Examiners; discussion of Dual Shop Policies; discussion of persons working illegally in their homes; ratification of proposed rules; proposal of rules tabled for redrafts at last meeting; discussion of Grievance Committee formation; discussion of enforcement policy; executive session; open session. The emergency status was necessary because there was inappropriate wording on the Executive Session might invalidate the Session.

Contact: Janis Rebold, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3183.

Filed: September 9, 1988, 1:31 p.m.

TRD-8809246

East Texas State University

Thursday, September 15, 1988, 10 a.m. The Board of Regents, Academic Affairs Committee of East Texas State University met in the McDowell Administration Building, East Texas State University, Commerce. According to the agenda, the board considered communication disorders program; executive session; and academic concerns.

Contact: Charlie Brice, East Texas State University, Commerce, Texas 75428, (214) 886-5012.

Filed: September 9, 1988, 10:36 a.m.

TRD-8809237

Texas Education Agency

Tuesday, September 20, 1988, 10 a.m. The Commissioner's Advisory Council for Regional Services and the Committee for Research and Information of the Texas Education Agency will meet in Room 1-104, William B. Travis State Office Building, 1701 North Congress Avenue, Austin. According to the agenda, the council will consider the public education information management system update; review actions by the State Board of Education; and discuss of provision of computer services to school districts.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 9, 1988, 4:28 p.m.

TRD-8809274

Tuesday, September 20, 1988, 1:30 p.m. The Commissioner's Advisory Council for Regional Services and the Committee for Finance and Compliance of the Texas Education Agency will meet in Room 1-110, William B. Travis State Office Building, 1701 North Congress Avenue, Austin. According to the agenda, there will be review of actions by the State Board of Education; and discussion of issues related to the Education Service Center comprehensive plan and application.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 9, 1988, 4:26 p.m.

TRD-8809272

Tuesday, September 20, 1988, 1:30 p.m. The Commissioner's Advisory Council for Regional Services and the Committee for Educational Quality for the Texas Education Agency will meet in Room 1-104, William B. Travis State Office Building, 1701

North Congress Avenue, Austin. According to the agenda, there will be review of actions by the State Board of Education and Discussion of issues related to the provision of training services to school districts.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 9, 1988, 4:30 p.m.

TRD-8809276

Tuesday, September 20, 1988, 1:30 p.m. The Commissioner's Advisory Council for Regional Services and the Committee for Curriculum and Program for the TEA will meet in Room 3-108, William B. Travis State Office Building 1701 North Congress Avenue, Austin. According to the agenda, there will be review of actions by the State Board of Education and discussion of Texas Education Agency/Education Service Center efforts for curriculum and program development.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 9, 1988, 4:29 p.m.

TRD-8809275

Wednesday, September 21, 1988, 8:30 a.m. The Commissioner's Advisory Council for Regional Services of the Texas Education Agency will meet in Room 1-104, William B. Travis State Office Building, 1701 North Congress Avenue, Austin. According to the agenda, there will be an update of the public education information management system; review of actions by the State Board of Education; discussion of provision of computer services to school districts; discussion of issues related to the provision of training services to school districts; discussion of Texas Education Agency/Education Service Center efforts for curriculum and program development; and discussion of issues related to the Education Service Center comprehensive plan and application.

Contact: Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: September 9, 1988, 4:27 p.m.

TRD-8809273

Thursday, September 22, 1988, 10 a.m. The Accountable Costs Advisory Committee of the Texas Education Agency will meet in Room 1-110, William B. Travis State Office Building, 1701 North Congress Avenue, Austin. According to the agenda, there will be final approval of facilities report; final approval of long range plan report; discussion of minimum basic cost; and presentation of Coopers and Lybrand Consultar port.

Contact: Joe Wisnoski, 1701 North Congress Avenue, Room 3-101, William B. Travis Building, Austin, Texas 78701, (512)

463-9704.

Filed: September 9, 1988, 4:25 p.m.

TRD-8809271

State Employee Incentive Commission

Tuesday, September 20, 1988, 10 a.m. The State Employee Incentive Commission will meet in Room 107, John H. Reagan State Office Building, Austin. According to the agenda, there will be introduction of guests; approval of minutes of meeting from August 24, 1988; report on administrative activities; subcommittee report on Executive Director selection; staff report on agency coordinator orientation; and discuss new business.

Contact: S. Mitchell McCasland, P.O. Box 12428, Austin, Texas 78711, (512) 463-1778.

Filed: September 8, 1988, 3:59 p.m.

TRD-8809219

State Finance Commission

Friday, September 16, 1988, 8 a.m. The Banking Section of the State Finance Commission will meet at 2601 North Lamar Boulevard, State Banking Department, Austin. According to the agenda summary, there will be approval of minutes of July 19, 1988, meeting; consideration of proposed rule relating to the establishment of bank branches (7 TAC 3.91); discussion of policies relating to bank examination and other regulatory matters, including but not limited to enforcement action, dividends, ORE and loans; consideration of legislative agenda for next legislative session and report on Round Table discussion with industry leaders regarding issues affecting the Banking Industry of Texas; review of departmental operations; and executive session to discuss contemplated litigation and personnel matters, including discussion of outside legal counsel.

Contact: Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: September 8, 1988, 4:05 p.m.

TRD-8809220

Friday, September 16, 1988, 9 a.m. The Consumer Credit Section of the Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, there will be discussion on agency operation, personnel, and prospective legislation.

Contact: Al Endsley, 2601 North Lamar Boulevard, Austin, Texas, (512) 479-1280.

Filed: September 8, 1988, 10:12 a.m.

TRD-8809199

Friday, September 16, 1988, 10 a.m. State Banking Department of the State Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, there will be review and approval of minutes of previous meeting; reports regarding departmental operations from the Consumer Credit Department of the Savings and Loan Department and Banking Department; audit or examination activity; charter, license and change of control activity; administrative enforcement activity; personnel staffing and turnover activity; revenue and expenditure summaries; State Auditor's report; Southwest plan update; and executive session to discuss supervisory, litigation and personnel matters.

Contact: Ann Graham, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: September 8, 1988, 1:48 p.m.

TRD-8809207

Governor's Office of Budget and Planning

Tuesday, September 20, 1988, 1 p.m. The Governor's Welfare Reform Task Force of the Governor's Office of Budget and Planning will meet at the Ramada Inn, 3232 West Mockingbird Lane, Dallas. According to the agenda summary, there will be presentation on Survival Skills Training Program; development of recommendations for mentoring programs in the refocused employment services pilots; and new business.

Contact: Hazel Baylor, (512) 463-1778.

Filed: September 9, 1988, 11:15 a.m.

TRD-8809241

Texas Health and Human Services Coordinating Council

Friday, September 16, 1988, 10 a.m. The Texas Home Health Services Advisory Council of the Texas Department of Health will meet in Conference Room T-407, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda, the council will introduce new council members; approve minutes of the last meeting; elect officers; proposed home health agency regulations promulgating Senate Bill 1371, for initial license applicant's justification of history, competence and financial resources; propose home health agency regulations regarding license; discuss possible inclusion of Chiropractic in the home health licensing definition of practitioner; and hear announcements and comments without council action required.

Contact: Becky Beechinor, (512) 458-7240.

Filed: September 9, 1988, 8:40 a.m.

TRD-8809229

Friday, September 16, 1988, 1:30 p.m. The Technical Advisory Group of the Texas Health and Human Services Coordinating Council will meet in the Seventh Floor Conference Room, Sam Houston State Office Building, 201 East 14th Street, Austin. According to the agenda summary, the group will approve minutes, hear report on Texas Health and Human Services Coordinating action; review agency comments on technical advisory group report; finalize report; report on confidentiality work group; discuss future directions for Technical Advisory Group; and consider old and new business.

Contact: Greg Olsson, 311-A East 14th Street, Austin, Texas 78701, (512) 463-2195.

Filed: September 8, 1988, 2:20 p.m.

TRD-8809208

Wednesday, September 21, 1988, 9 a.m. The Children and Youth Services State Coordinating Committee of the Texas Health and Human Services Coordinating Council will meet in Room 5W Conference Room, Texas Department of Human Services, 701 West 51st Street, Austin. According to the agenda, report on Youth Committee and Council Actions, review of timelines; report of the Needs and Resources Subcommittee, discussion of implementation for policy and legislation; update on Senate Bill 298 MOU; report of the Joint Funding Subcommittee; report of the Local Level Cooperation Subcommittee, update on model pilot projects; report of the Tracking Subcommittee; update on Senate Select Committee on Juvenile Justice; discussion of Robert Wood Johnson request for proposal; old and new business.

Contact: Texas Health and Human Services Coordinating Council; 311-A East 14th Street, Austin, Texas 78751, (512) 463-2195.

Filed: September 12, 1988, 3:15 p.m.

TRD-8809315

Texas Historical Commission

Tuesday, September 22, 1988, 9:30 a.m. CHC and Museum Services Committee Meeting of the Texas Historical Commission will meet at the Texas Historical Commission Library, 1511 North Colorado, Austin. According to the agenda, there will be review of Museum Grant applications.

Contact: Kit Neumann, 1511 North Colorado, Austin, Texas 78701, (512) 463-6100.

Filed: September 9, 1988, 3:45 p.m.

TRD-8809268

Texas Housing Agency

Wednesday, September 21, 1988, 7:15 a.m. The AD HOC Tax Credit Committee of the Texas Housing Agency will meet in the THA Conference Room, Suite 300, 811 Barton Springs Road, Austin. According to the agenda summary, the committee will discuss possible action on the following: approval of July 13, 1988, minutes; 1988 applications for the low income rental housing tax credit program; 1989 applications for the low income rental housing tax credit program; and special request for the low income rental housing tax credit program.

Contact: Timothy R. Kenny, P.O. Box 13941, Austin, Texas 78704, (512) 474-2974.

Filed: September 12, 1988, 10:38 a.m.

TRD-8809299

Industrial Accident Board

Monday, September 12, 1988, 9:30 a.m. The Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the revised agenda; the board met in executive session on personnel matters, and reviewed executive director.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7960.

Filed: September 8, 1988, 4:27 p.m.

TRD-8809224

State Board of Insurance

Monday, September 19, 1988, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the Commissioner's Hearing Section will conduct a public hearing to consider Docket 10043, the application for amendment to the Articles of Incorporation of Savers Annuity Insurance Company, Hurst, affecting a change in the name and location of the company and an change in the par value of the stock.

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

Filed: September 8, 1988, 2:47 p.m.

TRD-8809214

Tuesday, September 20, 1988, 9 a.m. The Commissioners Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing to consider Docket 9999, whether disciplinary action should be taken against Joe Molinar, San Antonio, who holds a Group I, Legal Reserve Life Insurance Agent's Li-

cense, a Group II, Health and Accident Insurance Agent's license and a Local Recording Agent's license issued by the State Board of Insurance.

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

Filed: September 12, 1988, 3:20 p.m.

TRD-8809316

Wednesday, September 21, 1988, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 324, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing to consider Docket 10026-whether disciplinary action should be taken against Billy D. Johnson, doing business as Bill Johnson Insurance Agency, Garland/Dallas, 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 State Board of Insurance.

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

Filed: September 12, 1988, 3:20 p.m.

TRD-8809324

Wednesday, September 21, 1988, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing to consider Docket 10028-whether disciplinary action should be taken against Dajuana Reeves, Mesquite, who holds a Group I, Legal Reserve Life Insurance Agent's license issued by the State Board of Insurance.

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

Filed: September 12, 1988, 3:21 p.m.

TRD-8809232

Thursday, September 22, 1988, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the Commissioner's Hearing Section will conduct a public hearing to consider Docket 10042-the application of Estate Assurance Company, Metairie, Louisiana, to acquire control of Clayton Life Insurance Company, Terrell.

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

Filed: September 12, 1988, 3:21 p.m.

TRD-8809322

Thursday, September 22, 1988, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 101, John H. Reagan State Office Building, Austin. According to the agenda, the Com-

missioner's Hearing Section will conduct a public hearing to consider Docket 9994-the application of BATUS Financial Services, a Delaware Corporation, BATUS Inc., a Delaware Corporation, and B.A.T. Industries plc, a company incorporated in England, for approval to acquire control of Farmers Group, Inc., a Nevada Corporation, and its affiliates, Farmers Texas County Mutual Insurance Company, Texas Farmers Insurance Company, and Mid-Century Insurance Company of Texas, Austin.

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

Filed: September 12, 1988, 3:21 p.m.

TRD-8809321

Friday, September 23, 1988, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 324, 1110 San Jacinto Street, Austin. According to the agenda, the Commissioner's Hearing Section will conduct a public hearing to consider Docket 10023-whether disciplinary action should be taken against Marcelino Rocha, Austin, who holds a Group I, Legal Reserve Life Insurance Agent's license and a Local Recording Agent's license issued by the State Board of Insurance.

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

Filed: September 12, 1988, 3:22 p.m.

TRD-8809320

Monday, September 26, 1988, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the Commissioner's Hearing Section will conduct a public hearing to consider Docket 9991-whether disciplinary action should be taken against Judy Dianne Crocker, Houston, who holds an Escrow Officer license issued by the State Board of Insurance.

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

Filed: September 12, 1988, 3:22 p.m.

TRD-8809319

Monday, September 26, 1988, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the Commissioner's Hearing Section will conduct public hearing to consider Docket 10045-the application for amendments to the Articles of Incorporation of First of Groves Life Insurance Company, Dallas.

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

Filed: September 12, 1988, 3:22 p.m.

TRD-8809318

Monday, September 26, 1988, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the Commissioner's Hearing Section will conduct a public hearing to consider Docket 10046-the application for amendment to the restated Articles of Incorporation of International Service Insurance Company, Fort Worth, reducing the authorized capital and limiting of director's liability.

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

Filed: September 12, 1988, 3:22 p.m.

TRD-8809317

Thursday, September 29, 1988, 9:30 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, there will be a public hearing to consider possible approval or other action, under legal authority of the Insurance Code, Article 5.76, on a petition for approval of a program to depopulate the Texas Workers' Compensation Assigned Risk Pool.

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

Filed: September 8, 1988, 3:11 p.m.

TRD-8809215

Texas Juvenile Probation Commission

Friday, September 23, 1988, 10 a.m. The Board of the Texas Juvenile Probation Commission will meet at 2015 South I-H 35, Austin. According to the agenda, there will be approval of minutes of June 10, 1988; hear director's report; report on Interim Study Committees; request for letter of support to the Texas Education Agency regarding education in detention; approval of fiscal year 1988 administrative budget transfers; approval of additional authorized signatures for comptroller's office; approval of fiscal year 1989 Challenge Grants; approval of second submission of fiscal year 1990-1991 budget request; approval of the signing of the memorandum of understanding and subsequent publication in the *Texas Register*; and hear public comment. Members of the public are invited to attend this meeting and speak on any issue under the jurisdiction of the commission.

Contact: Bill Anderson, P.O. Box 13547, Austin, Texas 78711.

Filed: September 9, 1988, 8:19 a.m.

TRD-8809226

Friday, September 23, 1988, 10 a.m. The board of the Texas Juvenile Probation Com-

mission submitted a revised agenda for a meeting to be held at 2015 South IH-35, Austin. According to the revision the board will approve minutes of the June 10, 1988, meeting; hear the director's report and report on Interim Study Committees; consider request for letter of support to TEA regarding education in detention; approve fiscal year 1988 administrative budget transfers, additional authorized signatures for comptroller's office, fiscal year 1989 challenge grants, second submission of fiscal year 1990-1991 budget request, signing of the memorandum of understanding required by Senate Bill 298, and publication of it and related rules in the *Texas Register*. Members of the public are invited to attend this meeting and speak on any issue under the jurisdiction of the commission.

Contact: Bill Anderson, P.O. Box 13547, Austin, Texas 78711.

Filed: September 9, 1988, 12:30 a.m.

TRD-8809245

Lamar University System- Board of Regents

Monday, September 12, 1988, 1 p.m. The Board of Regents-Executive Committee of the Lamar University System met in emergency session in the Office of the Chancellor, John Gray Institute, 855 Florida, Beaumont. According to the agenda, the board met in executive session, held under provisions of Vernon's Civil Statutes, Article 6252-17, §2, paragraphs (e), legal: (f), real estate; and (g), personnel. The emergency status was necessary to discuss a personnel matter that could not wait until next regularly scheduled meeting of the Board of Regents in October.

Contact: George McLaughlin, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: September 12, 1988, 10:46 a.m.

TRD-8809300

Texas Board of Land Surveying

Thursday-Saturday, September 22-24, 1988, 9:30 a.m., 8 a.m., and 8:30 a.m., respectively. The Fourth Called Meeting of the Texas Board of Land Surveying will meet in Suite 304, 7703 North Lamar Boulevard, Austin. According to the agenda, the board will approve minutes of the previous meeting; hear committee reports; finalize the October 1988, examination; discuss correspondence; and discuss proposed changes to the Land Surveying Practices Act.

Contact: Betty J. Pope, 7703 North Lamar Boulevard, Suite 304, Austin, Texas 78752, (512) 452-9427.

Filed: September 8, 1988, 11:09 a.m.

TRD-8809205

Legislative Budget Board

September 30, 1988, 9 a.m. The Legislative Budget Board will meet in Room 310, State Capitol Building, Austin. According to the agenda summary, the Legislative Budget Board will hold a public hearing to solicit testimony regarding the proposed items of information and the methodology used in making the calculations for the limitation on the rate of growth of appropriations in the 1990-1991 biennium from state tax revenues not dedicated by the Texas Constitution; the limitation is authorized by the Texas Constitution Article VIII, §22; the procedure for setting the limitation is set forth in the Texas Government Code, §316; and the hearing is required by §316.004.

Contact: Homer Scace, Room 207-A, State Capitol, Austin, Texas 78701, (512) 463-1166.

Filed: September 9, 1988, 11:33 a.m.

TRD-8809244

Lay Midwifery Board

Friday, September 16, 1988, 10 a.m. The Lay Midwifery Board will meet in Conference Room T-803, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the board will consider the minutes of last meeting; review old business including updates on courses; renominate board members; propose amendments to lay midwifery bill; report to legislature regarding law midwifery bill; and set the date of the next meeting.

Contact: Joceline Alexander, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700.

Filed: September 8, 1988, 2:01 p.m.

TRD-8809210

Pan American University

Wednesday, September 14, 1988, 10 a.m. The Board of Regents of the Pan American University met in the University of Texas Systems Office, 601 Colorado Street, Austin. According to the agenda, the Regents visited the University of Texas at Austin, Systems Office, and met with regents and administrators to discuss Pan American University's relationship with the U.T. System.

Contact: Miguel A. Nevarez, Pan American University

Filed: September 9, 1988, 10:08 a.m.

TRD-8809234

Board of Pardons and Paroles

Monday, September 19, 1988, 10 a.m. The Board of Pardons and Paroles will meet to discuss potential litigation.

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

Filed: September 9, 1988, 4:19 p.m.

TRD-8809270

Monday-Friday, September 19-23, 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: September 9, 1988, 10:33 a.m.

TRD-8809239

Tuesday, September 20, 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: September 9, 1988, 10:33 a.m.

TRD-8809238

Texas Parks and Wildlife Department

Friday, September 16, 1988, 11 a.m. The Texas Parks and Wildlife Commission will meet in Complex "B", Parks and Wildlife Headquarters, 4200 Smith School Road, Austin. According to the agenda summary, the commission will reconsider Late Season Migratory Game Bird Proclamation, 1988-1989.

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

Filed: September 8, 1988, 2:21 p.m.

TRD-8809209

Texas State Board of Public Accountancy

Tuesday, September 20, 1988, 9 a.m. The Panel Hearing of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, there will be a hearing on complaint 88-01-33L.

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

Filed: September 8, 1988, 11:10 a.m.

TRD-8809203

Tuesday, September 20, 1988, 1 p.m. The Panel Hearing of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, there will be a hearing on complaint 85-09-18L.

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

Filed: September 8, 1988, 11:10 a.m.

TRD-8809202

Tuesday, September 20, 1988, 1:30 p.m. The Executive Committee of the Texas Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, there will be review of personnel matters; review of NASBA/AICPA matters; NASBA annual meeting, September 25-28, 1988, San Francisco, California; NASBA Board of Directors Bulletin; NASBA request for volunteers to serve as liaison between state board and federal agencies; AICPA agreement with Federal Trade Commission, discussion of status of computer purchase; review of Board's financial matters; discussion of financial status and year-end purchases; review of the status of the fiscal 1990-1991 appropriation request; discussion of funding amounts to be included in the fiscal 1989 operating budget; status of request for clarification of Attorney General's Letter Opinion LO-88-68; review of proposed changes to the Uniform CPA Examination review of proposed amendments to the Act; discussion of implementation/cost of schedule of major board projects; discussion of request for opinion on the confidentiality of board records; and other matters coming before the committee.

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

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

TRD-8809281

Wednesday, September 21, 1988, 9:30 a.m. The Panel Hearing of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, there will be a hearing on complaints 86-12-06L, 86-12-08L, 87-01-

12L, 87-07-57L, and 87-07-63L.

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

Filed: September 8, 1988, 2:01 p.m.

TRD-8809211

Thursday, September 22, 1988, 9:30 a.m. The Panel Hearing of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, there will be a hearing on complaints 87-08-13L and 84-11-18L.

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

Filed: September 8, 1988, 11:10 a.m.

TRD-8809201

Tuesday, September 27, 1988, 9:30 a.m. The board will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the board will hear complaints 86-06-27L and 86-08-03L.

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

Filed: September 13, 1988, 9:13 a.m.

TRD-8809396

Public Utility Commission of Texas

The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Wednesday, September 21, 1988, 9 a.m. The Hearings Division will consider Docket 8328-Petition of West Texas Utilities Company for order to increase fixed fuel factors.

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

Filed: September 9, 1988, 2:58 p.m.

TRD-8809266

Thursday, September 22, 1988, 2 p.m. The Hearings Division will hold a prehearing conference for Docket 8329-Application of Gulf States Utilities Company for approval of an Amendment to Schedule SUS.

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

Filed: September 12, 1988, 3:19 p.m.

TRD-8809325

Monday, October 3, 1988, 10 a.m. The Hearings Division will consider Docket 6609-Request of the Colony for extended area service to the Dallas Metro calling area.

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

Filed: September 8, 1988, 3:25 p.m.

TRD-8809217

Texas Racing Commission

Monday, September 12, 1988, 10:30 a.m. The Texas Racing Commission met in the Third Floor Auditorium, First State Bank Building, 400 West 15th Street, Austin. According to the agenda, the commission submitted an emergency revised agenda. Revisions to agenda are as follows: Discuss Chapter 305, licenses for pari-mutuel racing; voted to adopt Chapter 305 as an emergency rule; voted on the proposed timeline, discussion of proposal to publish notice of beginning of application period in the *Texas Register*, voted on proposal to publish the notice; discussed resolution requesting that each person who intends to submit an application for a license to operate a racetrack with pari-mutuel wagering submit a Letter of Intent to the Texas Racing Commission; and voted on the resolution. The emergency status was necessary to expedite the State's receipt of revenue from pari-mutuel racing. Emergency rules and a letter of intent are needed to begin the application process.

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

Filed: September 9, 1988, 8:20 a.m.

TRD-8809227

Railroad Commission of Texas

Monday, September 19, 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.

Contact: Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7777.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809256

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 12970, Austin, Texas 78711, (512) 463-7251.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809255

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors.

Contact: C. Tom Clowe, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809252

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 12970, Austin, Texas 78711, (512) 463-7087.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809260

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: Vicki Dimego, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809263

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 12970, Austin, Texas 78753, (512) 463-7010.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809253

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

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809254

The Legal Division will consider and act on the Legal Division's report on division administration, budget, procedures, and personnel matters; proposed and pending litigation, including but not limited to discus-

sion and/or action on the following: FERC Orders 500, 500 A-C, and related litigation in the D.C., Fifth, Third, and Seventh Circuits.

Contact: G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809250

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters; and consider final adoption of 16 TAC §13.84 pertaining to insurance requirements for persons licensed by the Compressed Natural Gas Section of the commission and consideration of final adoption of 16 TAC §9.24 pertaining to insurance requirements for LP Gas dealers licensed by the state.

Contact: Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809264

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: Andy Taylor, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6924.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809262

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 12970, Austin, Texas 78711, (512) 463-7055.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809251

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 12970, Austin, Texas 78711, (512) 463-6981.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809259

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 12970, Austin, Texas 78711, (512) 463-6976.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809258

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 12970, Austin, Texas 78711, (512) 463-6900.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809261

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: G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

Filed: September 9, 1988, 2:11 p.m.

TRD-8809257

Tuesday, September 20, 1988, 9 a.m. The Oil and Gas Division submitted a revised agenda for a meeting to be held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division will hear an oral argument on Docket 103,823-Bass Enterprises Prod. Company Rule 37, M.H. Goode Est. Lease, Well 18-1, Brown-Bassett (Ellenburger) Field, Terrel County.

Contact: Walter Davis, P.O. Box 12967, Austin, Texas 7871, (512) 463-6921.

Filed: September 9, 1988, 2:26 p.m.

TRD-8809265

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**Special Task Force on Rural
Health Care Delivery in
Texas**

Thursday, September 15, 1988, 9:30 a.m. The Special Task Force on Rural Health Care Delivery in Texas met in an emergency session in the Old Supreme Court Room, in the State Capitol Building, Austin. According to the agenda, the task force heard public testimony; and consid-

ered written presentations. This was the last in a series of statewide hearings. The emergency status was necessary because a date suiting the schedules of the task force members was not finalized until recently.

Contact: Sam Gorena, P.O. Box 13206, Austin, Texas 78711, (512) 463-0809.

Filed: September 9, 1988, 8:58 a.m.

TRD-8809232

Texas Savings and Loan Department

Friday, September 16, 1988, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the purpose of this meeting is to ratify the appointment of Mr. John McClung as Deputy Commissioner. In addition, the department will consider proposed rule amendments as indicated on the complete agenda, as well as proposed new rules. An executive session in regard to personnel matters, supervisory matters and pending litigation will be included.

Contact: Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas, (512) 479-1250.

Filed: September 8, 1988, 1:36 p.m.

TRD-8809206

School Land Board

Tuesday, September 20, 1988, 10 a.m. The School Land Board will meet in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will approve minutes of the previous meeting; consider pooling applications, applications for lease suspensions, amendment to highway right-of-way lease, excess acreage policies, asset management policy statement on upgrading the permanent school fund inventory, applications to drill directional wells from a surface location to federal lease in Matagorda County, policy regarding oil royalties due under state lease, coastal public lands-commercial lease applications, commercial lease application renewals, cabin permit renewals, waste and garbage disposal rules, amendment to marina channel rule, good faith claimant applications, and sale of in-kind oil.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5016.

Filed: September 12, 1988, 4:21 p.m.

TRD-8809331

State Securities Board

Monday, September 19, 1988, 9:30 a.m.

The Board of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will consider minutes of May 24, 1988, board meeting; published proposals re: §§131, 137, and 139; budgetary and legislative matters; initiatives for increasing public awareness of possible fraud; 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: September 9, 1988, 1:50.

TRD-8809247

Texas Senate

Friday, September 23, 1988, 8:30 a.m. The Deceptive Trade Practices Act Interim Committee of the Texas Senate will meet in the Capitol Building, Second Floor, Senate Chamber, Austin. According to the agenda summary, the committee will approve minutes of the previous meeting; consider testimony relating to DTPA and the 1987 tort reform law, applicability of the DTPA to business consumers, and miscellaneous issues.

Contact: David Wingard, Room G-38D, Capitol Building, Austin, Texas, (512) 463-0380.

Filed: September 12, 1988, 4:07 p.m.

TRD-8809327

Select Committee on Tax Equity

Thursday, September 22, 1988, 9 a.m. The Select Committee on Tax Equity will meet in the Senate Chamber, State Capitol, Austin. According to the agenda, the committee reviewed a revised version of the committee's statement on the current state and local tax system and will hear reports from individual work groups formed at the August meeting to review the various options before the committee.

Contact: Billy Hamilton, P.O. Box 12666, Austin, Texas 78711, (512) 463-1238.

Filed: September 12, 1988, 4:45 p.m.

TRD-8809334

Tuesday, October 11, 1988, 9 a.m. The committee will meet in Room 101, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will discuss continuation of the income tax and lottery work group.

Contact: Billy Hamilton, P.O. Box 12666,

Austin, Texas (512) 463-1238.

Filed: September 12, 1988, 4:45 p.m.

TRD-8809335

Thursday, October 20, 1988, 2 p.m. The committee will meet in Room 105, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the committee will consider continuation of the income tax and lottery work group.

Contact: Billy Hamilton, P.O. Box 12666, Austin, Texas (512) 463-1238.

Filed: September 12, 1988, 4:46 p.m.

TRD-8809336

Board of Tax Professional Examiners

Monday, September 26, 1988, 2:30 p.m. The Board of Tax Professional Examiners will meet in the Pancho Villa Room, Westin Hotel, El Paso. According to the agenda summary, the first order of business will be approval of minutes for June 22, 1988; action items include certification and recertification of qualified registrants, request for course be used as elective and CEU's action on complaint-decision to hear case, and Board policy in regards to repeated exam failures; discussion items include budget and fee schedule planning, response to August enforcement letters, State Property Tax Board proposal to combine 235 and 130 course, fiscal year 1988 statistical summary, and five year statistical program summary; information items include second fiscal year 1990-1991 budget submission and fiscal year 1999 SPTB contract, recommendations of State Government Study Committee and Sunset Commission, and BTPE planning calendar Executive Session (if called).

Contact: Sam H. Smith, P.O. Box 15920, Austin, Texas, (512) 834-4982.

Filed: September 9, 1988, 1:53 p.m.

TRD-8809249

Teacher Retirement System of Texas

Friday, September 16, 1988, 10 a.m. The Board of Trustees of the Teacher Retirement System of Texas will meet in the Board Room, 1001 Trinity, Austin. According to the agenda summary, there will be a report of Committee to nominate officers; approval of minutes; review of investments for quarter and year August 31, 1988; review of discussion and recommendations at IAC meeting; consideration of resolution authorizing certain Teacher Retirement System staff members to sign documents relating to investments of the Teacher Retirement Fund and for the Texas Public School Retired Employee Group Health Insurance Program; report from Executive Secretary;

report of General Counsel concerning litigation and other legal matters; certification of estimate of state contributions for the 1990-1991 biennium 10; certification of estimate of state contributions for the Retired School Employees Group Insurance Fund for the 1990-1991 biennium; report of Member Benefits Division; and executive session to discuss personnel.

Contact: Mary Godzik, 1001 Trinity, Austin, Texas 78701, (512) 397-6400.

Filed: September 8, 1988, 4:01 p.m.

TRD-8809223

Texas State Technical Institute

Wednesday, September 14, 1988, 10 a.m. The Board of Regents Executive Committee of the Texas State Technical Institute met by conference call placed from the Board of Regents Room at Texas State Technical Institute Systems Office. According to the agenda, the board discussed of purchase of Chancellor's home; reviewed Engineering report; evaluated appraisals; considered location; met in executive session to discuss the negotiation for the purchase; reconvened to open meeting; authorized attorney to make an offer, bind the Board of Regents by the execution of an earnest money contract, and to prepare a lease/purchase agreement; and ratified execution of Deed of Trust and/or note.

Contact: Murray Watson, Jr., 2600 Washington Avenue, Waco, Texas 76710, (817) 753-0913.

Filed: September 12, 1988, 9:01 a.m.

TRD-8809284

Texas Southern University

Thursday, September 22, 1988, 9 a.m. The Finance Committee Meeting of Texas Southern University will meet in Room 117, Hannah Hall Board Conference Room, Texas Southern University, Houston. According to the agenda, the meeting is to consider administration's response to the management letter for the state auditor; revision of the 1989 fiscal year education general and auxiliary budget; investments; and budgets for restricted and/or grants and projects funds.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 12, 1988, 1:45 p.m.

TRD-8809307

Texas Water Commission

The Texas Water Commission will meet at

Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Tuesday, September 20, 1988, 9 a.m. The Commission will meet in Room 118, Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider bond issues; escrow releases; standby charges; rate increases; certificates of convenience and necessity; proposed permits; amendments; renewals; minor amendments; water use permits; temporary water use permits; amendments to water use permits; a motion for rehearing on a proposed permit; and a motion for rehearing for review of wholesale water rates.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

Filed: September 9, 1988, 4 p.m.

TRD-8809269

Thursday, October 27, 1988, 10 a.m. The Office of Hearings Examiner will meet in the Arts and Crafts Room, 3523 Liberty Drive, Pearland. According to the agenda summary, the office will consider application of Brazoria County Municipal Utility District, 2, c/o Paul A. Philbin and Associates, P.C., 6363 Woodway, Suite 725, Houston, Texas 77057 for renewal of Permit 12705-01 which authorizes a discharge of treated domestic wastewater effluent data volume not to exceed an average flow of 100,000 gallons per day from the wastewater treatment facilities which are located approximately 3,800 feet south of FM Road 3334 and approximately 1.9 miles east of State Highway 288 in Brazoria County. The permit authorizes the effluent to be discharged into Mary's Creek and thence to Clear Creek in Segment 1102 of the San Jacinto-Brazos Coastal Basin.

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

Filed: September 12, 1988, 4:09 p.m.

TRD-8809328

Tuesday, November 1, 1988, 9 a.m. The commission will meet in Room 118, to consider application by C. A. Owen, Jr. and wife, Chloe Edwards Owen, application 5190, for an 11.121 permit to authorize diversion of not to exceed 200 acre-feet of water per annum from the Colorado River, Colorado River Basin, to irrigate 100 acres out of a 316.28 acres of land in Travis County, about 15 miles east of Austin. Water is to be diverted at a rate of 2.67 cfs (1200 gpm), on the left, or east, bank of the Colorado River, south 75 degrees 30 feet west, 9050 feet from the southeast corner of the Matthew Duty Survey.

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

Filed: September 8, 1988, 4:11 p.m.

TRD-8809221

Tuesday, November 8, 1988, 9 a.m. The commission will meet in Room 118, to consider application by Paktank Corporation-Deer Park Terminal for an 11.121 permit to divert and use not to exceed 100 acre-feet of water per annum directly from Buffalo Bayou (Houston Ship Channel), tributary of San Jacinto River, San Jacinto River Basin, Harris County, for industrial use in a bulk liquid storage terminal northeast of Deer Park and approximately 16.25 miles southeast of the Harris County Courthouse in Houston.

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

Filed: September 8, 1988, 4:11 p.m.

TRD-8809222

Tuesday, November 29, 1988, 9 a.m. The commission will meet in Room 118, to consider notice of application by Rockett Water Supply Corporation, Application 5174 for an 11.121 permit to impound 21,558 acre-feet of water in a proposed reservoir to be created by a dam on Red Oak Creek, tributary of the Trinity River, Trinity River Basin, and to divert and use not to exceed 4,646 acre feet of water from the reservoir for municipal purposes in the applicant's service area. The reservoir will be used for recreational purposes, approximately 10 miles northeast of Waxahachie, Ellis County.

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

Filed: September 12, 1988, 4:18 p.m.

TRD-8809330

Regional Meetings

Meetings Filed September 8, 1988

The Burnet County Appraisal District, Board of Directors, met at 215 South Pierce, Burnet, on September 12, 1988, at 6:30 p.m. Information may be obtained from Amy Srader, 215 South Pierce, Burnet, Texas 78611, (512) 756-8291.

The Dallas Area Rapid Transit, Citizen Attitudinal Survey Committee, met at 601 Pacific Avenue, Dallas, on September 9, 1988, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District, Board of Directors, met at Suite 500, 1420 West Mockingbird Lane, Dallas, on September 13, 1988, at 7:30 a. m. Information may be obtained from Rick L. Kuehler, (214) 631-0520.

The Denton Central Appraisal District,

Board of Directors, met at 3911 Morse Street, Denton, on September 15, 1988, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904.

The Golden Crescent Service Delivery Area, Private Industry Council, Inc., met at 1301 East Rio Grande, Victoria, on September 14, 1988, at 6:30 p.m. Information may be obtained from Cleva Schoener, P.O. Box 2149, Victoria, Texas 77902, (512) 578-0341.

The Hockley County Appraisal District, Board of Directors, met at 1103-C Houston Street, Levelland, on September 12, 1988, at 7 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, will meet at 710 East Main Street, Robstown, on September 20, 1988, at 2 p.m. Information may be obtained from Joan D. Rumfield, 710 East Main Street, Robstown, Texas 78380, (512) 387-4116.

The Wood County Appraisal District, Board of Directors, met in the Conference Room, 217 North Main, Wood County, Quitman, on September 15, 1988, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-8809200

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Meetings Filed September 9, 1988

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson Avenue, Jourdanton, on September 15, 1988, 1:30 p.m. Information may be obtained from Vernon A. Warren, (512) 769-2730.

The Barton Springs-Edwards Aquifer Conservation District, Board of Directors, met in Suite F, 909 North Loop 4, Buda, on September 12, 1988, at 7 p. m. Information may be obtained from Ralph Roming, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441.

TRD-8809234

The Bexar Appraisal District, The Appraisal Review Board, will meet at 535 South Main, San Antonio, on September 16, 1988, at 9 a.m. Information may be obtained from the Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Bosque County Appraisal District, The Appraisal Review Board, met at Bosque County Appraisal District Office, 104 West Morgan, Meridian, on September 14 and 16, 1988, at 9 a.m. Information may be obtained from Billye McGehee, P.O. Box 393, Meridian, Texas 76665, (817) 435-2305.

The Central Tax Authority of Taylor County, Board of Directors, met at 340 Hickory Street, Abilene, on September 14, 1988, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381.

The Edwards Underground Water District, Conservation Committee, met at 1615 North St. Mary's, San Antonio, September 13, 1988, at 11 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, (512) 222-2204.

TRD-8809234

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Meetings Filed September 12, 1988

The Austin-Travis County MHRM Center, Operation and Planning Committee, will meet at 611 South Congress Avenue, Austin, on September 16, 1988, at 7:30 a.m. Information may be obtained from Sharon Taylor, (512) 447-4141.

The Bexar Appraisal District, Board of Directors, will meet at 535 South Main, San Antonio, on September 19, 1988, at 5 p.m. Information may be obtained from Bexar Appraisal District, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brazos River Authority, Lake Management Committee, will meet at the Lake Supervisor's Office, Possum Kingdom Lake, on September 22, 1988, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 78714-7555, (817) 776-1441.

The Central Appraisal District of Johnson County, Board of Directors, met at 109 North Main, Cleburne, on September 15, 1988, at 4:30 p.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

The Central Texas Council of Governments, The Central Texas Private Industry Council will meet at 302 East Central, Belton, on September 22, 1988, at 10 a.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas, (817) 939-3771.

The Central Texas Council of Governments, Executive Committee Meeting, will meet at 302 East Central, Belton, on September 22, 1988, at 12:45 p.m. Information may be obtained from A. C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Central Appraisal District, Appraisal Review Board will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on September 23, 1988, at 10 a.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Dallas, Texas 75247, (214) 631-0520.

The Deep East Texas Council of Governments, Board of Directors, will meet at the

Woodville Inn, on September 22, 1988, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Dewitt County Appraisal District, Board of Directors, will meet at Dewitt County Appraisal District Office, 103 Bailey Street, Cuero, on September 20, 1988, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

The East Texas Council of Governments, Board of Directors, met in the Henderson High School Cafeteria, Henderson, on September 15, 1988, at 7:30 p. m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Henderson, Texas, (214) 984-8641.

The Gonzales County Appraisal District, Board of Directors, met at 928 St. Paul Street, Gonzales, on September 15, 1988, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Grand Parkway Association, Grand Parkway Association met in 140 East Wing, 5757 Woodway, Houston, on September 14, 1988, at 8:15 a.m. Information may be obtained from Larry W. Nettles, 2823 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 654-4586.

The Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, on September 15, 1988, at 5 p.m. Information may be obtained from W. Pat Bagley, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hunt County Tax Appraisal District, Appraisal Review Board, met in the Boardroom, 4801 King Street, Greenville, on September 15, 1988, at 9 a.m. Information may be obtained from Joe P. Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lamb County Appraisal District, Board of Directors, will meet in the Board Meeting Room, 330 Phelps Avenue, Littlefield, on September 20, 1988, at 8 p.m. Information may be obtained from Murlene J. Godfrey, P.O. Box 552, 330 Phelps Avenue, Littlefield, Texas 79339-0552, (806) 385-6474.

The Lavaca County Central Appraisal District, Appraisal Review Board will meet at the Lavaca County Central Appraisal District, 113 North Main, Hallettsville, on September 20, 1988, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Lower Colorado River Authority, Finance and Administration met at 3700 Lake Austin Boulevard, Austin, on September 15, 1988, at 2:20 p.m. Information may be obtained from Thomas G. Mason, 3700 Lake Austin Boulevard, Austin, Texas 78703.

The Lower Neches Valley Authority,

Board of Directors, will meet at the Lower Neches Valley Authority Office Building, 7850 Eastex Freeway, Beaumont, on September 20, 1988, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011.

The Mason County Appraisal District, will meet at 206 Fort McKavitt Street, Mason, on September 21, 1988, at 7 p.m. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

The North Texas Municipal Water District, Board of Directors, will meet at the Administrative Offices, 505 East Brown Street, Wylie, on September 22, 1988, at 4 p.m. Information may be obtained from Carl W. Riehn, 505 East Brown Street, Wylie, Texas, (214) 442-5405.

The Parmer County Appraisal District, Board of Directors, will meet at 305 Third Street, Bovina, on October 13, 1988, at 8 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Rio Grande Council of Governments, Board of Directors, will meet in the Boardroom, Marriott Hotel, 1600 Airway Boulevard, El Paso, on September 23, 1988,

at 10 a.m. The full council will meet at the same location in Salon E, at 11:30 a.m. Information may be obtained from Cecile C. Gamez, 123 Pioneer Plaza, Suite 210, El Paso, Texas 79901, (915) 533-0998.

The San Antonio River Authority, Audit Review Committee will meet at SARA General Offices, 100 East Guenther Street, San Antonio, on September 21, 1988, at 1 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The San Antonio River Authority, Board of Directors, and Board of Directors will meet at SARA General Offices, 100 East Guenther Street, San Antonio, on September 21, 1988, at 2 p.m., respectively. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The Tyler County Appraisal District, Appraisal Review Board, met at 806 West Bluff, Woodville, on September 15, 1988, at 1 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Tyler County Appraisal District, Appraisal Review Board, will meet at 806 West Bluff, Woodville, on September 16,

1988, at 1 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upper Leon River Municipal Water District, Board of Directors, will meet at the General Office of the filter plant, Proctor Lake, on September 22, 1988, at 6:30 p.m. Information may be obtained from Upper Leon River Municipal Water District, P.O. Box 67, Comanche, Texas 76442.

The Wise County Appraisal District, Board of Directors, will meet in the Boardroom, 206 South State, Decatur, on October 5, 1988, at 7 p.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, extension 70.

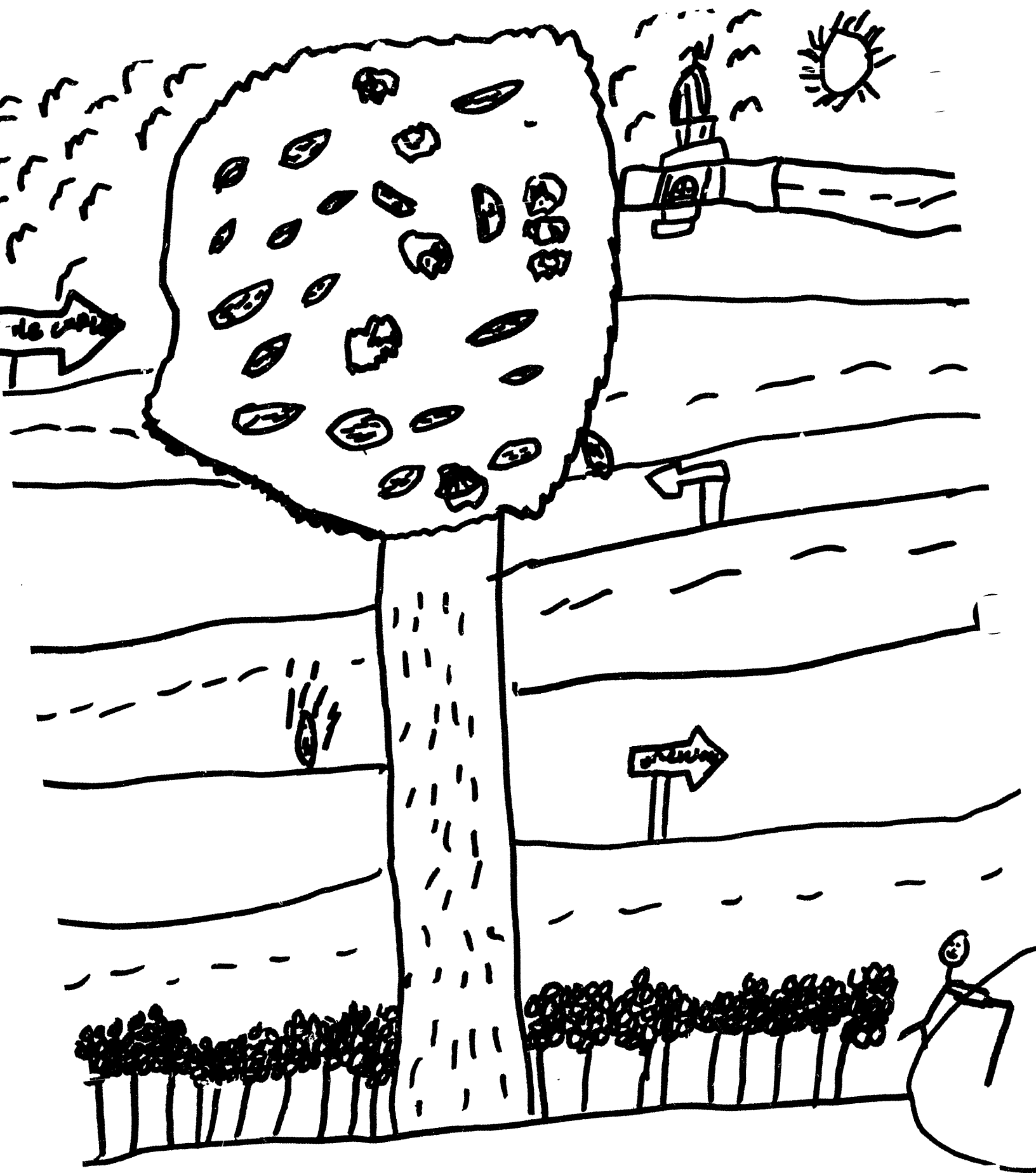
TRD-8809280

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Meeting Filed September 13,
1988

The Capital Area Planning Council, General Assembly, will meet at the Wyndham Southpark Hotel, IH-35 South at Ben White, Austin, on September 20, 1988, at 11:30 a.m. Information may be obtained from Manuel Fernandez, (512) 443-7653.

TRD-8809338

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Name: Paul Tran
Grade: 3
School: O'Henry Elementary, Richardson

In Addition

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

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

Texas Aeronautics Commission Consultant Contract Award

The award of consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultant proposal request was published in the *Texas Register* on January 8, 1988, (13 TexReg 202).

This study will identify obstructions in the approaches to 436 runway ends at 130 airports in Texas by taking photographs from three different positions at each runway end. Latitude/longitude and elevation (MSL) of the runway ends will also be determined. The consultant for this study is: Aviation Alliance, Inc., 101 Timberline North, Colleyville, Texas 76034. The total value of the contract is \$654,000. The beginning and ending dates of the contract are September 1, 1988, and August 31, 1992, respectively.

Individual booklets documenting the status of the approaches will be prepared for each airport. The number of booklets completed each month will be submitted to the Texas Aeronautics Commission for review. No firm due dates for individual booklets have been established. All booklets must be completed by August 31, 1992.

Issued in Austin, Texas on September 7, 1988.

TRD-8809204 Lydia Scarborough
Chief, Support Services
Texas Aeronautics Commission

Filed: September 8, 1988

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



Ark-Tex Council of Governments Request for Proposals

The Ark-Tex Council of Governments (ATCOG) with support from the Job Training Partnership Act (JTPA) hereby solicits proposals for on-the-job training to developmentally disabled individuals in the North East Texas Service Delivery Area (NETSDA). The NETSDA includes Bowie, Cass, Delta, Franklin, Hopkins, Lamar, Morris, Red River, and Titus Counties. ATCOG operates the JTPA program on behalf of the Ark-Tex Private Industry Council and under contract to the Texas Department of Commerce.

The project's scope of work and selection process are as follows. The offeror shall perform, as directed by ATCOG, all of the necessary services required to serve developmentally disabled individuals. The program shall begin on or before November 1, 1988, and terminate no later than June 30, 1989; however, the training may be extended depending upon the availability of FY 1989 funds, and number of participants served and placed in unsubsidized employment.

The proposal must include sufficient information for the selection committee to evaluate all proposals as follows. Qualifications must include qualifications of the service

provider. Technical competence/experience must include information indicating specialized experience and technical competence of the offeror and its personnel as related to the services required. Information regarding previous training experience, previous demonstrated program effectiveness, as well as percentage of previous enrollees placed into unsubsidized employment should be provided if available. Capacity for performance (work force) must identify the number and title of staff to be assigned responsibility for services under this program and their availability relative to current workload. Estimated costs must set out cost and pricing data which identifies the maximum fees to be charged for the various tasks to be provided, including proposed total cost per participant trained. A line item budget should be included. Methodology must set out a detailed course description indicating methods and schedule for accomplishing each phase of training as applicable. Financial accountability must include a copy of offeror's most recent audit and an updated balance sheet.

Proposed evaluation review factors include the following description and maximum points: qualifications-20 points; technical competency/experience-30 points; capacity for performance (work force)-20 points; estimated costs-10 points; methodology-10 points; financial accountability-10 points.

Proposals will be reviewed and evaluated by ATCOG and ATPIC using the above evaluation review factors and statement of work. ATPIC will assign points to each criterion based on the content of the proposal only.

The contract type may be a performance based or cost reimbursement depending on the nature of the services to be provided.

Selections or awards will be based upon the qualifications of offerors submitting proposals, their experience with JTPA or related programs, the above evaluation, and the cost identified. ATCOG retains the right to decline one or all proposals, depending upon what is in the best interest of ATCOG and JTPA. All respondents will be required to make a brief presentation concerning their proposal at a specified time and place designated by ATCOG. Failure to provide such a presentation may be grounds for declining the proposals involved.

Proposals are to be received no later than 5 p.m., September 30, 1988, at Ark-Tex Council of Governments, P.O. Box 5307, Building A, Centre West, 911 Loop 151, Texarkana, Texas 75501, in accordance with this request for proposal.

Questions concerning this request for proposal should be addressed to Ermer Pondexter, ATCOG, (214) 832-8636.

Issued in Texarkana, Texas on September 6, 1988.

TRD-8809297 James D. Goerke
Executive Director
Ark-Tex Council of Governments

Filed: September 12, 1988

For further information, please call (214) 832-8636

Texas Department of Commerce Announcement of Contract Awards

The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for special impact funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

Washington County—\$124,000; Fort Bend County—\$300,000; Val Verde County—\$172,000; and Cameron County—\$213,340.

A contract is not effective until executed by the unit of general local government and the executive director of commerce.

Issued in Austin, Texas on September 6, 1988.

TRD-8809176 J.W. Lauderback
Executive Director
Texas Department of Commerce

Filed: September 7, 1988

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



The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for Community Development Funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

A contract is not effective until executed by the unit of general local government and the executive director of Commerce.

Ames— \$83,380; Archer City— \$57,697; Caddo Mills— \$200,000; Dawson— \$183, 000; Edgewood— \$162,110; Fort Stockton— \$184,143; Godley— \$121,330; Grandview— \$143,949; Hardin County— \$293,244; Hutchins— \$242,946; Italy— \$243,400; Jefferson County— \$300,000; Kemp— \$300,000; Kerens— \$300,000; LaJoya— \$119,107; LaWard— \$140,372; Lott— \$266,202; Marlin— \$274,137; Mexia— \$222,000; Milford— \$279,910; Morgan— \$290,000; Palestine— \$76,571; Roaring Springs— \$90,215; Seagoville— \$209,645; Silsbee— \$300,000; Socorro— \$288,629; Sweetwater— \$172,311; Terrell— \$300,000; Titus County— \$258,312; Vidor— \$52,671; and Wilmer— \$254,500.

Issued in Austin, Texas on September 6, 1988.

TRD-8809175 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed: September 7, 1988

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



The Texas Department of Commerce announces that the units of general local government listed as follows have been selected as contract recipients for Texas Capital Funds under the Texas Community Development Program established pursuant to Texas Civil Statutes, Article 4413 (301).

Giddings— \$278,400; Willis— \$491,615; Gatesville— \$290,600; Cherokee County— \$181,000; Cleburne— \$500,000; Malakoff— \$167,640; Sweetwater— \$341,000; Venus— \$500,000; Waxahachie— \$500,000; and Haskell County— \$98,000.

A contract is not effective until executed by the unit of general local government and the executive director of Commerce.

Issued in Austin, Texas on September 6, 1988.

TRD-8809174 J. W. Lauderback
Executive Director
Texas Department of Commerce

Filed: September 7, 1988

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



Texas Education Agency Request for Contractor Continuance

Filed in accordance with Texas Civil Statutes, Article 6252-11c, the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Department of Commerce will award a contract from November 1, 1988-June 30, 1989, for the purpose of evaluating three new regional planning projects will be conducted from November 1, 1988-June 30, 1989. Evaluation of currently operating regional planning projects is being provided by Decision Information Resources, Inc., of Houston. It is the intent of the three state agencies to contract with Decision Information Resources, Inc., in the amount of \$25,000 to evaluate the new regional planning projects unless a better offer is received by October 14, 1988.

Contact. Specifications for evaluating the new planning projects may be reviewed in the Division of Program Planning, Texas Education Agency. For additional information, contact the Division of Program Planning, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9512.

Issued in Austin, Texas on September 9, 1988.

TRD-8809277 W. N. Kirby
Commissioner of Education

Filed: September 9, 1988

For further information, please call (512) 463-9032



Texas Department of Health Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Dallas	Kenneth Driggs, M.D.	L04104	Dallas	0	08/18/88
Pampa	Hoechst Celanese	L04210	Pampa	0	08/10/88
San Angelo	Angelo Clinic Association	L04216	San Angelo	0	08/12/88
San Antonio	Oilfield Equipment Marketing Inc.	L04228	San Antonio	0	08/23/88
Throughout Texas	Capitan Corporation	L04211	Odessa	0	08/10/88
Throughout Texas	J. L. Spears, Inc.	L04220	Sherman	0	08/10/88
Throughout Texas	Austin Paving Company	L04224	Fort Worth	0	08/23/88
Wadsworth	Houston Lighting and Power Company	L04222	Wadsworth	0	08/15/88

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Austin	Syncor International Corporation	L02117	Austin	42	08/17/88
Carlos	Texas Municipal Power Agency	L02913	Bryan	10	08/29/88
College Station	Texas A & M University	L00448	College Station	62	08/18/88
College Station	Humana Hospital-Brazos Valley	L02559	College Station	10	08/17/88
Cypress	Halliburton Company	L03489	Duncan, Oklahoma	6	08/18/88
El Paso	MPI Professional Service Centers, Inc.	L03954	El Paso	9	08/24/88
Evadale	Temple-Eastex, Inc.	L01095	Silsbee	32	08/23/88
Fort Worth	Texas Christian University	L01096	Fort Worth	20	08/23/88
Friendswood	Iso-Tex Diagnostics, Inc.	L02999	Friendswood	13	08/24/88
Galveston	Saint Mary's Hospital	L00138	Galveston	29	08/17/88
Giddings	Gulf and Western Oil Corporation	L03972	San Antonio	2	08/23/88
Houston	Mosher Steel Company	L01539	Houston	19	08/15/88
Houston	Baylor College of Medicine	L00680	Houston	28	08/18/88
Houston	The Methodist Hospital	L00457	Houston	56	08/23/88
Houston	Syncor International Corporation	L01911	Houston	68	08/23/88
Houston	IMAGENTS, Inc.	L04107	Houston	4	08/23/88
Lubbock	South Park Medical Center	L01560	Lubbock	15	08/23/88
Orange	Chevron Chemical Company	L00031	Orange	24	08/12/88
Orange	Ausimont Incorporated	L03968	Orange	2	08/23/88
Port Arthur	Cancer Center of Port Arthur	L04035	Port Arthur	5	08/12/88

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Round Rock	Round Rock Community Hospital	L03469	Round Rock	11	08/24/88
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	74	08/17/88
San Antonio	The U. T. Health Science Center at San Antonio	L01279	San Antonio	41	08/17/88
Seadrift	Union Carbide Corporation	L00051	Port Lavaca	47	08/18/88

Throughout Texas	Ebasco Services Incorporated	L02662	Houston	17	08/15/88
Throughout Texas	Northshore X-Ray & Testing Company	L03912	Houston	15	08/15/88
Throughout Texas	Terra Testing, Inc.	L02464	Lubbock	11	08/15/88
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	45	08/15/88
Throughout Texas	Tru-Tec	L03913	La Porte	16	08/08/88
Throughout Texas	Midwest Inspection Service	L03120	Perryton	22	08/11/88
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	4	08/11/88
Throughout Texas	BIX Testing Laboratories	L02143	Texas City	32	08/15/88
Throughout Texas	Tom Kelley	L04092	Friendswood	2	08/18/88
Throughout Texas	Texas Department of Health	L01155	Austin	32	08/17/88
Throughout Texas	Maxim Engineers	L02653	Dallas	13	08/18/88
Throughout Texas	Allied Industrial X-Ray, Inc.	L04168	Alvin	2	08/25/88
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	40	08/25/88
Throughout Texas	In-House Inspection Company	L03381	Houston	7	08/25/88
Throughout Texas	McBride-Ratcliff & Associates, Inc.	L02346	Houston	7	08/23/88
Throughout Texas	San Antonio Housing Authority	L04173	San Antonio	1	08/23/88
Throughout Texas	Comprobe Incorporated	L01667	Fort Worth	19	08/23/88
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	15	08/29/88
Throughout Texas	Brown Collins and Associates, Inc.	L04046	Dallas	2	08/26/88
Throughout Texas	Halliburton Services	L01835	Kilgore	36	08/25/88
Winnie	Baptist Hospital-Winnie	L03537	Winnie	4	08/23/88

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Austin	Texas Department of Public Safety	L00902	Austin	9	08/23/88
Baytown	Nuclear Medicine Associates	L01904	Baytown	25	08/18/88
Carlos	Texas Municipal Power Agency	L02913	Bryan	9	08/23/88
Carrollton	NET (Gulf Coast), Inc.	L03476	Carrollton	4	08/18/88
Colorado City	Mitchell County Hospital	L01643	Colorado City	12	08/11/88
Floresville	Wilson Memorial Hospital	L03471	Floresville	2	08/18/88
Fort Worth	City of Fort Worth	L02888	Fort Worth	7	08/24/88
Houston	Houston Northwest Medical Center	L02253	Houston	28	08/18/88
Midland	Perfojet Services, Inc.	L01112	Midland	13	08/22/88
Midland	Midland Certified Reagent Company	L03497	Midland	6	08/23/88
Nassau Bay	Assay Services, Inc.	L03459	Nassau Bay	3	08/09/88
San Antonio	Refrigeration Engineering Corp.	L03483	San Antonio	4	08/23/88
Snyder	Cogdell Memorial Hospital	L02409	Snyder	11	08/12/88
Throughout Texas	Berger Materials Engineering, Inc.	L03332	Bryan	9	08/10/88
Throughout Texas	Component Sales and Service	L02243	Houston	12	08/10/88
Throughout Texas	Daniel Industries, Inc.	L03456	Houston	5	08/12/88

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	P & S Pectorators	L02396	Victoria	10	08/18/88
Throughout Texas	Langley-Pittman Testing Laboratories	L02131	Rio Hondo	5	08/18/88
Throughout Texas	American Pipe Inspection, Inc.	L02576	Houston	7	08/24/88
Throughout Texas	Exxon Chemical Americas	L01135	Baytown	41	08/23/88
Throughout Texas	Amarillo Road Company	L02893	Amarillo	6	08/23/88
Throughout Texas	Columbia Scientific Industries	L01361	Austin	45	08/26/88
Woden	J. A. Hereford Industries, Inc.	L02885	Woden	2	08/24/88

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Friendswood	Monitoring Services, Inc.	L03450	Friendswood	2	08/12/88
Galveston	Teledyne Pipe	L02227	Galveston	9	08/15/88
Nacogdoches	C. J. Martin Company	L02400	Nacogdoches	7	08/23/88
Throughout Texas	Rone Engineers	L03433	Streetman	2	08/12/88

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

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

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

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

Issued in Austin, Texas, on September 7, 1988.

TRD-8809248 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: September 9, 1988

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



The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Dallas	Kenneth Driggs, M.D.	L04104	Dallas	0	08/18/88
Pampa	Hoechst Celanese	L04210	Pampa	0	08/10/88
San Angelo	Angelo Clinic Association	L04216	San Angelo	0	08/12/88
San Antonio	Oilfield Equipment Marketing Inc.	L04228	San Antonio	0	08/23/88
Throughout Texas	Capitan Corporation	L04211	Odessa	0	08/10/88
Throughout Texas	J. L. Spears, Inc.	L04220	Sherman	0	08/10/88
Throughout Texas	Austin Paving Company	L04224	Fort Worth	0	08/23/88
Wadsworth	Houston Lighting and Power Company	L04222	Wadsworth	0	08/15/88

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Austin	Syncor International Corporation	L02117	Austin	42	08/17/88
Carlos	Texas Municipal Power Agency	L02913	Bryan	10	08/29/88
College Station	Texas A & M University	L00448	College Station	62	08/18/88
College Station	Humana Hospital-Brazos Valley	L02559	College Station	10	08/17/88
Cypress	Halliburton Company	L03489	Duncan, Oklahoma	6	08/18/88
El Paso	MPI Professional Service Centers, Inc.	L03954	El Paso	9	08/24/88
Evadale	Temple-Eastex, Inc.	L01095	Silsbee	32	08/23/88
Fort Worth	Texas Christian University	L01096	Fort Worth	20	08/23/88
Friendswood	Iso-Tex Diagnostics, Inc.	L02999	Friendswood	13	08/24/88
Galveston	Saint Mary's Hospital	L00138	Galveston	29	08/17/88
Giddings	Gulf and Western Oil Corporation	L03972	San Antonio	2	08/23/88
Houston	Mosher Steel Company	L01539	Houston	19	08/15/88
Houston	Baylor College of Medicine	L00680	Houston	28	08/18/88
Houston	The Methodist Hospital	L00457	Houston	56	08/23/88
Houston	Syncor International Corporation	L01911	Houston	68	08/23/88
Houston	IMAGENIS, Inc.	L04107	Houston	4	08/23/88
Lubbock	South Park Medical Center	L01560	Lubbock	15	08/23/88
Orange	Chevron Chemical Company	L00031	Orange	24	08/12/88
Orange	Ausimont Incorporated	L03968	Orange	2	08/23/88
Port Arthur	Cancer Center of Port Arthur	L04035	Port Arthur	5	08/12/88

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Round Rock	Round Rock Community Hospital	L03469	Round Rock	11	08/24/88
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	74	08/17/88
San Antonio	The U. T. Health Science Center at San Antonio	L01279	San Antonio	41	08/17/88
Seadrift	Union Carbide Corporation	L00051	Port Lavaca	47	08/18/88

Throughout Texas	Ebasco Services Incorporated	L02662	Houston	17	08/15/88
Throughout Texas	Northshore X-Ray & Testing Company	L03912	Houston	15	08/15/88
Throughout Texas	Terra Testing, Inc.	L02464	Lubbock	11	08/15/88
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	45	08/15/88
Throughout Texas	Tru-Tec	L03913	La Porte	16	08/08/88
Throughout Texas	Midwest Inspection Service	L03120	Perryton	22	08/11/88
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	4	08/11/88
Throughout Texas	BLX Testing Laboratories	L02143	Texas City	32	08/15/88
Throughout Texas	Tom Kelley	L04092	Friendswood	2	08/18/88
Throughout Texas	Texas Department of Health	L01155	Austin	32	08/17/88
Throughout Texas	Maxim Engineers	L02653	Dallas	13	08/18/88
Throughout Texas	Allied Industrial X-Ray, Inc.	L04168	Alvin	2	08/25/88
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	40	08/25/88
Throughout Texas	In-House Inspection Company	L03381	Houston	7	08/25/88
Throughout Texas	McBride-Ratcliff & Associates, Inc.	L02346	Houston	7	08/23/88
Throughout Texas	San Antonio Housing Authority	L04173	San Antonio	1	08/23/88
Throughout Texas	Comprobe Incorporated	L01667	Fort Worth	19	08/23/88
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	15	08/29/88
Throughout Texas	Brown Collins and Associates, Inc.	L04046	Dallas	2	08/26/88
Throughout Texas	Halliburton Services	L01835	Kilgore	36	08/25/88
Winnie	Baptist Hospital-Winnie	L03537	Winnie	4	08/23/88

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
Austin	Texas Department of Public Safety	L00902	Austin	9	08/23/88
Baytown	Nuclear Medicine Associates	L01904	Baytown	25	08/18/88
Carlos	Texas Municipal Power Agency	L02913	Bryan	9	08/23/88
Carrollton	NET (Gulf Coast), Inc.	L03476	Carrollton	4	08/18/88
Colorado City	Mitchell County Hospital	L01643	Colorado City	12	08/11/88
Floresville	Wilson Memorial Hospital	L03471	Floresville	2	08/18/88
Fort Worth	City of Fort Worth	L02888	Fort Worth	7	08/24/88
Houston	Houston Northwest Medical Center	L02253	Houston	28	08/18/88
Midland	Perfojet Services, Inc.	L01112	Midland	13	08/22/88
Midland	Midland Certified Reagent Company	L03497	Midland	6	08/23/88
Nassau Bay	Assay Services, Inc.	L03459	Nassau Bay	3	08/09/88
San Antonio	Refrigeration Engineering Corp.	L03483	San Antonio	4	08/23/88
Snyder	Cogdell Memorial Hospital	L02409	Snyder	11	08/12/88
Throughout Texas	Berger Materials Engineering, Inc.	L03332	Bryan	9	08/10/88
Throughout Texas	Component Sales and Service	L02243	Houston	12	08/10/88
Throughout Texas	Daniel Industries, Inc.	L03456	Houston	5	08/12/88

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	P & S Pectorators	L02396	Victoria	10	08/18/88
Throughout Texas	Langley-Pittman Testing Laboratories	L02131	Rio Hondo	5	08/18/88
Throughout Texas	American Pipe Inspection, Inc.	L02576	Houston	7	08/24/88
Throughout Texas	Exxon Chemical Americas	L01135	Baytown	41	08/23/88
Throughout Texas	Amarillo Road Company	L02893	Amarillo	6	08/23/88
Throughout Texas	Columbia Scientific Industries	L01361	Austin	45	08/26/88
Woden	J. A. Hereford Industries, Inc.	L02885	Woden	2	08/24/88

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Friendswood	Monitoring Services, Inc.	L03450	Friendswood	2	08/12/88
Galveston	Teledyne Pipe	L02227	Galveston	9	08/15/88
Nacogdoches	C. J. Martin Company	L02400	Nacogdoches	7	08/23/88
Throughout Texas	Rone Engineers	L03433	Streetman	2	08/12/88

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

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

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

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

Issued in Austin, Texas, on September 7, 1988.

TRD-8809236 Robert A. MacLean
Deputy Commissioner
Texas Department of Health

Filed: September 9, 1988

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

Texas Higher Education Coordinating Board

Notice of Meeting

The Advisory Committee on Teacher Induction will meet on Friday, September 16, 1988, at 9:30 a.m. The meeting will be held in the Coordinating Board Conference Room 400, 150 Riverside Drive, Austin. For additional information contact Cristina De La Fuente at the Coordinating Board at (512) 462-6485.

Issued in Austin, Texas on September 7, 1988.

TRD-8809296 James McWhorter
Assistant Commissioner for Planning and
Administration
Texas Higher Education Coordinating Board

Filed: September 12, 1988

For further information, please call (512) 462-6420

The Part-Time Faculty Study Committee will meet on Friday, September 23, 1988, at 10 a.m. The meeting will be held in the Justice Board Room in the Radisson Plaza Hotel, 700 San Jacinto Boulevard in Austin. For additional information contact Cristina De La Fuente at the Coordinating Board at (512) 462-6485.

Issued in Austin, Texas on September 7, 1988.

TRD-8809295 James McWhorter
Assistant Commissioner for Planning and
Administration
Texas Higher Education Coordinating Board

Filed: September 12, 1988

For further information, please call (512) 462-6420

Texas Housing Agency Request for Proposals

The Texas Housing Agency invites proposals from interested businesses and/or individuals with qualifications and experience required to produce a professional annual report.

Description: The type of services required include typesetting, printing, design, illustration of statistical data, and photography. A proposal may be submitted for a portion of the job or for the entire project. Subject to cost and other considerations, this document will consist of the following three components: 10,000 copies of a two-color folder with two pockets; 2,500 copies of a 16-20 page, one-color, bound-financial statement; and 10,000 copies each of five to 10, two-color, individual, stacked-information sheets describing the agency's services and accomplishments. These sheets will contain photos and illustrations.

After a project leader or designer has been identified and an overall design agreed upon, printers, typesetters, and photographers will be asked to submit cost estimates with more precise specifications if necessary. Frequent meetings in Austin will be required.

Selection: Multiple factors will be considered in awarding the project, including cost, the firm's experience, perceived stability, and ability to meet deadlines. This contract will be awarded on a negotiated basis.

General Information: The Texas Housing Agency reserves the right to accept or reject any proposals submitted. The information contained in this proposal request is intended to serve as a general description of the services requested.

Additional Information: Additional information may be obtained by contacting Andy Davis, Marketing Assistant, Texas Housing Agency, P.O. Box 13941, Austin, Texas 78711-3941, (512) 474-2974.

Closing Date: All firms interested in working on this project must submit a letter of interest, a description of the firm's qualifications, and a list of annual reports produced with references concerning same to Andy Davis by 5 p.m., September 22, 1988.

Issued in Austin, Texas on September 9, 1988.

TRD-8809278 Timothy R. Kenny
Executive Administrator
Texas Housing Agency

Filed: September 9, 1988

For further information, please call (512) 474-2974

◆ ◆ ◆
Texas Department of Human Services
Correction of Error

The Texas Department of Human Services submitted an adopted amendment which contained errors as published in the August 30, 1988, issue of the *Texas Register* (13 TexReg 4340).

In §27.9801: Under item (g)(4)(H)(iv)(I)(b-) there should appear two sub-items which read:

"(-1-) the monthly resident care payment to the selected facility would be higher under the current individual facility rates than under the case mix rates; and

(-2-) the monthly resident care payment to the selected facility would be higher under the HEP historical expenditure rate than under the case mix rates."

Under item (g)(4)(H)(iv)(II)(b-), there should appear two sub-items which read:

"(-1-) the total monthly payment to the selected facility would be higher under the current individual facility rates than under the case mix rates, and

(-2-) the total monthly payment to the selected facility would be higher under the SLIP historical expenditure rate than under the case mix rates."

The second sentence in item (g)(4)(H)(iv)(V)(d-) should read: "When TDHS makes its final determination of the correct amount of the HEP or SLIP adjustment as described in items (I)(d-) and (II)(d-) of this clause, TDHS applies the difference between the prepaid amount and the final determination to the facility's next payment."

◆ ◆ ◆
State Board of Insurance
Notice of Public Hearing

Notice is given that a hearing under Docket 1601 will be held before the State Board of Insurance on Thursday, September 29, 1988, at 9:30 a.m. in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin. The purpose of the hearing is consideration of possible approval or other action, under legal authority of the Insurance Code, Article 5.76, on a petition for approval of a program to depopulate the Texas Workers' Compensation Assigned Risk Pool. The board will specifically consider a take-out credit program which the governing committee of the Texas Workers' Compensation Assigned Risk Pool adopted on July 29, 1988, to become effective when approved by the State Board of Insurance as of such date as shall be set forth in any board order approving the program.

The hearing and procedure will be governed by the rules of practice and procedure of the State Board of Insurance (28 TAC, Chapter 1, Subchapter A).

A petition by the Texas Workers' Compensation Assigned Risk Pool on the subject of this hearing has been filed with the chief clerk of the State Board of Insurance and is available for public inspection in Room 401, State Insurance Building, 1110 San Jacinto Boulevard, Austin.

Please direct inquiries regarding this hearing to Nancy Moore, Director of Workers' Compensation Insurance, State Board of Insurance, 1110 San Jacinto Boulevard,

Austin, Texas 78701-1998, or telephone (512) 322-3490.

Issued in Austin, Texas on September 8, 1988.

TRD-8809216

Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: September 8, 1988

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

◆ ◆ ◆
Legislative Budget Office
Tax Relief Amendment Implementation

The Legislative Budget Board is required by statute to publish in the *Texas Register* specific items of information together with a description of the methodology and sources used in the calculation of the constitutional limit on the growth of appropriations from non-dedicated state taxes. This memorandum is published to fulfill that requirement.

Legal References. Texas Constitution, Article VIII, §22, approved by the voters in November 1978, states that: In no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the estimated rate of growth of the state's economy. The legislature shall provide by general law procedures to implement this subsection.

This provision does not alter, amend, or repeal the Texas Constitution, Article III, the well known "pay-as-you-go" provision.

To implement this provision of the Texas Constitution, the 66th Legislature enacted Article 9, Chapter 302, Laws 1979, (Texas Government Code Annual §316) which placed with the Legislative Budget Board the responsibility for initial approval of a limitation on the growth of certain state appropriations. A part of the procedure for approving the limitation is set forth in §316.003 and §316.004 as follows.

§316.003. Before the Legislative Budget Board approves the items of information required by §316.002, the board shall publish in the *Texas Register* the proposed items of information and a description of the methodology and sources used in the calculations. §316.004. Not later than December 1 of each even-numbered year, the Legislative Budget Board shall hold a public hearing to solicit testimony regarding the proposed items of information and the methodology used in making the calculations required by §316.002.

The items of information mentioned above are identified as follows in §316.002:

- (1) the estimated rate of growth of the state's economy from the current biennium to the next biennium;
- (2) the level of appropriations for the current biennium from state tax revenues not dedicated by the constitution; and
- (3) the amount of state tax revenues not dedicated by the constitution that could be appropriated for the next biennium within the limit established by the estimated rate of growth of the state's economy.

In this memorandum, each item of information is taken up in the order listed above.

Estimated Rate of Growth of the State's Economy. A definition of the "estimated rate of growth of the state's economy" is set forth in paragraph (b) of §316.002 in the following words:

(b) Except as provided by subsection (c), the board shall determine the estimated rate of growth of the state's economy by dividing the estimated Texas total personal income for the next biennium by the estimated Texas total personal income for the current biennium. Using standard statistical methods, the board shall make the estimate by projecting through the biennium the estimated Texas total personal income reported by the United States Department of Commerce or its successor in function.

(c) If a more comprehensive definition of the rate of growth of the state's economy is developed and is approved by the committee established by §316.005, the board may use that definition in calculating the limit on appropriations.

The Commerce Department's Bureau of Economic Analysis defines state personal income "...the income received by persons from all sources, that is, from participation in production, from both government and business transfer payments, and from government interest. Personal income is the sum of wage and salary disbursements, other labor income, proprietors' income, rental income of persons, personal dividend income, personal interest income, and transfer payments, less personal contributions for social insurance."

Table 1 displays the Commerce Department's personal income account for Texas for calendar year 1987. The largest component of Texas personal income is wage and salary disbursements, estimated at \$138.8 billion during calendar 1987. Salary and wage disbursements are added with other labor income—primarily employer contributions to private pensions and welfare funds—and proprietors' income to arrive at total earnings by place of work. Texas total earnings by place of work reached an estimated \$175.3 billion in calendar 1987.

In deriving Texas total personal income, two adjustments are made to total earnings by place of work. Personal contributions for social insurance contributions—principally social security payroll taxes paid by employees and self-employed—are deducted. A place-of-residence adjustment is also made to reflect the earnings of workers who cross state borders to live or work. Dividends, interest and rent income are then added, along with transfer payments. The major types of transfer payments include social security, various retirement and unemployment insurance benefits, welfare, and disability and health insurance payments. Texas total personal income is estimated to be \$231.1 billion for calendar 1987.

The U.S. Department of Commerce reports personal income estimates by calendar quarter and year. Since the state's fiscal year begins on September 1 and ends August 31, an adjustment is required to present this data on a biennial basis. The Legislative Budget Office uses the data for the first three calendar quarters of a year plus the fourth quarter of the preceding year to represent the state's fiscal year. A biennium is the sum of two fiscal years. The historical record of the rate of growth in Texas personal income for the past thirteen completed biennia using data published by the United State Department of Commerce is shown in Appendix A.

Forecasting Texas Personal Income: In reviewing standard statistical techniques for forecasting or projecting Texas personal income, the Legislative Budget Office has

obtained the latest economic forecasts from the following sources: (1) Wharton Econometric Forecasting Associates; (2) the Texas Comptroller of Public Accounts; and (3) Data Resources, Inc. These forecasts are based on econometric models developed and maintained by the forecasting services listed.

While each forecasting service brings its own approach to the development of economic projections, there are several characteristics common to the econometric models from which the Texas total personal income estimates are derived. First, each assumes that the United States economy is the driving force behind Texas economic activity. As a result, forecasts of United States economic variables are needed to drive each model. Secondly, each of the econometric models is structural in nature, representing certain assumptions about the structure of the Texas economy, consistent with economic theory. Structural models normally entail detailed modeling of key sectors of the state's economy, followed by statistical testing to establish relationships with other sectors of the economy. (Previous memoranda published on the constitutional limit include more detailed discussions of the forecasting methods used. See the following issues of the *Texas Register* (5 TexReg 4272), (7 TexReg 3727), (9 TexReg 5219), and (11 TexReg 4590).

Table 2 details the Texas personal income growth rates of the various forecasting services for the 1990-1991 biennium over the 1988-1989 biennium. These forecasts range from 1.137 or 13.7% to 1.158 or 15.8%.

Appendix B outlines briefly the sources and dates for the Texas personal income growth rates presented in Table 2.

The personal growth rates shown in Table 2 or any more recent forecasts will be presented to the Legislative Budget Board for its consideration in adopting this item of information. The board is not limited to one or any combination of the growth rates shown in adopting a Texas personal income growth rate for the 1990-1991 biennium.

Appropriations from State Tax Revenue Not Dedicated by the Constitution: 1988-1989 Biennium. The amount of appropriations from state tax revenue not dedicated by the Constitution in the 1988-1989 biennium—the base biennium—is the second item of information to be determined by the Legislative Budget Board. As of August 2, 1988, the staff estimates this amount to be \$20,117,153,851. This item multiplied by the estimated rate of growth of Texas personal income from the 1988-1989 biennium to the 1990-1991 biennium produces the limitation on appropriations for the 1990-1991 biennium under Article VIII, §22, of the Texas Constitution. The calculation of the amount appropriated from state tax revenue not dedicated by the Constitution in the base biennium is detailed in Appendix C.

Calculating the 1990-1991 Limitation. The limitation on appropriations of state tax revenue not dedicated by the State Constitution in the 1990-1991 biennium may be illustrated by selecting a growth rate and applying it to the 1988-1989 appropriations base. This is shown in Table 3, using the lowest and highest growth rates shown in Table 2. Depending on which personal income growth rate is adopted, current estimates suggest a limitation on 1990-1991 biennial appropriations from nondedicated state taxes ranging from \$22.9 billion to \$23.3 billion.

TABLE 1
U.S. DEPARTMENT OF COMMERCE PERSONAL
INCOME ACCOUNT FOR TEXAS, CALENDAR YEAR 1987
(In Millions of Current Dollars)

	Amount	Percent of Total
Earnings by Place of Work		
Wage and Salary Disbursements	\$138,764	79.1%
Other Labor Income	13,266	7.6
Proprietors' Income		
Farm	\$ 2,996	
Nonfarm	<u>20,276</u>	
Subtotal	<u>23,272</u>	<u>13.3</u>
Total Earnings by Place of Work	\$175,301	100.0%
Derivation of Total Personal Income		
Earnings by Place of Work (from above)	\$175,301	
Less: Personal Contribution for Social Insurance	-9,654	
Plus: Adjustment for Residence	<u>-439</u>	
Equals: Net Earnings by Place of Residence	\$165,208	71.5
Plus: Dividends, Interest and Rent	37,208	16.1
Plus: Transfer Payments	<u>28,670</u>	<u>12.4</u>
Total Personal Income	\$231,086	100.0%
	=====	=====

Source: U.S. Department of Commerce, Bureau of Economic Analysis, Quarterly Personal Income By Major Source and Earnings By Industry, April 1988. Totals may not add due to rounding.

TABLE 2
ESTIMATED GROWTH RATES FOR TEXAS PERSONAL INCOME
USING THREE ECONOMETRIC MODELS,
1988-89 BIENNIUM TO 1990-91 BIENNIUM

Source of Forecast	1990-91 Texas Personal Income Growth Rate
1. Wharton Econometric Forecasting Associates	1.137
2. Comptroller of Public Accounts	1.158
3. Data Resources, Inc. (DRI)	1.153

Note: The growth rates shown above can be interpreted in percentage terms. For example, the growth rate of 1.137 for the WEFA forecast of Texas personal income indicates estimated personal income growth of 13.7% for the 1990-91 biennium.

TABLE 3
LIMIT ON 1990-91 BIENNIUM APPROPRIATIONS
OF STATE TAX REVENUE NOT DEDICATED BY
THE TEXAS CONSTITUTION

1. 1988-89 Base	\$ 20,117,153,851	\$ 20,117,153,851
2. Illustrative Growth Rates	<u>X 1.137</u>	<u>X 1.158</u>
3. 1990-91 Limitation on Growth in Appropriations	<u>\$ 22,873,203,929</u>	<u>\$ 23,295,664,159</u>

APPENDIX A
BIENNIUM-TO-BIENNIUM GROWTH RATES IN TEXAS PERSONAL INCOME
1960-61 TO 1986-87 BIENNIA

Base Biennium	Target Biennium	Growth Rate	Percent Increase
1960-61	1962-63	1.102	10.2%
1962-63	1964-65	1.131	13.1
1964-65	1966-67	1.187	18.7
1966-67	1968-69	1.225	22.5
1968-69	1970-71	1.199	19.9
1970-71	1972-73	1.219	21.9
1972-73	1974-75	1.291	29.1
1974-75	1976-77	1.285	28.5
1976-77	1978-79	1.313	31.3
1978-79	1980-81	1.332	33.2
1980-81	1982-83	1.234	23.4
1982-83	1984-85	1.156	15.6
1984-85	1986-87	1.080	8.0

**APPENDIX B
SUMMARY OF SOURCES AND METHODS FOR
TEXAS PERSONAL INCOME GROWTH RATES FOR THE
1990-91 BIENNIUM**

Source	Type of Forecast	Date	Source of U.S. Variables
1. Wharton Econometric Forecasting Associates	Econometric	April 1988	Wharton
2. Comptroller of Public Accounts	Econometric	June 1988	Wharton
3. Data Resources, Inc.	Econometric	January 1988	DRI

Source: Compiled by the Legislative Budget Office, July 1988.

Appendix C Calculating the 1988-1989 Appropriations Base. The amount of appropriations from state tax revenue not dedicated by the Constitution in the 1988-1989 biennium—the base biennium—is the second item of information to be determined by the Legislative Budget Board. As of August 2, 1988, the staff estimates this item to be \$20,117,153,851. This appendix details the sources of information used in this calculation.

Appropriations for the 1988-1989 biennium were made in Senate Bill 1, 70th Legislature, Second Called Session (hereafter referred to as Senate Bill 1). This bill together with Senate Bill 6, Senate Bill 61, and House Bill 52, is the source of the appropriations amounts listed below.

Section I of Table C-1, shows for the General Revenue Fund the total amount of appropriations, the amount financed from constitutionally dedicated tax revenue, from non-tax revenue and the remainder—the amount financed from non-dedicated tax revenue—which is the amount subject to the limitation. The transactions of the Available School Fund, the State Textbook Fund, the Foundation School Fund, the State Highway Fund, the Mixed Drinks Gross Receipts Tax Fund, and the Bank Franchise Tax Allocation Fund which affect the limitation are also shown. In addition, State Board of Insurance maintenance taxes are included in the calculation of the limitation.

I. General Revenue Fund

(A) Appropriations are classified in this table as the following: (1) revenue allocations; (2) priority allocations; (3) line items; (4) related appropriations; and (5) appropriations from motor fuels taxes.

(1) Revenue allocations:

(a) The Comptroller's Operating Fund 062 receives a percentage of the taxes on oil and gas production, cigarette sales and motor fuels for tax administration. The amount shown is the sum of the amount for tax enforcement in S.B. 1 less the motor fuels tax enforcement transfer which is shown separately below.

(b) The State Parks Fund 064 receives a portion of the cigarette tax—one cent per pack. The amount shown is calculated, based on the comptroller's June 1988 revenue estimate for the cigarette tax.

(c) The Local Parks Fund 467 also receives one cent per pack of the cigarette tax. The amount is taken from the comptroller's June 1988 revenue estimate.

(d) The amounts for restricted fees collected by the Health Department are shown on page II-17 in S.B. 1.

(e) The dollar amount of occupation tax revenue transferred to the Foundation School Fund is calculated, based on the comptroller's June 1988 revenue estimate.

(2) Priority Allocations:

(a) The estimated transfer to the Teacher Retirement System is shown in S.B. 1, adjusted for the fiscal year 1987 underpayment. The rider appropriations included in S.B. 1 to establish a group insurance program for retired teachers are shown separately (p. III-21 in S.B. 1).

(b) The appropriated state contribution for the Optional Retirement Program is shown in S.B. 1.

(c) The General Revenue share of the cost of the Foundation School Program is estimated at \$6,499,801,437 for the 1988-1989 biennium. The General Revenue funding requirements for both fiscal year 1988

and fiscal year 1989 are based on the amounts of state aid estimated by the State Board of Education in its July 8, 1988, biennial budget request, less the amount of Available School Fund revenue and occupation tax transfers to the Foundation School Fund shown separately.

(3) Line Item Appropriations: Each of these items under the subheading "estimated-to-be" may change under certain circumstances; however, for purposes of this calculation, the fiscal year 1988 and fiscal year 1989 amounts are the same as in S.B. 1, less the \$101 reductions in Miscellaneous Claims. (Section 101 is the .65 of 1.0% across-the-board reduction approved by the Legislature on page V-89 of S.B. 1). The amount shown for the Employees Retirement System includes the financing from the General Revenue Fund, the Comptroller's Operating Fund, and that portion of the Department of Human Services' Welfare Administration Operating Fund financed by transfers from the General Revenue Fund. The figure shown for "All Other Line Items" is the difference between the recapitulation for the General Revenue Fund and the items listed separately, based on the amounts listed in S.B. 1. This calculation is detailed in Table C-2. The section 101 line for across-the-board reductions excludes the amount of the reduction for the Foundation School Program, which is included in the calculations shown elsewhere.

(4) Related Appropriations:

(a) The amount for unexpended balances reapportioned in S.B. 1 totals \$67,465,926 for the 1988-1989 biennium. The calculation of this amount is outlined in Table C-3.

(b) In addition to the line items, a number of appropriations are made by rider. The estimate for riders in the appropriations bill is \$97,753,968.

(c) The governor's vetoes out of the Appropriations Act amounted to \$133,071,685. Of that amount, \$52,000,000 appropriated as part of the Foundation School Program allocation to local schools is removed from this total because it is part of the calculation of Foundation School Program allocations. Some of the major items vetoed by the governor include the following: staff group insurance premiums of public junior college employees (\$45,352,014); reapportionment of certain unexpended balances to institutions of higher education (\$9,250,000); and an appropriation to the Department of Mental Health and Mental Retardation for life safety construction improvements (\$3,058,200).

(d) Table C-4 lists other bills which make appropriations in addition to the General Appropriations Act. Senate Bill 6, Second Called Session, appropriated one-twelfth of Hotel-Motel tax collections to the Department of Commerce. In addition, Senate Bill 6 appropriated \$102,495 from the General Revenue Fund to pay for miscellaneous claims against the state. House Bill 61, Second Called Session, a major tax bill, appropriated \$11,606,451 to the Comptroller of Public Accounts for the 1988-1989 biennium for administration of the provisions of the bill. Senate Bill 52 appropriated \$200,000 to the State Employee Incentive Commission for administration of the state employee incentive program.

(5) Highway Motor Fuels Tax Transfer to Other Funds: Motor fuels taxes are deposited in the General Revenue Fund. The following allocations are then made to other funds.

(a) To County Road and District Highway Fund 57: This amount is fixed in Texas Civil Statutes, Article 153.503 (a)(3)(A).

(b) The transfer to the State Highway Fund is the calculated amount that would be transferred using the comptroller's June 1988 revenue estimate.

(c) The amount transferred for enforcement to the Comptroller's Operating Fund 062 is calculated from the comptroller's June 1988 revenue estimate.

(d) The allocation of 75% of unclaimed motorboat refunds to the Game, Fish and Water Safety Fund 009 is calculated from the comptroller's June 1988 revenue estimate.

(e) The amount transferred to the Available School Fund is shown in the table at line II. B. 1.

(B) Source of Funding: This table shows that of the \$24,027,360,295 of General Revenue Fund appropriations, \$19,909,903,514 is subject to the limitation because it is financed from state tax revenue not dedicated by the Constitution.

The appropriations for enforcement are financed from the non-dedicated portion of taxes on oil and gas production and taxes on cigarette sales (non-dedicated). The appropriations for parks are from cigarette taxes.

The beginning balance of the General Revenue Fund was \$984,471,000. The apportionment of this deficit is based on the revenue which will be used to pay for it. In this case, current revenue for the 1988-1989 biennium will be used. Since constitutionally dedicated revenue cannot be used to pay off the deficit, those amounts are not included in this calculation. Non-tax revenue accounts for an estimated 5.82% of the remaining revenue in the General Revenue Fund and 94.18% is estimated to be from state tax revenue not dedicated by the Constitution.

The beginning balance of Fund 62 is apportioned on the basis of 1986-1987 revenue to that fund from motor fuels taxes (dedicated), fees for collection of city sales taxes and other miscellaneous non-tax sources, and a percentage of revenue from taxes on oil, natural gas production, and cigarette sales. By subtracting the appropriations financed from these known sources from the total of \$24,027,360,295, it can be established that appropriations totaling \$21,247,105,004 remain to be financed (see item 8).

Dedicated state tax revenues deposited in the General Revenue Fund, not including motor fuels taxes dedicated to Fund 002 which are shown in the next section, are estimated to total \$2,873,163,000 during the 1988-1989 biennium. When the apportioned Fund 62 balance is added, appropriations from the General Revenue Fund financed from dedicated state taxes total \$2,876,819,977 for the 1988-1989 biennium. Non-tax revenue in the General Revenue Fund is estimated at \$1,289,225,000 for the 1988-1989 biennium. When restricted fees for the Health Department are subtracted, the remaining amount totals \$1,281,218,768 (see the third column). With the apportioned beginning fund balances added, appropriations from the General Revenue Fund financed from non-tax revenue are estimated at \$1,240,636,894 for the 1988-1989 biennium.

General Revenue Fund appropriations to be financed from non-dedicated tax revenue are shown in column 4. This amount totals \$19,909,903,514 for the 1988-1989 biennium.

II. Available School Fund 002.

(A) The appropriations from the Available School Fund finance the per capita distribution to school districts and the state schools and the transfer to the State Textbook

Fund 003. The amount of per capita aid to school districts depends upon the average daily attendance count for students in Texas public schools during the preceding year and estimates by the state comptroller of the amount of revenue that will flow into the Available School Fund. The estimates used in calculating the limitation are based on the comptroller's June 1988 estimate of Available School Fund revenue. The amount of per capita aid to be distributed to school districts during the 1988-1989 biennium is estimated at \$1,643,200,438.

(B) Source of Funding: The transfer from motor fuel taxes originates with tax revenue dedicated to public schools by the Texas Constitution. Interest and dividend income is earned from the investment activity of the Permanent School Fund and is classified as non-tax revenue. The beginning balance in the Available School Fund is apportioned among the three sources in the same percentages as revenue received by the fund in the 1986-1987 biennium. In the 1986-1987 biennium, 32% of the Available School Fund revenue came from state tax revenue dedicated by the Constitution and 68% came from sources other than taxes.

The Comptroller's fiscal year 1987 Annual Report showed a beginning cash balance of \$107,968,054 for fiscal year 1988. Subtracting the prior-year apportionment of \$88,765,000 from the comptroller's June 1988 revenue estimate leaves \$19,203,054 available for the fiscal year 1988-1989 biennium. This amount is allocated among the three revenue categories on the basis of the actual 1986-1987 biennial receipts of the Fund.

The projected ending balance for the 1988-1989 biennium is estimated to be \$107,096. This balance is apportioned on the basis of 1988-1989 biennial receipts. The ending balance is shown as a deduction because it is assumed that all Available School Fund revenue will be spent within the biennium.

III. State Textbook Fund 003. The State Textbook Fund retains interest on its deposits and receives income from the sale of used textbooks. The revenue received by the fund is deducted from the textbook appropriation in determining how much Available School Fund revenue must be transferred in order to fund the textbook program. The estimated revenue for the 1988-1989 biennium is from the comptroller's June 1988 revenue estimate.

IV. Foundation School Fund 193. In addition to the occupation tax transfers shown under the General Revenue Fund, the Foundation School Fund receives a distribution of escheated estate income each year. During the 1988-1989 biennium, Fund 193 also receives 25% of the revenue from the temporary professional fees along with a \$280,000,000 transfer from the State Highway Fund. The 1988-1989 revenue is contained in the comptroller's June 1988 revenue estimate. The fiscal year 1988 beginning balance of \$1,434,577 is distributed on the basis of revenue deposited in or transferred to Fund 193 during the 1986-1987 biennium.

V. State Highway Fund 006. Of the revenue that flows directly into the State Highway Fund, only the motor lubricants sales tax and motor vehicle registration fees are included in the calculation of the limitation. Both are dedicated for highway construction and maintenance by the State Constitution. Motor fuels tax transfers are shown under the General Revenue Fund.

VI. Mixed Drinks Gross Receipts Fund 068. The state levies a twelve percent gross receipts tax on the sale of mixed drinks, of which 75% is deposited into the General Revenue Fund and the remaining 25% is distributed

among the cities and counties in which the sale occurred. The local share of this tax is included in the nondedicated state tax revenue category.

VII. Bank Franchise Tax Allocation Fund 535. The corporate franchise tax was extended to banks by the passage of House Bill 122, Second Called Session, June 1984. The tax is collected by the state comptroller and deposited in a separate fund before it is distributed to the local jurisdictions in which the banks are located. The comptroller is allowed to retain two percent of the amount received for tax collection and enforcement purposes. The bank franchise tax is classified as a non-dedicated state tax. The amount shown is taken from the comptroller's June 1988 revenue estimate.

VIII. Board of Insurance Taxes. There are a number of taxes paid by insurance companies, the rates of which are set by the Board of Insurance with the statutory intent of producing the revenue necessary to help pay the administrative costs of the board. Over a period of years, the

revenue from these taxes should match the portion of the board's administrative costs that is subject to the limitation on the growth of appropriations. In specific years this match may be imperfect because of additions to or reductions in balances in the various funds controlled by the board. The amount shown is based on the comptroller's June 1988 revenue estimate.

Grand Total. A grand total of \$27,765,365,830 in 1988-1989 biennial appropriations is included in this analysis. Of this amount, \$3,669,817,636 is financed out of taxes dedicated by the State Constitution. Another \$3,978,394,343 is financed out of non-tax revenue, including interest and investment income and licenses and fees. The remaining \$20,117,153,851 is financed out of tax revenue not dedicated by the State Constitution. This is the amount which serves as a base for calculating the limitation on 1990-1991 biennial appropriations from non-dedicated state taxes, as required by the Texas Constitution, Article VIII, §22.

TABLE C-1
1988-89 BIENNIAL APPROPRIATIONS INCLUDED IN THE
CALCULATION OF THE LIMITATION BASE

1988-89
APPROPRIATIONS

I. General Revenue Fund		
A. Appropriations		
1. Revenue Allocations		
a. Comptroller Operating Fund 062		
Enforcement (Motor Fuels shown below)	\$ 34,979,000	
b. State Parks Fund 064		30,193,000
c. Local Parks Fund 467		30,193,000
d. Restricted Fees - Department of Health		8,006,232
e. Occupation Tax Revenues to		
Foundation School Fund 193		<u>1,417,813,000</u>
Subtotal - Revenue Allocations		<u>1,521,184,232</u>
2. Priority Allocations		
a. Teacher Retirement System Fund 960		
(1) Retirement Program	1,312,180,751	
(2) Retired Employees Group		
Insurance Program	64,200,000	
b. Optional Retirement Program Fund 963		210,022,000
c. Foundation School Program Fund 193		<u>6,499,801,437</u>
Subtotal - Priority Allocations		<u>8,086,204,188</u>
3. Line Item Appropriations		
a. Appropriations "Estimated-to-Be"		
(1) Employees Retirement System	391,188,901	
(2) Voter Registration	5,595,000	
(3) County Taxes on University Lands	1,800,000	
(4) Ranger Pensions	52,000	
(5) Judiciary (Comptroller's Dept.)	45,204,838	
(6) Comptroller: Social Security	564,654,000	
(7) Miscellaneous Claims	298,050	
b. All Other Items		
(1) All Other Line Items	11,141,365,697	
(2) Across-the-Board Reductions		<u>(70,204,766)</u>
Subtotal - "Estimated-to-Be"		
Appropriations		<u>12,079,953,720</u>
4. Related Appropriations		
a. Unexpended Balances Reappropriated	67,465,926	
b. Riders in Gen. Appropriations Act	97,753,968	
c. Less Governor's Vetoes	(81,071,685)	
d. Construction Reappropriations	0	
e. Other Appropriations Acts		
(1) Regular Session (70th)	0	
(2) First Called Session	0	
(3) Second Called Session	<u>27,333,946</u>	
Subtotal - Related Appropriations		<u>111,482,155</u>

TABLE C-1
1988-89 BIENNIAL APPROPRIATIONS INCLUDED IN THE
CALCULATION OF THE LIMITATION BASE
(continued)

1988-89
APPROPRIATIONS

II. Available School Fund 002

A. Appropriations

1. Per Capita Distribution to School Districts	\$1,643,200,438
2. Distribution to State Schools	1,001,000
3. Transfer to Textbook Fund 003	<u>224,726,520</u>

Subtotal - Fund 002 Appropriations \$1,868,927,958
=====

	Total Appropriations	Dedicated State Tax Revenues	Non-Tax Revenues	Non-Dedicated State Tax Revenues
B. Source of Funding				
1. Transfer From				
Motor Fuels Taxes	\$ 732,739,000	\$ 732,739,000	\$	\$
2. Investment Income and Non-tax Revenue	1,117,093,000		1,117,093,000	
3. Beginning Balance of ASF No. 002	19,203,054	6,150,738	13,052,316	
4. Less Ending Balance	<u>(107,096)</u>	<u>(42,667)</u>	<u>(64,429)</u>	<u> </u>
Subtotal - Available School Fund	<u>\$ 1,868,927,958</u>	<u>\$ 738,847,071</u>	<u>\$ 1,130,080,887</u>	<u>\$ 0</u>
III. State Textbook Fund 003	<u>\$ 8,076,000</u>	<u>\$</u>	<u>\$ 8,076,000</u>	<u>\$</u>
IV. Foundation School Fund 193	<u>\$ 328,017,000</u>	<u>\$</u>	<u>\$ 328,017,000</u>	
Beginning Balance	<u>1,434,577</u>	<u>140,588</u>	<u>1,213,652</u>	<u>\$ 80,337</u>
Subtotal - Fund 193	<u>\$ 329,451,577</u>	<u>\$ 140,588</u>	<u>\$ 329,230,652</u>	<u>\$ 80,337</u>
V. State Highway Fund 006				
1. Motor Lubricants Sales Tax	\$ 54,010,000	\$ 54,010,000	\$	\$
2. Motor Vehicle Regist. Fees	<u>1,268,555,000</u>	<u> </u>	<u>1,268,555,000</u>	<u> </u>
Subtotal - Fund 006	<u>\$ 1,322,565,000</u>	<u>\$ 54,010,000</u>	<u>\$ 1,268,555,000</u>	<u>\$</u>

TABLE C-1
1988-89 BIENNIAL APPROPRIATIONS INCLUDED IN THE
CALCULATION OF THE LIMITATION BASE
(continued)

	Total Appropriations	Dedicated State Tax Revenues	Non-Tax Revenues	Non-Dedicated State Tax Revenues
VI. Mixed Drinks Gross Receipts Tax Fund 068 (Grants to Cities and Counties only; General Revenue Transfer shown above)	\$ 88,021,000	\$	\$	\$ 88,021,000
Voided Warrants	<u>17,000</u>	<u> </u>	<u>\$ 17,000</u>	<u> </u>
Subtotal	<u>\$ 88,038,000</u>	<u>\$</u>	<u>\$ 17,000</u>	<u>\$ 88,021,000</u>
VII. Bank Franchise Tax Allocation Fund 535				
1. Bank Franchise Tax	\$ 86,446,000	\$	\$	\$ 86,446,000
2. Service Fee to Fund 062	<u>1,798,000</u>	<u> </u>	<u>1,798,000</u>	<u> </u>
Subtotal, (Bank Franchise Tax Fund)	<u>\$ 88,244,000</u>	<u>\$</u>	<u>\$ 1,798,000</u>	<u>\$ 86,446,000</u>
VIII. Board of Insurance Taxes	<u>\$ 32,703,000</u>	<u> </u>	<u> </u>	<u>\$ 32,703,000</u>
GRAND TOTAL	<u>\$27,765,365,830</u>	<u>\$3,669,817,636</u>	<u>\$3,978,394,343</u>	<u>\$20,117,153,851</u>

TABLE C-2
CALCULATION OF "ALL OTHER LIN. ITEMS"
FOR THE 1988-89 BIENNIUM
(S.B. 1, 70TH LEGISLATURE, 2 C.S.)

	1988	1989	1988-89 Biennium
General Revenue "Recap" Amount (S.B. 1, Recapitulation, p. ix)	\$ 12,037,041,056	\$ 12,161,044,242	\$ 24,198,085,298
Less:			
Available School Fund - Programs (S.B. 1, Art. III, p. 4)	685,461,751	683,689,601	1,369,151,352
Available School Fund - Administration (S.B. 1, Art. III, p. 10)	547,564	547,564	1,095,128
Textbook Fund - Programs (S.B. 1, Art. III, p. 3)	114,302,600	115,879,750	230,182,350
Textbook Fund - Administration (S.B. 1, Art. III, pp. 10-11)	<u>1,310,085</u>	<u>1,310,085</u>	<u>2,620,170</u>
Subtotal, Net General Revenue	\$ <u>11,235,419,056</u>	\$ <u>11,359,617,242</u>	\$ <u>22,595,036,298</u>
Less:			
Comptroller's Operating Fund 062 Transfer (S.B. 1, Art. I, p. 61)	\$ 32,161,000	\$ 33,138,000	\$ 65,299,000
State Parks Fund 064 Transfer (S.B. 1, Art. 1, p. 180)	16,126,000	16,437,000	32,563,000
Local Parks Fund 467 Transfer (S.B. 1, Art. I, p. 180)	16,126,000	16,437,000	32,563,000
Health Department Fees (S.B. 1, Art. II, p. 17)	4,010,437	3,995,795	8,006,232
Teacher Retirement System Fund 960 (S.B. 1, Art. III, p. 21)	665,656,000	691,535,000	1,357,191,000
Optional Retirement Program (S.B. 1, Art. III, p. 21)	103,576,000	106,446,000	210,022,000
Foundation School Fund 193 (S.B. 1, Art. III, p. 3-4)	4,326,937,178	4,387,353,452	8,714,290,630
Employees Retirement System (S.B. 1, Art. 1, pp. 97)	189,323,901	201,865,000	391,188,901
Voter Registration (S.B. 1, Art. 1, p. 68)	3,000,000	2,595,000	5,595,000
County Taxes on University Lands (S.B. 1, Art. I, p. 70)	900,000	900,000	1,800,000
Ranger Pensions (S.B. 1, Art. I, p. 70)	26,000	26,000	52,000
Judiciary (Comptroller's Department) (S.B. 1, Art. IV, p. 29)	22,911,919	22,292,919	45,204,838
Miscellaneous Claims (S.B. 1, Art. I, p. 68)	150,000	150,000	300,000
Comptroller: Social Security (S.B. 1, Art. I, p. 67)	285,219,000	279,435,000	564,654,000

TABLE C-2
CALCULATION OF "ALL OTHER LINE ITEMS"
FOR THE 1988-89 BIENNIUM
(S.B. 1, 70TH LEGISLATURE, 2 C.S.)
(Continued)

	1988	1989	1988-89 Biennium
County Road and District Highway Fund 057 (S.B. 1, Art. I, p. 246)	7,300,000	7,300,000	14,600,000
Unclaimed Motorboat Refunds to Fund 009 (S.B. 1, Art. I, p. 180)	5,220,000	5,057,000	10,277,000
Refund Filing Fees for Motor Fuels Taxes (June 1988 Revenue Estimate)	<u>32,000</u>	<u>32,000</u>	<u>64,000</u>
Subtotal, Line Items Shown Separately	\$ <u>5,678,675,435</u>	\$ <u>5,774,995,166</u>	\$ <u>11,453,670,601</u>
Total, Other Line Items	\$ <u>5,556,743,621</u>	\$ <u>5,584,622,076</u>	\$ <u>11,141,365,697</u>

Table C-3
UNEXPENDED BALANCES REAPPROPRIATED FROM
THE GENERAL REVENUE FUND FOR THE 1988-89 BIENNIUM

Agency	S.B. 1 Reference	Amount
Aeronautics Commission	(Art. 1, p. 10, No. 9)	\$ 500,000
Aircraft Pooling Board	(Art. 1, p. 25, No. 5)	150,000
Commission on the Arts	(Art. 1, p. 37, No. 1)	50,000
Department of Corrections	(Art. 1, p. 74, No. 3)	10,000,000
Office of the Governor	(Art. 1, p. 118, No. 11)	662,000
Office of the Governor	(Art. 1, p. 118, No. 12)	100,000
Disaster Contingency Fund	(Art. 1, p. 118, No. 14)	6,859,413
Board of Pardons and Paroles	(Art. 1, p. 179, No. 14)	2,500,000
Parks and Wildlife Department	(Art. 1, p. 182, No. 9)	115,000
Parks and Wildlife Department	(Art. 1, p. 183, No. 10)	60,000
Parks and Wildlife Department	(Art. 1, p. 183, No. 17)	153,000
Purchasing and General Services Commission	(Art. 1, p. 212, No. 10A)	1,300,000
Purchasing and General Services Commission	(Art. 1, p. 217, No. 30)	300,000
Cancer Council	(Art. 2, p. 12, No. 1)	1,381,513
Department of Mental Health and Mental Retardation	(Art. 2, p. 50, No. 7)	500,000
Texas Youth Commission	(Art. 2, p. 68, No. 6)	50,000
Texas Youth Commission	(Art. 2, p. 69, No. 11)	90,000
Coordinating Board	(Art. 3, p. 26, No. 15)	2,000,000
Coordinating Board	(Art. 3, p. 27, No. 19)	725,000
Coordinating Board	(Art. 3, p. 27, No. 20)	9,250,000
Higher Education Fund	(Art. 3, p. 29, No. 2)	20,000,000
Prairie View A&M University	(Art. 3, p. 55, No. 3)	700,000
Senate	(Art. 6, p. 1, No. 1)	4,000,000
House of Representatives	(Art. 6, p. 2, No. 2)	3,000,000
Legislative Council and Commission on Uniform State Laws	(Art. 6, p. 5, No. 1)	1,000,000
State Auditor	(Art. 6, p. 6, No. 5)	2,000,000
Legislative Reference Library	(Art. 6, p. 7, No. 1)	<u>20,000</u>
Total		<u>\$ 67,465,926</u>

Table C-4
OTHER APPROPRIATIONS OF THE 70TH LEGISLATURE
FROM THE GENERAL REVENUE FUND
FOR THE 1988-89 BIENNIUM.

Bill & Agency	1988	1989	1988-89 Biennium
Regular Session			none
First Called Session			none
Second Called Session			
S.B. 6:			
Department of Commerce	\$ 15,425,000	UB	\$ 15,425,000
Miscellaneous Claims	102,495	\$ 0	102,495
H.B. 61:			
Comptroller of Public Accounts	11,606,451	UB	11,606,451
S.B. 52:			
State Employee Incentive Commission	<u>200,000</u>	<u>UB</u>	<u>200,000</u>
Total	<u>\$ 27,333,946</u>	<u>\$ 0</u>	<u>\$ 27,333,946</u>

Issued in Austin, Texas on September 9, 1988.

TRD-8809243

Jim Oliver
Director
Legislative Budget Office

Filed: September 9, 1988

For further information, please call (512) 463-1166

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**Texas Department of Mental Health
and Mental Retardation**
Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation (TDMHMR) serves notice of invitation for bids on consulting services necessary to select the computer hardware and systems software needed to develop and support a statewide automated clinical records system, (the TEAM system), as well as design a synchronous interface between TEAM and the department's centralized client database.

Description. Under the contract, the consultant will assist TDMHMR staff in selecting the computer hardware and systems software needed to develop and support a statewide automated clinical records system, the Texas Evaluation and Assessment Management (TEAM) system, as well as design a synchronous interface between TEAM and the department's centralized client database. Specific tasks which the consultant will perform include: project management; identification and screening of application software packages; determination of feasibility of implementing TEAM in a distributed environment; modeling the distributed environment; conceptual design of the technical architecture; evaluation and selection of the technical architecture; detailed design of the technical environment; installation of the technical environment and training of project team personnel in the use of the technical environment; detailed design of the CARE/TEAM synchronous interface; development of user procedures; and program, unit, and system testing of the CARE/TEAM interface.

Contact Person. Prospective bidders may contact Sally Anderson, Director, Office of Information Services, TDMHMR, P.O. Box 12668, Austin, Texas 7871-2668, (512) 465-4570.

Consultant Information. The consultant will be chosen through the bid process described in Texas Civil Statutes, Article 6252-11c.

Procedures for Selection of Consultant. TDMHMR will consider demonstrated competence, knowledge, and qualifications to complete the work satisfactorily and on time. These factors will be used for each individual who will be assigned to the project, and for the firm as a whole, as well as for the reasonableness of the proposed fee. TDMHMR has the sole discretion and reserves the right to cancel the request if it considered in the best interest of the agency to do so.

Closing Date. The closing date for receipt of offers is 21 days after publication in the *Texas Register*.

Issued in Austin, Texas on September 7, 1988.

TRD-8809195

Dennis R. Jones
Commissioner
Texas Department of Mental Health and
Mental Retardation

Filed: September 7, 1988

For further information, please call (512) 465-4591

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Texas State Board of Pharmacy
Correction of Error

The Texas State Board of Pharmacy adopted sections which contained errors as published in the August 30, 1988, issue of the *Texas Register* (13 TexReg 4303).

In §291.32: clause (b)(3)(A)(viii) should read: "(viii) the date of preparation of the patient med-pak and the beyond-use date assigned to the patient med-pak (which such beyond-use date shall not be later than 60 days from the date of preparation)";

In §291.34: paragraph (a)(1) contains an incorrect citation to §291.36, which should read: "...§291.36 of this title (relating to Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Enteral Products)..."

clause (f)(4)(B)(i) should read: "(i) complete the area on the DEA order form (DEA 222C) titled "To be Filled in by Supplier";

For §291.36: the title of the section should read: "§291.36". *Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Enteral Products.*"

In §291.74: Paragraph (a)(9) contains an incorrect citation to §291.36, which should read: "...§291.36 of this title (relating to Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Enteral Products)."

In §291.75: Paragraph (b)(1) contains an incorrect citation to §291.36, which should read: "...§291.36 of this title (relating to Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Enteral Products)."

In §291.76: Subparagraph (d)(1)(I) contains an incorrect citation to §291.36, which should read "...§291.36 of this title (relating to Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Enteral Products)..."

Subparagraph (e)(4)(B) should read: "(B) The total number of dosage units of controlled substances distributed by a pharmacy may not exceed 5.0% of all controlled substances dispensed by the pharmacy during the 12-month period in which the pharmacy is registered; if at any time it does exceed 5.0%, the pharmacy is required to obtain an additional registration to distribute controlled substances."

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Texas Rehabilitation Commission
Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Rehabilitation Commission hereby furnishes this notice of contract award. The consultant proposal request appeared in the July 29, 1988, issue of the *Texas Register* (13 TexReg 3784).

The contract effort consists of serving as the Texas Rehabilitation Commission's State Psychological Consultant, specifically serving as a resource for interpretation of information to assist the Texas Rehabilitation Commission in making informed decisions regarding eligibility, plan of service, training, and consultation regarding psychological matters.

The private consultant is Jack Greeson, Ph.D., 4204 North Laurent, P.O. Box 4953, Victoria, Texas 77903.

The total value of the contract will not exceed \$12,000 per

year.

The contract will begin September 1, 1988, and will continue in effect until terminated in writing by either party on 15 days written notice.

Written reports will be provided within 10 work days after the end of each month, and will include a minimum description of all services performed and evaluations and recommendations made.

Issued in Austin, Texas on September 8, 1988.

TRD-8809240 Charles Schiesser
Assistant Commissioner
Texas Rehabilitation Commission

Filed: September 9, 1988

For further information, please call (512) 445-8124

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Texas Water Commission
Consultant Contract Award

Pursuant to Texas Civil Statutes, Article 6252-11C, the Texas Water Commission announces that it has entered into a consulting contract with Touche Ross and Company, 919 Congress Avenue, Suite 700, Austin, Texas 78701-2421.

The consultant proposal request was published in the April 1, 1988, issue of the *Texas Register* (13 TexReg 1571-1572).

The consultant will be required to evaluate the location of the present district offices, evaluate the present configuration of district boundaries, review and analyse the cost effectiveness of use of state-owned motor vehicles, evaluate central office management policies and procedures, review and analyse the information processing office systems and telecommunications needs of the field offices, and to review and analyse the Field Operations Division emergency response program.

The effective date of the contract is June 13, 1988, and ending date of the contract is August 8, 1988. The total cost of the consultant contract is not to exceed \$20,000.

Issued in Austin, Texas on September 12, 1988.

TRD-8809292 William G. Newchurch
Director, Legal Division
Texas Water Commission

Filed: September 12, 1988

For further information, please call (512) 463-7786

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Request for Proposals

The Texas Water Commission (TWC) announces that it wishes to retain the services of a consultant to perform a remedial investigation and feasibility study of a petroleum fuel contaminated site in Baytown.

The project will be conducted by the TWC through Cooperative Agreement with the United States Environmental Protection Agency (EPA) in accordance with Superfund Amendments and Reauthorization Act (SARA) of 1986, amending Subtitle I of the Resource Conservation and Recovery Act (RCRA), and Subchapter I, Chapter 26 of the Texas Water Code.

Objectives: The objectives of this project are to complete a remedial investigation and feasibility study at the site to determine the source of the contamination, the extent of contamination, and to provide recommendations for reme-

dial action designs.

The consultant will be responsible for all services and equipment necessary to complete the project.

RFP Procurement: Consultants interested in submitting proposals for this project must obtain a request for proposals (RFP) from the TWC. A copy of the RFP may be obtained in one of three ways: by certified mail to Mr. Lee Schnelle, UST Section, Contracts Unit, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7786; by private express mail service with a prepaid self-addressed envelope; or in person at Room 542, Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

Procedure for Selecting Consultant: A detailed evaluation process will be conducted, using criteria such as, but not limited to, demonstrated technical expertise, available facilities and equipment, and the proposed technical approach; the competence, related experience, and availability of personnel to be assigned to the project; the consultant's safety, chain-of-custody and quality assurance/quality control programs; and a separate accompanying cost proposal.

Upon selection of a candidate by the commission, negotiation will be conducted by the TWC staff with the selected consultant. If a fair and reasonable cost cannot be negotiated, that candidate will be bypassed and the second ranked proposer shall be selected for negotiation proceedings.

Submittal Information: Four copies of the proposal must be received by Mr. Danny Lien, P.E., Texas Water Commission, Underground Storage Tank Section, Stephen F. Austin Building, Room 224-A, 1700 North Congress Avenue, Austin, Texas 78711, before 4 p.m. local prevailing time on October 16, 1988.

Proposals submitted in response to this request must address the scope of work outlined in the RFP. Any additions, alterations, or options to this scope of work must be clearly identified in the proposal.

Information submitted by an offeror in variance with the RFP instructions will not be evaluated. All contracting procedures shall be conducted in accordance with all applicable state and federal rules.

Budget: The maximum budget allowable for the project will be consistent with the scope of work and cooperative agreement. Budgeted funds for the Remedial Investigation/Feasibility Study phase are \$230,000.

Issued in Austin, Texas on September 9, 1988.

TRD-8809293 William G. Newchurch
Director, Legal Division
Texas Water Commission

Filed: September 12, 1988

For further information, please call (512) 463-7786

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Request for Qualifications

The Texas Water Commission (TWC) announces that it wishes to retain the services of an analytical laboratory to perform rapid turnaround (48 hours) chemical analysis for hazard assessment, waste characterization, and composition for emergency response to oil and hazard assessment incidents, and for Leaking Underground Storage Tank (LUST) sites.

The project will be conducted by the TWC, in part through Cooperative Agreement with the United States Environmental Protection Agency (EPA) and is pursuant to the

Superfund Amendments and Reauthorization Act (SARA) of 1986, the Resource Conservation and Recovery Act (RCRA), the Hazardous and Solid Waste Amendments (HSWA), and the Texas Water Code, Chapter 26, Subchapters G and I.

Objectives: The objective of obtaining analytical laboratory services is to secure reliable laboratory results with a rapid turnaround time (48 hours) in order to facilitate emergency services at oil and hazardous material, emergency response incidents, and LUST sites.

The contractor will be responsible for all services and equipment necessary to complete the project.

RFO Procurement: Contractors interested in submitting qualifications for this project must obtain a request for qualifications (RFQ) from the TWC. A copy of the RFQ may be obtained in one of three ways: by certified mail to Ms. Chris Peckham, UST Section, Contracts Unit, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7786; by private express mail service with a prepaid self-addressed envelope; or in person at Room 542, Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

Procedure for Selecting Contractor: A detailed evaluation process will be conducted, using criteria such as, but not limited to, demonstrated technical expertise; available facilities and equipment; the competence, related experience, and availability of personnel to be assigned to the project; and the contractor's chain-of-custody and quality assurance/quality control plans.

All contractors meeting the TWC's minimum qualifications will be sent an Invitation for Bid (IFB). All bids submitted by the Bid Opening deadline will be opened and analyzed according to the criteria stated in the IFB. A contract will be awarded, subject to commission approval, to the lowest responsive, responsible bidder.

Submittal Information: Four copies of the qualifications must be received by Mr. Danny Lien, P.E., Texas Water Commission, Underground Storage Tank Section, Stephen F. Austin Building, Room 224-A, 1700 North Congress Avenue, Austin, Texas 78711, before 4 p.m. local prevailing time on October 16, 1988.

Information submitted by a contractor in variance with the RFQ instructions will not be evaluated. All contracting procedures shall be conducted in accordance with all applicable state and federal rules.

Issued in Austin, Texas on September 9, 1988.

TRD-8809291

William G. Newchurch
Director, Legal Division
Texas Water Commission

Filed: September 12, 1988

For further information, please call (512) 463-7786

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Texas Water Development Board
Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board:

City of Houston, P.O. Box 1562, Houston, Texas 77251-1562, received May 20, 1988, financial assistance in the amount of \$192,500,000 from the State Water Pollution Control Revolving Fund.

San Leon Municipal Utility District, P.O. Box 5506, San Leon, Texas, 77539, received June 15, 1988, financial assistance in the amount of \$700,000 from the water supply account of the Water Development Fund.

Trinity River Authority (City of Crockett), P.O. Box 1554, Huntsville, Texas 77340, received August 26, 1988, financial assistance in the amount of \$60,000 from the water quality enhancement account of the Water Development Fund.

Victoria County Water Control and Improvement District Number 2, P.O. Box 238, Placedo, Texas, 77977-0238, received August 18, 1988, financial assistance in the amount of \$625,000 from the water quality enhancement account of the Water Development Fund.

Additional information concerning this matter may be obtained from M. Reginald Arnold II, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas on September 7, 1988.

TRD-8809177

M. Reginald Arnold II
Executive Administrator
Texas Water Development Board

Filed: September 7, 1988

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