

Texas Register

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

Open Meetings-notice of open meetings

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

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Texas Administrative Code

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37 TAC §152.7, §152.9—3484

37 TAC §163.31—3484

37 TAC §165.41, §165.43—3485

37 TAC §195.61—3490

37 TAC §197.21—3491

37 TAC §321.15, §321.16—3492

Part IX. Texas Commission on Jail Standards

37 TAC §§271.1-271.3—3623

37 TAC §271.2—3515

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

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

40 TAC §9.101—3092, 3351

40 TAC §9.204—3092, 3351

40 TAC §§10.3101-10.3190—3162, 3320

40 TAC §§10.3301-10.3307, 10.3320-10.3324—3162,
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40 TAC §§10.3401-10.3454—3162, 3322

40 TAC §§10.3501-10.3506—3430

40 TAC §10.3507—3431

40 TAC §12.22, §12.23—3641

40 TAC §15.200, §15.210—3092, 3351

40 TAC §16.901—3163

40 TAC §16.1101—3092, 3352

40 TAC §§16.1301-16.1305—3163

40 TAC §§16.1501, 16.1504-16.1509, 16.1511-16.1513—3163
40 TAC §§16.1514—3163, 3223
40 TAC §§16.1901, 16.1903, 16.1904, 16.1906, 16.1907, 16.1910-16.1912, 16.1914-16.1919—3167
40 TAC §§16.2901-16.2908—3167
40 TAC §§16.3001-16.3009, 16.3011-16.3017—3168

40 TAC §16.3010—3092, 3352
40 TAC §§16.3101-16.3107—3168
40 TAC §§16.3201-16.3212—3168
40 TAC §§16.3301-16.3304—3168
40 TAC §§16.3401-16.3404—3169
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40 TAC §§16.3801-16.3805, 16.3807—3169
40 TAC §16.3806—3162, 3327
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40 TAC §16.3903—3092, 3352
40 TAC §§16.4101-16.4103—3169
40 TAC §§16.4901-16.4913—3170
40 TAC §16.5101, §16.5102—3170
40 TAC §§16.5901-16.5903—3170
40 TAC §§16.6101-16.6111, 16.6113, 16.6120—3170

40 TAC §16.6112—3162, 3328
40 TAC §§16.7101, 16.7102, 16.7104—3171
40 TAC §16.7103—3092, 3352
40 TAC §16.9801—3092, 3353
40 TAC §16.9802—3171
40 TAC §19.1—3171
40 TAC §19.101—3172
40 TAC §§19.201-19.219—3177
40 TAC §§19.301-19.305—3184
40 TAC §19.401—3186
40 TAC §§19.501-19.505—3186
40 TAC §§19.601-19.604—3188
40 TAC §19.701—3193
40 TAC §§19.801-19.813—

40 TAC §§19.901-19.912—3199
40 TAC §§19.1001-19.1010—3202
40 TAC §§19.1101-19.1106—3203
40 TAC §§19.1201-19.1208—3205
40 TAC §§19.1301-19.1310—3206
40 TAC §§19.1401-19.1402—3210
40 TAC §§19.1501-19.1521—3212
40 TAC §§19.1501, 19.1504—3212
40 TAC §§19.1601-19.1612—3223
40 TAC §§19.1701-19.1708—3227
40 TAC §§19.1801-19.1809—3230
40 TAC §§19.1901-19.1933—3241
40 TAC §§19.2001-19.2013—3254
40 TAC §§19.2101-19.2107—3265
40 TAC §29.601—3266
40 TAC §29.1126—3266
40 TAC §§29.2201-29.2203—3162, 3431
40 TAC §§29.2401-29.2404—3267
40 TAC §31.101--31.107—3092, 3354
40 TAC §41.702—3092, 3354
40 TAC §§48.2101-48.2109—3092, 3355
40 TAC §48.2501—3092, 3356
19 TAC §§48.2601-48.2605, 48.2611—3582
40 TAC §48.2916—3162, 3328
40 TAC §48.5902—3415
40 TAC §48.9302—3583
40 TAC §54.403—3411
40 TAC §§79.1701-79.1707—3092, 3356

Part IX. Texas Department on Aging

40 TAC §255.37—3642

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §§1.300-1.305—3075, 3269

43 TAC §31.3—3643

43 TAC §§31.50, 31.53, 31.55, 31.57—

Part III. Texas Department of Aviation

43 TAC §§65.1-65.20—3625

43 TAC §§65.1-65.21—3625

Part IV. Texas High-speed Rail Authority

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

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

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

43 TAC §§83.100, 83.110, 83.120—3517

◆ ◆ ◆

The Governor

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

Appointments Made June 11, 1990

To be Presiding Judge of the First Administrative Judicial Region for a term to expire four years from date of qualification, to be effective after July 8, 1990: Judge Pat McDowell, Frank Crowley Courts Building, 133 North Industrial Boulevard, Dallas, Texas 75207-4313. Judge McDowell will be replacing Judge Ron Chapman of Dallas, whose term expires July 8, 1990.

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, 1995: Henry M. Carder, M.D., 8315 Walnut Hill Lane, Suite 135, Dallas, Texas 75231. Dr. Carder is being reappointed.

To be a member of the On-Site Wastewater Treatment Research Council for a term to expire September 1, 1990, Samula B. Vaughn, Jr., ST-28, Lake Cherokee, Henderson, Texas 75652. Mr. Vaughn is being appointed to a position on the board that has not been filled before.

To be a member of the Texas Surplus Property Agency for a term to expire March 19, 1995: Trevor David Rees-Jones, 6704 Woodland Drive, Dallas, Texas 75225. Mr. Rees-Jones will be filling the unexpired term of Tony Mercurio of El Paso, who resigned.

To be a member of the Rio Grande Valley Municipal Water Authority Board of Directors for a term to expire April 30, 1992: Charles Caesar Cardenas, 2525 West Pecan Boulevard, McAllen, Texas 78501. Mr. Cardenas is being reappointed.

To be a member of the Rio Grand Valley Municipal Water Authority Board of Directors for a term to expire April 30, 1992: J. L. Taylor, Route 3, Box 180A, McAllen, Texas 78504. Mr. Taylor is being reappointed.

To be a member of the Rio Grande Valley Municipal Water Authority Board of Directors for a term to expire April 30, 1992: Sylvia H. Flores, 949 South Georgia, Mercedes, Texas 78570. Mrs. Flores is being reappointed.

To be a member of the Texas Water Well Drillers Board for a term to expire September 15, 1995: Cynthia Elaine Hall, 8504 Soho Drive, Austin, Texas 78748. Ms. Hall will be replacing Linda R. Gambill of Seymour, whose term expired.

To be a member of the District IV Review Committee, Board of Medical Examiners for a term to expire January 15, 1994: Vicente Tavarez, M.D., 100 Ridge Road, Suite B, McAllen, Texas 78503. Dr. Tavarez will be filling the unexpired term of Dr. Luis M. Rios of McAllen, who resigned.

To be a member of the Texas Low-Level Radioactive Waste Disposal Authority for a term to expire February 1, 1993: James P. Smothermon, 10208 Colonial Club, Austin, Texas 78747. General Smothermon will be replacing Jim R. Phillips of El Paso, whose term expired.

To be a member of the State Banking Board for a term to expire January 31, 1993: George Willeford, III, M.D., 2511 McCullough, Austin, Texas 78703. Dr. Willeford will be filling the unexpired term of Wayne J. Thorburn of Austin, who resigned.

To be a member of the State Commission on Judicial Conduct for a term to expire November 19, 1995: A. H. "Al" Lock, 1421 Westover Lane, Fort Worth, Texas 76107. Mr. Lock will be replacing Max Emmert III of Odessa, whose term expired.

To be a member of the Fire Fighters' Relief and Retirement Fund Board of Trustees for a term to expire September 1, 1995: Charles H. Romans, 529 East Pecos, Uvalde, Texas 78801. Mr. Romans will be replacing Marvin R. Setzer of Brazoria, whose term expired.

To be a member of the Texas Guaranteed Student Loan Corporation Board of Directors for a term to expire January 13, 1993: Mark Griffin, 301 Wayne, Lubbock, Texas 79416. Mr. Griffin will be filling the unexpired term of Will Harnett of Dallas, who resigned.

To be a member of the Texas State Board of Plumbing Examiners for a term to expire September 5, 1995: Michael Joseph Warren, 7637 Northfield Drive, North Richland Hills, Texas 76180. Mr. Warren will be replacing Mario Estrada of San Antonio, whose term expired.

To be a member of the Texas National Research Laboratory Commission for a term to expire February 1, 1995: Charles R. Perry, Number 9 San Miguel Square, Odessa, Texas 79762. Mr. Perry is being reappointed.

To be a member of the Texas County and District Retirement System Board of Trustees for a term to expire December 31, 1995: Kathy Hynson, 1920 Klauke Court,

Rosenberg, Texas 77471. Mrs. Hynson is being reappointed.

To be a member of the Texas Literacy Council for a term to expire February 1, 1993: Evangelina Pena-Hughes, 1917 Whitewing, McAllen, Texas 78501. Ms. Pena-Hughes will be replacing Nancy Loper of Tyler, whose term expired.

To be a member of the Texas Literacy Council for a term to expire February 1, 1995: Robert B. Knight, P.O. Box 1408, Borger, Texas 79007. Mr. Knight will be replacing Dr. Gonzalo Garza of Austin, whose term expired.

To be a member of the Interagency Council For Services For the Homeless for a term at the pleasure of the Governor: Thomas Weir Labatt III, 135 West Elsmere, San Antonio, Texas 78212. Mr. Labatt is being appointed to a new position pursuant to House Bill 2473, 71st Legislature, Regular Session.

To be a member of the State Job Training Coordinating Council for a term at the pleasure of the Governor: Dwight E. Jefferson, 3742 Maroneal Drive, Houston, Texas 77025. Mr. Jefferson will be replacing Eduardo Aguirre of Houston, who resigned.

To be a member of the State Job Training Coordinating Council for a term at the pleasure of the Governor: Nancy Neal, #10 Brentwood Circle, Lubbock, Texas 79407. Mrs. Neal will be replacing Ridge Case of Harlingen, who resigned.

To be a member of the Statewide Health Coordinating Council for a term to expire September 1, 1991: Edith Schuler, 527 East Polk Street, Richardson, Texas 75081. Mrs. Schuler will be replacing George Bray of Austin, whose term expired.

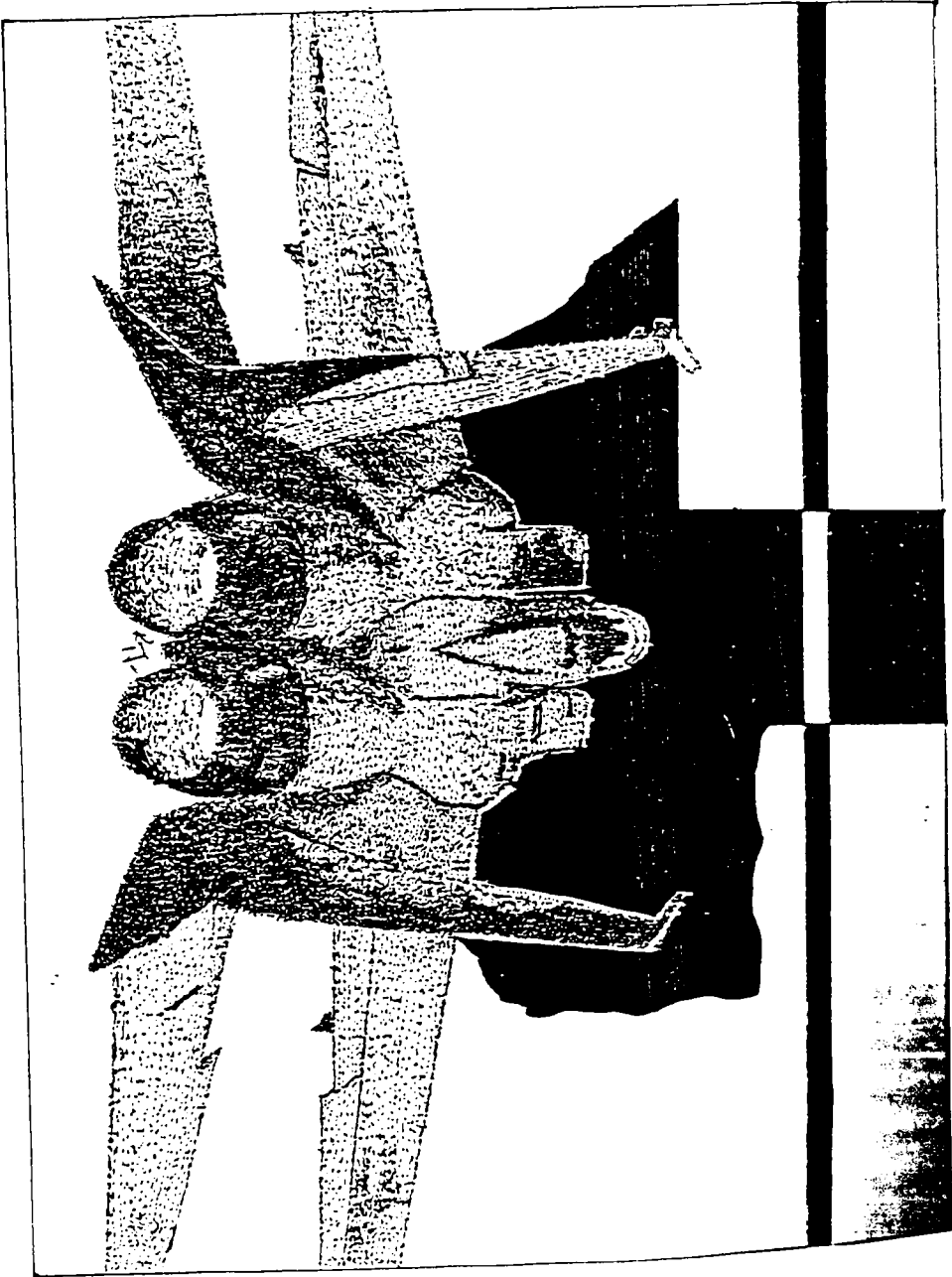
To be a member of the Project Child Save Steering Committee for a term to expire September 1, 1993: Sherry Radack, 638 West Forest, Houston, Texas 77079. Mrs. Radack is being appointed to a new position pursuant to House Bill Number 2116, §71.016.

To be a member of the Project Child Save Steering Committee for a term to expire September 1, 1993: Celia Ross Goode, 2727 Adrienne Circle, College Station, Texas 77845. Ms. Goode is being appointed to a new position pursuant to House Bill Number 2116, §71.016.

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

TRD-9006136





Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 101. Practice and Procedure Before the Office of the Secretary of State

Post-hearing Procedures

The Office of the Secretary of State adopts on an emergency basis amendments to §101.52 and §101.60, concerning the secretary of state's decision in a contested case. Specifically, the amendments clarify the system of practice and procedure before the agency by reflecting changes which were made to the Administrative Procedure and Texas Register Act by the 71st Legislature. The amendments adopted on an emergency basis are being contemporaneously proposed for comment in this issue of the *Texas Register*.

The amendments are adopted on an emergency basis to ensure that procedures pertaining to contested cases do not conflict with changes made to the Administrative Procedure and Texas Register Act, (APTRA), Texas Civil Statutes, Article 6252-13a, §16.

• 1 TAC §101.52

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §4 and §5(d), Articles 1528(d), 5221L, and 8871; Property Code, §222.005; Government Code, §406.023; and Texas Business and Commerce Code, §17.08 which provide the secretary of state with the authority to adopt rules necessary for the enforcement of the statutory provisions, including the holding of hearings pursuant to the Administrative Procedure and Texas Register Act.

§101.52. Secretary of State's Decision.

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

(c) After approval by the secretary of state, the proposed decision of the hearings examiner shall become the agency's decision. The agency's decision will be served on all parties and is final 20

days after the date a party or his attorney is notified of the agency decision, unless a motion for rehearing is filed with the appropriate office on or before the 20th day [15 days from the date rendered, unless a motion for rehearing is filed with the appropriate office on or before the 15th day].

(d) The agency shall notify parties or their attorneys of record either personally or by first class mail of the agency decision. An appropriate record of that mailing shall be kept by the agency. A party or his attorney of record notified by mail shall be presumed to have been notified on the date such notice was mailed.

(e)[(d)] If the motion for rehearing is granted, the decision is vacated pending a subsequent decision upon rehearing. If the motion for rehearing is overruled, whether by order or by the operation of law, the decision is final on the date it is overruled.

Issued in Austin, Texas, on June 14, 1990.

TRD-9006204

Lorna Wassdorf
Special Assistant
Office of the Secretary of
State

Effective date: June 15, 1990

Expiration date: October 13, 1990

For further information, please call: (512) 463-5654.

◆ ◆ ◆ Appeal

• 1 TAC §101.60

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, §4 and §5(d), Articles 1528(d), 5221L, and 8871; Property Code, §222.005; Government Code, §406.023; and Texas Business and Commerce Code, §17.08 which provide the secretary of state with the authority to adopt rules necessary for the enforcement of the statutory provisions, including the holding of hearings pursuant to the Administrative Procedures and Texas Register Act.

§101.60. Motion for Rehearing.

(a) Unless otherwise permitted by law, a motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed, with the appropriate office, within 20 days after the party of his attorney of record is notified of the agency decision [15 days after the rendition of the agency decision]. The motion must state each specific ground upon which the party believes the agency's decision is erroneous. The motion for rehearing will be acted on within 45 days after the date the party or his attorney of record is notified of the agency decision. [agency's decision was rendered].

(b) Any reply to a motion for rehearing must be filed, with the appropriate office, within 30 days after a party or his attorney is notified of the agency decision [25 days after the date the agency's decision is rendered].

(c) If the agency has not acted on the motion for rehearing within the 45-day period, the motion for rehearing is overruled by operation of law, 45 days after the date the party or his attorney of record is notified of the agency decision [rendition of the agency's decision].

(d) By written order, the agency may extend the period of time for filing the motions and replies and for taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date the party or his attorney is notified of the agency decision [that the agency's decision was rendered].

(e) In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the agency's decision or, in the absence of a fixed date, 90 days after the date the party or his attorney is notified of the agency's decision [of the agency's decision].

Issued in Austin, Texas, on June 14, 1990.

TRD-9006296

Lorna Wassdorf
Special Assistant
Office of the Secretary of
State

Effective date: June 15, 1990

Expiration date: October 13, 1990

For further information, please call: (512) 463-5654

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ART TERUCHER. CLEMME CREEK TSD - HOUSTON

MS. LAURA LICKETTO

Proposed Sections

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

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

TITLE 1.

ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 101. Practice and Procedure Before the Office of the Secretary of State

Post-hearing Procedures

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

The Office of the Secretary of State proposes amendments to §101.52 and §101.60, concerning the secretary of state's decision in a contested case. Specifically, the amendments clarify the system of practice and procedure before the agency by reflecting changes which were made to the Administrative Procedure and Texas Register Act (APTRA) by the 71st Legislature.

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

Mr. Joyner also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide the public with a clarification of the date an agency decision becomes final as well as the last date for filing a motion for rehearing, and establishes dates pertinent to said motion. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Guy Joyner, Staff Attorney, Statutory Documents Section, P.O. Box 12887, Austin, Texas 78711.

• 1 TAC §101.52

The amendment is proposed under Texas Civil Statutes, Article 6252-13a, §4; Articles 1528(d); 5221L, and 8871; Property Code, §222.005; Government Code, §406.023; and Texas Business and Commerce Code, §17.08 which provide the Office of the Secretary of State with the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties under the Acts, including the holding of hearings pursuant to APTRA.

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 14, 1990.

TRD-9006205

Lorna Wassdorf
Special Assistant
Office of the Secretary of
State

Earliest possible date of adoption: July 23, 1990

For further information, please call: (512) 463-5654

Appels

• 1 TAC §101.60

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

The amendment is proposed under Texas Civil Statutes, Article 6252-13a, §4, Articles 1528(d), 5221L, and 8871; Property Code, §222.005; Government Code, §406.023; and Texas Business and Commerce Code, §17.08, which provide the Office of the Secretary of State with the authority to adopt rules of practice reasonably necessary to carry out its ministerial duties under the Acts, including the holding of hearings pursuant to Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006297

Lorna Wassdorf
Special Assistant
Office of the Secretary of
State

Earliest possible date of adoption: July 23, 1990

For further information, please call: (512) 463-5654

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 41. State Commissioner of Education

Subchapter D. Adoptions by Reference

• 19 TAC §41.61

The Texas Education Agency proposes an amendment to §41.61, concerning the adoption by reference of Bulletin 742, "School District Data Submission to the Texas Education Agency." This bulletin contains the forms required for data submissions to the agency. Some forms have been deleted, streamlined, or coordinated with the public education information management system, and two new federal evaluation forms have been added due to legislative mandates.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, have 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 school districts will be provided advance notice about agency data requirements for the coming school year. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §11.52(d), which authorizes the commissioner of education to prescribe uniform systems of forms, reports, and records necessary to secure information from county school officers and local school districts.

§41.61. School District Data Submission to the Texas Education Agency.

(a) The rules for data submission to the Texas Education Agency are described in the official Texas Education Agency bulletin, "School District Data Submission to the Texas Education Agency," Bulletin 742, as amended May 1990 [October 1989], which is adopted by reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

(b) The commissioner of education shall amend "School District Data Submission to the Texas Education Agency," Bulletin 742, and this section adopting it by reference, as needed. The commissioner shall inform the State Board of Education of the intent to amend the bulletin and of the effect of proposed amendments before submitting them to the Office of the Secretary of State as proposed rule changes.

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

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

TRD-9006174 W. N. Kirby
Commissioner of Education

Earliest possible date of adoption: July 23, 1990

For further information, please call: (512) 463-9701

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**TITLE 22. EXAMINING
BOARDS**

**Part VI. Texas State
Board of Registration
for Professional
Engineers**

**Chapter 131. Practice and
Procedure**

Application for Registration

• 22 TAC §§131.53-131.56

The Texas State Board of Registration for Professional Engineers proposes amendments to §§131.53, 131.54, 131.55, and 131.56, concerning applications for registration. Section 131.53 is being amended to specify that incomplete applications received or applications received without the required fee will be returned to the applicant. Section 131.54(a) is being amended to clearly identify which documents are and are not required to be included with the application for registration at the time it is submitted to the board for consideration. Section 131.54(c) is being amended to exempt foreign students who successfully complete three years in advanced college engineering courses from the test of English as a foreign language (TOEFL) and the test of spoken English

(TSE). Section 131.55 clarifies the requirements for applications submitted from nonresidents, and the amendment to §131.56 corrects the reference to the National Council of Examiners for Engineering and Surveying, formerly the National Council of Engineering Examiners.

Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nemir also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clear and concise requirements regarding applications for registration. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendments are proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.53. Submission of Applications. Applications for registration will be submitted to the executive director. An application for registration shall be deemed submitted to the executive director when the application form, accompanied by the fee required by statute or board rule, is actually received at the board office. Incomplete application forms or forms not accompanied by the proper fee shall be returned to the applicant. When an application is accepted by the executive director and entered into the records of the board, the executive director shall send a receipt for the fee. Once an application is accepted and entered into the records of the board, the application fee will not be returned and the application, together with all pertinent documents submitted, will become a part of the permanent records of the board.

§131.54. General Application Information.

(a) The executive director may accept an application prior to the receipt of supplemental documents such as [reference statements and] transcripts of degrees over which the applicant has no control as to time of [completion or] submission[, or both,] to the board. The board will not consider [approve] an application until the following are provided:

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

(b) (No change.)

(c) Applicants must be able to speak and write the English language. An

applicant who is a native of a country in which the primary language is other than English, shall be required to include with his application evidence that the applicant has passed a TOEFL (test of English as a foreign language) with a score of 550 or above, and a TSE (test of spoken English) with a score of 200 or above. These tests shall have been taken within two years of the time the application is submitted if the applicant has lived in a non-English speaking country for more than two consecutive years after initially taking the test. An applicant who has received a four-year degree from an ABET-accredited course or who has successfully completed at least three years of work toward an advanced engineering degree in the United States shall be exempted from this requirement.

(d) (No change.)

§131.55. Application for Registration from Nonresidents. In general, applicants not residents of Texas must apply under the provisions of the Texas Engineering Practice Act (the Act), §21. To be eligible under §21, the applicant must be registered and in good standing in the state in which he is practicing or formerly practiced, and the applicant must have met the requirements for registration under the Act, §12(a) or (b), at the time he was granted an original registration. In addition, the application shall include all documentation as described in §131.54 of this title (relating to General Application Information) to be considered complete. If the applicant is currently registered in the state of his residence or practice but registration was granted under requirements less than those specified in the Act, §12(a) or (b), he may apply under §12(a) or (b), whichever is appropriate, if he has acquired the minimum requirements subsequent to his original registration. Further:

(1) non-Texas residents who have accredited engineering degrees from Texas colleges or universities, or are employees of a company whose primary administrative office (not regional, division, or other subdivision offices) is [are] located in Texas, or move from Texas after initiating an application for registration, [or who have taken and passed the principles and practice of engineering examination under §131.102 of this title (relating to Examinations for Record Purposes),] may apply for an original registration in this state.

(2) (No change.)

(3) a non-resident applicant or others applying under the Act, §21, must furnish with the application a copy of the pocket card or other verification that the license in the state of original registration and other states (no more than two pocket cards are required) is current and valid and, in addition, include with the application copies of proof or verification that the applicant has taken and passed

the engineering examinations.

§131.56. Certification of Qualification. If a properly executed National Council of [Engineering] Examiners for Engineering and Surveying certification of an applicant's qualifications for registration is provided, it will be accepted as verification of the applicant's educational qualifications and registration in other states. In such instance, transcripts to verify educational requirements and verification of registration in other states by use of board forms will not be required. This certification will not be accepted in lieu of any other required application information.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006242 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Proposed date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

References

• 22 TAC §131.71, §131.72

The Texas State Board of Registration for Professional Engineers proposes amendments to §131.71 and §131.72, concerning references. The board is revising the procedures for the submission of reference statements and §131.71 will specify the new requirements. Section 131.72 is being amended to add the new requirement that registered professional engineers who submit reference statements on behalf of an applicant for registration must also submit a copy of their pocket card to verify that their license is valid.

Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nemir also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clear and concise requirements pertaining to the submission of reference statements. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendments are proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make

and enforce all rules and regulations necessary for the performance of its duties.

§131.71. Reference Statements.

(a) The applicant, as part of his application for registration, shall send a copy of the board's reference statement form along with the special envelope and a copy of the portion of the applicant's supplementary experience record (SER) that the reference is to verify to a minimum of five references. The reference should complete the reference statement, sign the copy of the SER signifying that he agrees with the information written by the applicant, place the reference statement and signed SER in the special envelope, seal and sign across the back of the envelope, and return the sealed envelope back to the applicant. The applicant must enclose all of the sealed reference envelopes with his application when he submits it to the office of the board. An application received without the reference envelopes, or with envelopes that have evidence of tampering, shall be considered an incomplete application and returned to the applicant [to a minimum of five references with a request that the form be immediately completed and returned directly to the office of the board. It is the responsibility of the applicant to distribute the forms to those persons he selects]. At least one reference statement should be provided concerning the work done for each employer. References need not be provided for experience gained 15 or more years prior to the date of the application unless specifically requested by the board. The reference should have personal knowledge of the applicant's work for which he is providing a reference statement. Accurate statements of fact from responsible sources concerning the applicant's technical abilities and performance are necessary as are frank and candid appraisals of his character, reputation, and suitability for professional registration. [In this regard, an option is available to the applicant to waive his right to pursue any cause or action against his selected reference for any negative comments he might make in his evaluation for the board's consideration.]

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

§131.72. Professional Engineer References. It is desirable for all references to be from registered professional engineers who are qualified to evaluate the applicant's engineering training, experience, and overall qualifications. By law (Texas Civil Statutes, Article 3271a, §13), three of the five required references must be from registered engineers. All references should know the applicant personally. The engineers under whose direct supervision the applicant has worked should be given as references. Texas registrants who act as references are

required to provide complete, accurate, and detailed responses on the reference form. If sufficient detail is not provided, the reference statement may be considered as nonresponsive. Professional engineers who provide reference statements and are registered in a state other than Texas shall include a copy of their pocket card or other verification to indicate that their license is valid.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006241 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Earliest possible date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

Engineering Experience

• 22 TAC §131.81

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.81, concerning experience evaluation. The amendment to §131.81 specifies that an applicant for registration must describe engineering experience in sufficient detail in the supplementary experience record so that it is apparent to the board that the applicant's experience is progressive and of an increasing standard of quality and responsibility; that in order for military experience to be acceptable, the applicant must submit a copy of his discharge papers (DD Form 214); that the board will no longer place an application on hold in order for the applicant to attain additional acceptable experience; and that applicants claiming foreign engineering experience must have at least two years of engineering experience in the United States and show that they have learned the use of the United States standards, codes, and other engineering procedures in their practice.

Charles E. Nemir, P.E., executive director, 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 as a result of enforcing or administering the section.

Mr. Nemir 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 clear and concise requirements pertaining to the evaluation of engineering experience. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329,

Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.81. *Experience Evaluation.* The evaluation of the engineering experience claimed by an applicant for registration under the Texas Engineering Practice Act (the Act), §12(a), [or] (b), or §21, will include, but not be restricted to, the following.

(1) Experience must have been progressive and of an increasing standard of quality and responsibility and must be described in sufficient detail in the applicant's supplementary experience record that it will be apparent to the board that the applicant has met these parameters.

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

(5) Military experience, to be acceptable, must have been gained in engineering work of a character satisfactory to the board. A copy of discharge papers (DD Form 214) or other evidence of military service must be provided if the applicant served in any military unit after receiving an engineering degree or if any engineering is claimed during military service.

(6)-(11) (No change.)

(12) Applicants who claim foreign engineering experience must have, in addition to other experience, at least two years of engineering experience, in the United States and show that they have learned to use the United States standards, codes, and other engineering procedures in their engineering practice. [If an applicant's experience is considered inadequate upon examination, but the board believes he may meet the legal requirements within one year from the date the application was submitted, such application may be held by the board for one year without approval or nonapproval. Such applicants will be advised of the basis for holding their applications and the conditions under which their application will be considered again. In determining the hold period, the one-year period will begin on the first day of the month in which the application was notarized and will end one year from that date. The applicant must submit the following information within 60 days after the end of the one-year hold period or the application will not be approved:

[(A) a supplementary experience record for the one-year hold period;

[(B) three references from professional engineers for the one-year hold

period; and

[(C) any additional information requested by the board.]

(13)-(18) (No change.)

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006240 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Earliest possible date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

Education

• 22 TAC §131.93

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.93, concerning transcripts. Section §131.93 is being amended to require that an applicant for registration submit an official transcript from each school from which a degree or 15 or more semester hours of credit are claimed on the application.

Charles E. Nemir, P.E., executive director, 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 as a result of enforcing or administering the section.

Mr. Nemir 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 clear and concise requirements concerning the submission of transcripts. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.93. *Transcripts.* An official transcript bearing the seal of the institution involved must be provided to the board for each school from which a degree or 15 or more semester hours of credit [credits] are claimed on an application, regardless of the section of the Act under which application is being made. The applicant is responsible for ordering and paying for all such transcripts, which are to be forwarded directly to the board office by the respective

registrars. Normally, if a legible transcript has been received and accepted for an application, a similar transcript need not be submitted to support any subsequent application from the same applicant.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006239 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Earliest possible date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

Examinations

• 22 TAC §131.101, §131.105

The Texas State Board of Registration for Professional Engineers proposes amendments to §131.101 and §131.105, concerning examinations. Section 131.101(5) is being amended to delete the procedures for requesting an excusal from an examination as examinees will be required to follow the examination schedules outlined in §131.101(4)(A) and (B). The amendment to §131.105 corrects the reference to the National Council of Examiners for Engineering and Surveying, formerly the National Council of Engineering Examiners.

Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nemir also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clear and concise procedures governing the administration of the national engineering examinations. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendments are proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.101. *Examinations for the Texas Engineering Practice Act, §12(b) Registration.* The following will apply for persons required to apply under the Texas Engineering Practice Act, §12(b).

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

(5) Failure to pass either examination within the schedule will cause the application to be not approved. [Individuals may be excused from a maximum of two examinations during the examination schedule. One excuse may be granted for reasons acceptable to the executive director. A second and final excuse will require board action. Excused examination will count as an examination scheduled under paragraph (6) of this section, but will not count toward the maximum examinations allowed under paragraph (4) of this section. Requests to be excused from any examination may be made in writing and received in the board office before the examination date or no later than 30 days after the examination date.]

(6)-(9) (No change.)

§131.105. Examination Analysis. In accordance with the Texas Engineering Practice Act, §14(c), a written analysis will be provided to anyone failing an examination provided a written request is received in the board office during the period the actual examination is retained in the board files. Further, privileges of viewing examination results, regarding, etc., as permitted by the uniform examination procedures set out by the National Council of [Engineering] Examiners for Engineering and Surveying (NCEES) [NCEE] may also be available, provided that any costs associated with regrading by NCEES [NCEE] will be paid by the examinee.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006238

Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Earliest possible date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

Board Review of Application

• 22 TAC §131.111, §131.112

The Texas State Board of Registration for Professional Engineers proposes amendments to §131.111 and §131.112, concerning the board's review of applications. Section 131.111 is being amended to delete the reference to Section 131.81(12), which is concurrently in the process of being amended to delete the "hold" category of an application. Section 131.112 is being amended to permit the executive director or his designated representative to approve applications for registration under the Texas Engineering Practice Act (the Act), §21, to increase the efficiency of the board's review of applications submitted under the Act, §12(a) or (b).

Charles E. Nemir, P.E., executive director, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Nemir also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be increased efficiency in the board's ability to process and review the applications for registration. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendments are proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.111. Initial Review. An application will be considered complete when all information required by the Texas Engineering Practice Act (the Act), the board rules, and the instructions has been received and accepted by the executive director or his designated representative. When an application is complete, it will be reviewed by the executive director or his designated representative, and a summary of the application will be prepared. This summary will include a recommendation that the application be approved, not approved, rejected, or withdrawn [, or that no action be taken in accordance with §131.81(12) of this title (relating to Experience Evaluation)]. The application will then be circulated to individual engineer members of the board for review and vote. The board reserves the right to take action under any section of the Act for which the applicant meets all the requirements at the time the application is submitted regardless of the section designated by the applicant.

§131.112. Approved Applications.

(a) If, on the basis of the initial review of applications under the Texas Engineering Practice Act (the Act), §12(a) or (b), the executive director or his designated representative recommends that an applicant be granted registration and the first engineer board member to review the application concurs and votes accordingly, the applicant will be granted registration and a record of the action will be made a part of the minutes of the next regular board meeting.

(b) (c) (No change.)

(d) If, on the basis of the initial review of applicants applying under the

Act, §21 (nonresidents or those registered in other jurisdictions), the executive director or his designated representative recommends that such an applicant be granted registration, the applicant will be granted registration and a record of the action will be made a part of the minutes of the next regular board meeting. If, after the initial review, the executive director or his designated representative does not recommend that the applicant be granted registration, the procedures in subsections (b) and (c) of this section will be followed.

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006237

Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Earliest possible date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

Registration

• 22 TAC §131.138

The Texas State Board of Registration for Professional Engineers proposes an amendment to §131.138, concerning engineers' seals. The amendment to §131.138(5)(B) clarifies that a document bearing a CADDSEAL must either contain the registrant's original signature and date or a described notation that the document was authorized by the responsible engineer. The engineer must include his name, serial number, and the date of authorization in the notation.

Charles E. Nemir, P.E., executive director, 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 as a result of enforcing or administering the section.

Mr. Nemir 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 clear and concise requirements regarding the use of a CADDSEAL and that an authorization statement is required on any document bearing a CADDSEAL. There will be no effect on small businesses as a result of enforcing the section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

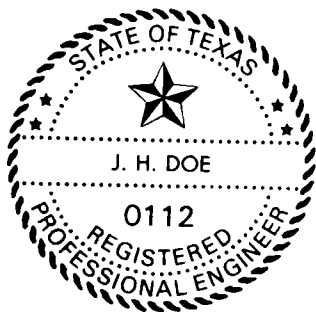
Comments on the proposal may be submitted to Charles E. Nemir, P.E., Executive Director, Texas State Board of Registration for Professional Engineers, P.O. Drawer 18329, Austin, Texas 78760.

The amendment is proposed under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations

necessary for the performance of its duties.
 §131.138. *Engineer's Seals.* Seals of two

different sizes will be acceptable, a pocket seal, the commercially designated as 1 5/8-inch seal, or desk seal, commercially

designated as a two-inch seal, to be of the design shown as follows.



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

(5) Registrants may obtain and use both an impression type seal and a rubber stamp facsimile. In addition, a seal replica produced by computer-aided design/drafting (CADDSEAL) may be used based on the provisions prescribed in subparagraphs (A)-(C) of this paragraph. The rubber stamp facsimile and the CADDSEAL shall bear the same name, in the same style, as the impression seal, and conform to the design requirements previously stated in this section.

(A) (No change.)

(B) A CADD-generated engineering document shall not be issued bearing a CADDSEAL unless the document also bears the registrant's original signature and date, or the following notation displayed prominently near the CADDSEAL: "The seal appearing on this document was authorized by (example) John H. Doe, P.E. 0112, on , 19 ." [CADD documents bearing a CADDSEAL will contain the following note displayed prominently near the CADDSEAL: "The seal appearing on this document was authorized by (example) John H. Doe, P.E. 0112, on , 19 ." The CADDSEAL shall not be reproduced on any document that does not contain the responsible engineer's signature and date or the notation indicated in this subparagraph.]

(C) (No change.)

(6)-(9) (No change.)

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006236 Charles E. Nemir, P.E.
 Executive Director
 Texas State Board of
 Registration for

Professional Engineers

Proposed date of adoption: July 25, 1990

For further information, please call: (512) 440-7723

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**Part IX. State Board of
 Medical Examiners**

**Chapter 175. Schedule of Fees
 and Penalties**

• 22 TAC §175.1

The Texas State Board of Medical Examiners proposes an amendment to §175. 1, concerning the schedule of fees and penalties. The board received notification of an increase in examination fees, and the proposed rule change reflects the increase.

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

There will be no local employment impact.

Jean Davis, administrative assistant, 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 clarification of the fee schedules as it relates to charges. There will be no effect on small businesses as a result of enforcing the section. The anticipated economic cost to persons who are required to comply with the section as proposed will be \$0 in fiscal year (fy) 1990; \$60 in fy 1991-1994 for full FLEX; \$25 in fy 1991-1994 for SPEX; and \$30 in fy 1991-1994 for FLEX I or II.

Comments on the proposal may be submitted to Jean Davis, Box 13562, Austin, Texas 78711. A public hearing will be held at a later time.

The amendment is proposed under Texas Civil Statutes, Article 4495b, which provides the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its

own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

§175.1. *Fees.* The board shall charge the following fees:

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

(3) processing an application for complete or partial licensure examination (includes one FLEX and jurisprudence examination fee) --\$560 [500]

(4) (No change.)

(5) examination fees (required and payable each time applicant is scheduled for examination):

(A) FLEX Component
 I--\$280 [250];

(B) FLEX Component
 II--\$280 [250];

(C) (No change.)

(D) SPEX--\$275 [250].

(6)-(14) (No change.)

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

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

TRD-9006250 Homer R. Goehrs, M.D.
 Executive Director
 Texas State Board of
 Medical Examiners

Earliest possible date of adoption: July 23, 1990

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 281. Applications Processing

• 31 TAC §281.17, §281.18

The Texas Water Commission proposes amendments to §281.17 and §281.18, concerning notice to be given regarding applications for industrial solid waste or hazardous waste permits, underground injection control permits, and compliance plans. The proposed amendments provide that notice of an application for a new, amended, or renewed industrial solid waste permit, a new, amended, or renewed injection well permit, or for a new or amended compliance plan shall be provided to the public upon receipt of the application, rather than at the time the application is declared administratively complete.

The amendments are proposed in response to statutory changes made to the Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 (Vernon) as amended by House Bill 2494, Acts of the 71st Legislature, 1989, and to ensure consistency among the statute, the Texas Water Code, and this chapter.

The proposed amendments to the sections includes amendments to §281.17(d) and (e). The proposed amendment to subsection (d) provides that the notice of an application for a new, amended, or renewed industrial solid waste permit, a new, amended, or renewed injection well permit, or for a new or amended compliance plan shall be prepared and provided to the public upon receipt of the application. The proposed amendment to subsection (e) clarifies existing language to state that the notice requirements apply at the time of the actual receipt of applications for a new, amended, or renewed industrial solid waste permit, a new, amended or renewed injection well permit, or for a new or amended compliance plan, rather than the time when the commission makes its declaration of administrative completeness for such applications.

The proposed amendment to §281.18 provides that the applicant for a new, amended, or renewed industrial solid waste permit, a new, amended, or renewed injection well permit, except those filed pursuant to 31 Texas Administrative Code §331.8, or for a new or amended compliance plan is responsible for the cost of any notice so provided.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Bourdeau also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that notice of an application will be provided to the public in accordance with the notice

requirements of the Texas Solid Waste Disposal Act and consistent with legislative intent expressed in the Texas Water Code. There will be no effect on small businesses as a result of enforcing the sections. There will be no economic cost to persons who are required to comply with the sections as proposed.

Comments and request for a hearing on the proposal may be submitted to Robert Renbarger, Staff Attorney, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087 for 30 days after the date of publication.

The amendments are proposed under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, §361.024 (Vernon Supplement 1990), which provides the Texas Water Commission with the authority to adopt rules and establish minimum standards of operation for the management and control of solid waste under the jurisdiction of the Texas Water Commission.

§281.17. Notice of Receipt of Application and Declaration of Administrative Completeness.

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

(d) Other applications. Upon receipt of an application described in §281.2((2) and (5)-(9)) [(2-9)] of this title (relating to Applicability) which contains the information and attachments required by §§281.5-281.7 and 281.16 of this title (relating to Application for Wastewater Discharge; [Underground Injection, Hazardous Waste, and Industrial Solid Waste Management Permits;] Applications for Plan Approval of Reclamation Projects; Applications for Weather Modifications Permits; and Applications for Certificates of Convenience and Necessity), the executive director or his designee shall assign the application a number for identification purposes, and prepare a statement of the receipt of the application and declaration of administrative completeness which is suitable for publishing or mailing and shall forward that statement to the chief clerk. Upon receipt of an application for a new, amended, or renewed injection well permit, except those filed pursuant to §331.8 of this title (relating to Application Required for Existing Wells) for a new, amended, or renewed industrial solid waste permit or for a new or amended compliance plan as described in §281.2 (3) and (4) of this title (relating to Applicability), the executive director or his designee shall assign the application a number for identification purposes and prepare a statement of the receipt of the application which is suitable for publishing or mailing and shall forward that statement to the chief clerk. The chief clerk shall notify every person entitled to notification of a particular application under the rules of the commission.

(e) Notice requirements. The notice of receipt of the application and declaration of administrative completeness, or for

applications for a new, amended, or renewed industrial solid waste permit, a new, amended, or renewed injection well permit, except those filed pursuant to §331.8 of this title (relating to Application Required for Existing Wells), or for a new or amended compliance plan as described in §§281.2(3) and 281.2(4) of this title (relating to Applicability), the notice of receipt of the application, shall contain the following information:

(1)-(5) (No change.)

(f) (No change.)

§281.18. Applications Returned.

(a) (No change.)

(b) For applications involving industrial solid waste or municipal hazardous waste, the executive director may extend the response time to a maximum of 270 days upon sufficient proof from the applicant that an adequate response cannot be submitted within 30 days. Unless there are extenuating circumstances, if an applicant does not submit an administratively complete application as required by this chapter, the application shall be considered withdrawn. However, the applicant is responsible for the cost of any notice provided pursuant to §281.17 of this title (relating to Notice of Receipt of Application and Declaration of Administrative Completeness) and the costs of such notice shall be deducted from any filing fees submitted by the applicant prior to return of the incomplete application.

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

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

TRD-9006267

Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: July 23, 1990

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter J. Petroleum Products Delivery Fee

• 34 TAC §3.151

The Comptroller of Public Accounts proposes new §3.151, concerning bonds and other security for fees. The new section sets out the requirements for bonds and other securities

for persons who operate bulk facilities and collect Texas petroleum products delivery fees.

The new section is proposed to provide guidance and establish bonding standards for permit applicants. The fee became effective September 1, 1989.

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

Mr. Lock also has determined that for each year of the first five years the section is in effect there would be no significant public cost or benefit. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Lucy Glover, Director, Taxability, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.151. Bonds and Other Security for Fees.

(a) The comptroller may require a bulk facility operator to post a bond or other security to protect the revenues of the state.

(b) When determining the security required of a bulk facility operator, the comptroller will take into consideration the amount of fee that has or is expected to become due from the person, any past history of the person as a distributor or supplier of fuel, and the necessity to protect the state against the failure to pay the fee as it becomes due.

(c) The comptroller may require a bond equal to two times the highest amount of fees that will accrue during a reporting period. The minimum bond is \$30,000. The maximum bond is \$600,000 unless the comptroller believes there is undue risk of loss of fee revenues, in which event he may require one or more bond or securities in a total amount exceeding \$600,000.

(d) If the comptroller determines that a bulk facility operator has for four consecutive years continuously complied with the conditions of the bond or other security on file, the operator is entitled on request to have the comptroller return, refund, or release the bond or security. However, if the comptroller determines that the revenues of the state would be jeopardized by the return, refund, or release of the bond or security, the comptroller may elect not to return, refund, or release the bond or security. The comptroller may reimpose a requirement of a bond or other security if necessary to protect the revenues of the

state.

(e) A bond must be a continuing instrument, must constitute a new and separate obligation in the penal sum named in the bond for each calendar year or portion of a year while the bond is in force, and must remain in effect until the surety on the bond is released and discharged.

(f) In lieu of filing a surety bond, an applicant for a permit may substitute the following security:

(1) cash in the form of United States currency in an amount equal to the required bond, to be deposited in the suspense account of the state treasury;

(2) an assignment to the comptroller of a certificate of deposit in any bank or savings and loan association in Texas that is a member of the FDIC or the FSLIC in an amount equal to the bond amount required; or

(3) an irrevocable letter of credit to the comptroller from any bank or savings and loan association in Texas that is a member of the FDIC or the FSLIC in an amount of credit at least equal to the bond amount required.

(g) If the amount of an existing bond becomes insufficient or a security becomes unsatisfactory or unacceptable, the comptroller may require the filing of a new or of an additional bond or security.

(h) No surety bond or other form of security may be released until it is determined by examination or audit that no fee, penalty, or interest liability exists. The cash or securities shall be released within 60 days after the comptroller determines that no liability exists.

(i) The comptroller may use the cash or certificate of deposit security to satisfy a final determination of delinquent liability or a judgment secured in any action by this state to recover fees, costs, penalties, and interest found to be due this state by a person in whose behalf the cash or certificate security was deposited.

(j) A surety on a bond furnished by a permittee shall be released and discharged from liability to the state accruing on the bond after the expiration of 30 days after the date on which the surety files with the comptroller a written request to be released and discharged. The request does not relieve, release, or discharge the surety from a liability already accrued, or that accrues before the expiration of the 30-day period. Promptly after receipt of the request, the comptroller shall notify the permittee who furnished the bond, and unless the permittee, before the expiration date of the existing security, files with the comptroller a satisfactory new bond or other security, the comptroller shall cancel the permit.

(k) The comptroller shall notify immediately the issuer of a letter of credit of a final determination of the bulk facility

operator's delinquent liability or a judgment secured in any action by this state to recover fees, costs, penalties, and interest found to be due this state by a bulk facility operator in whose behalf the letter of credit was issued. A letter of credit accepted as security shall contain a statement that the issuer agrees to respond to the comptroller's notice of liability with amounts sufficient to satisfy the comptroller's delinquency claim against the bulk facility operator.

(1) An examination or audit may be requested to obtain release of the security when the permit holder relinquishes the permit or desires to substitute one form of security for an existing one.

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

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

TRD-9006126 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: July 23, 1990

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

◆ ◆ ◆ • 34 TAC §3.152

The Comptroller of Public Accounts proposes new §3.152, concerning imposition and collection of the fee. The new section explains the standards for determining when the Texas Petroleum Product Delivery Fee applies and the amount to be collected.

This new section implements recent legislation which became effective September 1, 1989, and provides guidance to persons required to pay or collect the fee.

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

Mr. Lock also has determined that for each year of the first five years the section is in effect there would be no significant public cost or benefit. There is no anticipated economic cost to persons who are required to comply with the proposed section as proposed.

Comments on the new section may be submitted to Lucy Glover, Director, Taxability, Legal Services Division, P.O. Box 13528, Austin, Texas 78711.

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

§3.152. Imposition and Collection of the Fee.

(a) The Texas Petroleum Product Delivery Fee is imposed, collected, and paid to the state by operators of bulk facilities. The fee is assessed when petroleum products are withdrawn from the bulk facility and delivered into a cargo tank or barge or imported into this state in a cargo tank or barge for delivery to another location for distribution or sale. The fee is not assessed when the fuel is destined for delivery to another bulk facility, export from the state, an electrical generating plant or common carrier railroad for its exclusive use.

(b) The fee is collected by the operator of a bulk facility from the person ordering the withdrawal. The fee is computed as follows:

(1) \$12.50 for each delivery into a cargo tank having a capacity of less than 2,500 gallons;

(2) \$25 for each delivery into a cargo tank having a capacity of 2,500 gallons or more but less than 5,000 gallons;

(3) \$37.50 for each delivery into a cargo tank having a capacity of 5,000 gallons or more but less than 8,000 gallons;

(4) \$50 for each delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons; and

(5) a \$25 fee for each increment of 5,000 gallons or any part thereof delivered into a cargo tank having a capacity of 10,000 gallons or more.

(c) In determining the amount of fee due for motor gasoline, other alcohol blended fuels, and aviation gasoline, each net temperature corrected withdrawal of 7,000 gallons or more but less than 10,000 gallons shall be presumed to have been a delivery into a cargo tank having a capacity of 8,000 gallons or more but less than 10,000 gallons and the fee shall be collected as provided by subsection (b)(4) of this section.

(d) In determining the amount of fee due on all withdrawals not covered by subsection (c) of this section, it shall be presumed that the capacity of the cargo tank is equal to the total net temperature corrected quantity of product withdrawn.

(e) For the purposes of this section, a bulk facility is a refinery terminal or any other terminal or facility which receives petroleum products by pipeline, rail, or barge, and delivers the products into a cargo tank or barge.

(f) For the purposes of this section, the operator of a bulk facility is the person who first invoices petroleum products withdrawn from the facility. An exchange statement is not considered an invoice.

(g) For the purposes of this section, an electrical generating facility is a plant operated for the primary purpose of gener-

ating electricity for sale to consumers.

(h) Persons exempt from the petroleum product delivery fee shall request in writing a letter of exemption from the comptroller. The letter of exemption issued by the comptroller, or a copy, must be furnished to the seller each time purchases exempt from the petroleum product delivery fee are made.

(i) If the seller does not hold a petroleum product delivery fee permit, the purchaser must also furnish to the seller a statement listing the date of purchase, number of gallons purchased per delivery, and destination of the product. For the seller to receive credit for exempt sales, this documentation must be presented to the permitted bulk facility from which the product was purchased.

(j) The amount of the petroleum product delivery fee must be listed as a separate item on the invoice or cargo manifest issued by persons holding a permit to collect the fee upon the withdrawal of product from a bulk facility.

(k) Only persons who hold a petroleum product delivery fee permit may charge and collect the fee on the basis of the bracket system established in this section. No other person selling fuel may list the fee as a separate item on invoices or manifests except:

(1) when required to do so by other governmental agency; or

(2) when an amount is clearly identified as reimbursement. An amount collected as reimbursement may not exceed the amount of fee actually paid by the person issuing the manifest or invoice.

(l) This section is effective November 1, 1989.

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

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

TRD-9006125 Bob Bullock
Comptroller of Public
Accounts

Earliest possible date of adoption: July 23, 1990

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

TITLE 37. PUBLIC SAFETY CORRECTIONS

Part IX. Texas Commission on Jail Standards

Chapter 271. Classification and Separation of Inmates

• 37 TAC §§271.1-271.3

(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 Texas Commission on Jail Standards or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Commission on Jail Standards proposes the repeal of §§271.1-271.3, concerning the classification and separation of inmates in county jails. The repeals are proposed to allow for major revisions to these requirements.

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

Mr. Crump also has determined that for each year of the first five years repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the provision of safe and secure jail facilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Jack E. Crump, Texas Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711.

The repeals are proposed under Texas Codes Annotated, the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction equipment, maintenance, and operation for county jails.

§271.1. Inmate Safety.

§271.2. Classification Plan.

§271.3. Cell Assignment.

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

Issued in Austin, Texas, on May 23, 1990.

TRD-9006124 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Earliest possible date of adoption: July 23, 1990

For further information, please call: (512) 463-5505

The Texas Commission on Jail Standards proposes new §§271.1-271.3, concerning the classification and separation of inmates in county jails. The new sections are proposed to utilize an objective and verifiable classification system.

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

Mr. Crump also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the provision of safe and secure jail facilities. There will be no effect on small businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Jack E. Crump, Texas Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711.

The new sections are proposed under Texas Codes Annotated, the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

§217.1. Inmate safety. A person arrested shall be confined or separated in a facility in the following manner.

(1) Prior to and during processing into a facility, arrested persons shall be under direct staff supervision.

(2) Following processing, housing separation shall be provided to assure the health and safety of each detained.

(3) A person confined to a detoxification cell shall be moved to a general housing area as soon as he can properly care for himself.

(4) An initial custody level shall be assessed each individual consistent with public safety and based on available information.

(A) An assessment system shall be developed by each sheriff using, as a minimum, the following information and format:

- (i) charge/conviction—(one to 10 points);
- (ii) offense history—(one to 10 points);
- (iii) escape history—(one to 10 points);
- (iv) history of violence—(one to 10 points);
- (v) length of incarceration—(one to 10 points);
- (vi) all other available information—(one to 10 points).

(B) The lowest figure is a positive indicator while the highest figure is a negative indicator. Known stability factors may affect the assessment by reducing the number indicator for each scored area.

(C) This assessment shall determine low risk, medium risk, or high

risk custody status. Inmates with a custody assessment of 42–60 shall be considered high risk inmates. Inmates with a custody assessment of 24–41 may be considered medium risk inmates. Inmates with a custody assessment of 0–23 may be considered low risk inmates. A similar assessment system may be used; however, scoring guidelines shall be consistent with this subparagraph.

(D) After custody level assessment has been resolved, high and medium risk inmates shall be classified according to §271.2 of this title (relating to Classification Plan). Low risk inmates do not require further classification except the separation of male and female inmates. Inmates transferred directly to a low risk facility shall be assessed by the sheriff or his designee upon arrival at the facility. Those not qualifying as low risk inmates shall be immediately transferred to a high risk facility.

§271.2 Classification Plan. Each sheriff shall develop and implement a written classification plan, approved by the commission, which shall provide for the protection of inmates, staff, and the community. The plan shall contain the following provisions:

(1) a classification and a risk assessment made prior to assignment to a living area;

(2) separation and assignment of inmates to living areas and activities based upon the following factors:

(A) gender. Male inmates shall be separated from the sight and sound of female inmates, except that, when under direct, visual, and proximate supervision, males and females may simultaneously dine together and attend together church services, education programs, counseling programs, recreation and exercise programs, and work programs;

(B) age. If juveniles are detained, they shall be separated by sight and sound from adult inmates. Age shall be a consideration when any inmate is assigned to inmate housing;

(C) witnesses. Witnesses not charged with a crime shall be separated from all other inmates;

(D) health. Inmates with communicable diseases shall be separated from all other inmates as determined by the local health official. All inmates possessing mental health concerns to include homicidal or suicidal tendencies, shall be housed to provide for continuous observation;

(E) severity of charges/conviction. Violent or assaultive crimes, crimes against persons, and crimes involving use of a weapon or deadly force shall be considered;

(F) pre-trial first offenders shall be separated from all convicted inmates. The Texas Commission on Jail Standards may grant a variance to this requirement when individuals are congregated under constant and direct supervision;

(G) known institutional behavior. All available incident reports shall be considered;

(H) criminal sophistication;

(I) assaultive or passive tendencies;

(J) the separation of trustees, inmates sentenced to work release, weekend detention, or alternative programs which could lead to a breach in security or introduction of contraband;

(11) all other available information;

(3) an appeals process of one's classification and/or assessment to the sheriff;

(4) a documented review of each inmate's classification based on additional information or a change in status;

(5) the maintenance of records of inmates' classifications, appeals, reviews, and disposition.

§271.3. Cell Assignment. The number and capacity of cells or rooms in a facility shall be designed and constructed so that the mandatory separation provisions and the facility's inmate classification plan can be complied with.

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

Issued in Austin, Texas, on May 23, 1990.

TRD-9006123

Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Earliest Possible date of adoption: July 23, 1990

For further information, please call: (512) 463-5505

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TITLE 43.
TRANSPORTATION
Part III. Texas Department
of Aviation
Chapter 65. Aviation Facilities
Development and Financial
Assistance

• 43 TAC §§65.1-65.21

(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 Aviation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department of Aviation proposes the repeal of §§65.1-65.21, concerning aviation facilities development and financial assistance. The repeal of §§65.1-65.21 is proposed in conjunction with a proposed enactment of a set of new rules governing aviation facilities development and financial assistance. House Bill 94 changed the department's facilities development program. Repeal of the existing rules and enactment of the new rules will facilitate administration of funds and programs in accordance with current law.

C. A. (Clay) Wilkins, executive director of the Texas Department of Aviation, has determined the repeals will have no impact on local economies.

Karon Wiedemann, fiscal officer of the Texas Department of Aviation, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ken Kaemmerle, director of facilities development for the Texas Department of Aviation, has determined that for each year of the first five years the repeals are in effect there will be no public benefit or economic cost to persons as a result of the repeals.

Comments on the proposal may be submitted to Lydia Scarborough, Director of Support and Services, Texas Department of Aviation, P.O. Box 12607, Austin, Texas 78701, (512) 476-9262. All requests for a public hearing on the proposal must be submitted in accordance with the Administrative Procedure and Texas Register Act and must be received by Lydia Scarborough, Director of Support and Services, Texas Department of Aviation, not more than 15 calendar days after notice of the proposed change has been published in the *Texas Register*.

The repeals are proposed under Texas Civil Statutes, Articles 46c-4, 46c-6, and 46c-8A, which provide the Texas Department of Aviation with the authority to make and amend rules and regulations; encourage, aid, and assist in the establishment of airports and air navigation facilities; provide funds for establishment, construction, reconstruction, enlargement or repair of airports, airstrips, or air navigational facilities; and act as agent for the state and political subdivisions to apply for, receive, and disburse federal funds for nonreliever general aviation airports.

§65.1. *Purpose of Rules.*

§65.2. *Scope of Rules.*

§65.3. *Definitions.*

§65.4. *Eligibility.*

§65.5. *Amount of Grant Contract or Loan.*

§65.6. *Requests for Aid.*

§65.7. *Evaluation and Determination of Need.*

§65.8. *Funding Allocation.*

§65.9. *Approval of Grant Contracts or Loans, Allocation of Funds, and Grant Contracts and Loan Applications.*

§65.10. *Public Appearances at Commission Meetings.*

§65.11. *Grant Contracts and Loan Agreements.*

§65.12. *Public Hearings on the Project in the Local Community.*

§65.13. *Supplemental Grant and Loans.*

§65.14. *Eligible Costs.*

§65.15. *Grant Contract and Loan Agreement Payments.*

§65.16. *Airport Hazard Zoning and Compatible Land Use.*

§65.17. *Land.*

§65.18. *Technical Services.*

§65.19. *Compliance.*

§65.20. *Planning Grant Contracts.*

§65.21. *Compliance with Flood Hazard Evaluation Guidelines.*

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

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

TRD-9006132 Lydia Scarborough
Director, Support and
Services
Texas Department of
Aviation

Earliest possible date of adoption: July 23,

1990

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

◆ ◆ ◆
• 43 TAC §§65.1-65.20

The Texas Department of Aviation proposes new §§65.1-65.20, concerning aviation facilities development and financial assistance. The new sections are proposed in conjunction with a proposed repeal of existing rules governing aviation facilities development and financial assistance. House Bill 94 changed the department's facilities development program. Repeal of the existing rules and enactment of the new rules will facilitate administration of funds and programs in accordance with current law.

C. A. (Clay) Wilkins, executive director of the Texas Department of Aviation, has determined that there will not be an impact on local economies as a result of the proposed sections.

Karon Wiedemann, fiscal officer of the Texas Department of Aviation, has determined that there will be fiscal implications as a result of enforcing or administering the sections.

For state government there is an estimated cost of \$299,820 for fiscal year 1990; and \$400,000 for fiscal years 1991-1994. For local government there is an estimated reduction in cost of \$1,299,820 for fiscal year 1990 and \$3.4 million for fiscal years 1991-1994.

For small businesses there will be no cost of compliance. Comparing the cost of compliance for small businesses with the cost of compliance with the largest businesses affected by the sections, there will be no difference in cost per employee, cost per hour of labor, or cost per \$100 of sales.

Ken Kaemmerle, director of facilities development for the Texas Department of Aviation, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections is that the cost of local airport sponsors administering state and federal airport grants will be assumed by the department. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Lydia Scarborough, Director of Support and Services, Texas Department of Aviation, P.O. Box 12607, Austin, Texas 78701, (512) 476-9262. All requests for a public hearing on the proposal must be submitted in accordance with the Administrative Procedure and Texas Register Act and must be received by Lydia Scarborough, director of support and services, Texas Department of Aviation, not more than 15 calendar days after notice of the proposed change has been published in the *Texas Register*.

The new sections are proposed under Texas Civil Statutes, Articles 46c-4, 46c-6, and 46c-8A, which provide the Texas Department of Aviation with the authority to: make and amend rules and regulations; encourage, aid, and assist in the establishment of airports and air navigation facilities; provide funds for establishment, construction, reconstruction, enlargement or repair of airports, airstrips, or air navigational facilities; and act as agent for

the state and political subdivisions to apply for, receive and disburse federal funds for nonreliever general aviation airports.

§65.1. Purpose of Rules. The purpose of these rules is to set forth in a clear and concise manner the procedures, guidelines, and standards utilized to administer the Texas Aviation Facilities Development and Financial Assistance Program. These rules shall be construed liberally, with a view toward the purpose for which they were adopted.

§65.2. Scope of the Rules. These rules shall apply to all requests for federal financial assistance for nonreliever general aviation airports and for state financial assistance for the construction, enlargement, repair, or planning of airports or air navigational facilities. These rules shall not be construed or interpreted so as to abridge, enlarge, modify, or otherwise change the authority of the board or the substantive rights of any person.

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

Act—The Texas Aeronautics Act, Texas Civil Statutes, Article 46c-1 et seq.
Agent—The department, when designated by the sponsor to act on behalf of the sponsor to administer and implement a project.

Airport—An area of land that is maintained for the landing and takeoff of aircraft and for receiving and discharging passengers and cargo.

Airport hazard—Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or takeoff at any airport or is otherwise hazardous to such landing or takeoff of aircraft. For further definition, see the Local Government Code, §§241.00 et seq.

Aviation facilities capital improvement program—A multi-year capital improvement program prepared by the department, which identifies projects to be considered for state and federal financial assistance.

Board—The decision making body composed of the appointed members of the Texas Board of Aviation.

Department—The Texas Department of Aviation.

Director—The member of the staff responsible for administering the details of the program.

Executive Director—The executive director of the Texas Department of Aviation.

Height hazard zoning—Zoning pursuant to the provisions of the Local Government Code, §§241.00 et seq., for the purpose of protecting the aerial approaches to an airport.

Intergovernmental agreement—A

formal written agreement between the sponsor and the department that may include naming the department as the agent of the sponsor, specifying the duties and obligations of the department and the sponsor, and specifying the terms and conditions of the state grant of financial aid to the sponsor.

Letter of intent—A preliminary statement submitted by a sponsor to indicate the sponsor's desire to be included in the program and to provide a basis for programming available funds.

Loan agreement—An agreement concerning a loan from the department to the sponsor for airport improvements which imposes certain obligations on both the sponsor and the department.

Program—The Texas Aviation Facilities Development Program, Texas Civil Statutes, Article 46c-8A, which includes the administration of federal airport improvement program grants to nonreliever general aviation airports, and state grants and loans.

Project—Construction, enlargement, repair or planning of an airport or air navigational facility as part of the program.

Sponsor—Any eligible party or parties who are seeking state or federal aid under the program.

Staff—Employees of the department.

§65.4. Facilities Development Program.

(a) As required by Texas Civil Statutes, Article 46c-6, Subdivision 10, the staff shall prepare and present for the board's adoption:

(1) an aviation facilities development program, namely, the Texas Aeronautical Facilities Plan (TAFP), identifying the aviation facilities requirements, locations, timing, eligibility for funding, and the investment necessary for a state-wide airport system that, for the least practicable cost, will provide for the state's air transportation needs;

(2) a method for determining priorities among locations and projects eligible to receive financial assistance;

(3) annually, a multi-year aviation facilities capital improvement program identifying projects to be considered for state financial assistance and to be recommended to the Federal Aviation Administration for federal financial assistance.

(b) The department will periodically review the programs and priorities required by subsection (a)(1)-(3) of this section to determine the need for their revision. The multi-year Aviation Facilities Capital Improvement Program shall be the basis for allocation of state financial assistance.

§65.5. Eligibility for Financial Assistance.

(a) Political subdivisions. Any city,

town, county, community, or other governmental entity in the State of Texas is eligible for financial assistance through state loan or state grant agreements. Eligibility for federal financial assistance shall be as determined by the federal aviation administration.

(b) State agencies. Texas state agencies with governing boards authorized to operate airports are also eligible for state financial aid under the program. Eligibility for federal financial assistance shall be as determined by the federal aviation administration.

(c) Texas Aeronautical Facilities Plan Airports. Only projects at airports included in the Texas Aeronautical Facilities Plan, as adopted and amended by the board, shall be eligible for state financial assistance under the Act.

(d) Height hazard zoning. No project may be considered for a state grant or loan, nor will the board submit to the federal aviation administration a project for funding, where the sponsor has not adopted and enforced airport height hazard zoning for the airport in a form acceptable to the department. Upon showing of good cause, the executive director may recommend to the board approval of a project, contingent upon the sponsor's adoption of acceptable height hazard zoning.

§65.6. Amount of Grant or Loan.

(a) Grant. The board may award a grant of up to 90% of the eligible project costs. If federal funds are used on the project, the board may participate by funding up to 50% of the sponsor's share of the project costs eligible for federal funding. A sponsor's share may be in cash, in kind, or a combination of both. The value of in kind contributions shall be determined by the department.

(b) Loans. The board may make a loan of up to 90% of the cost of a project. All loans shall bear an interest rate of at least 3.0% per annum and have a term of not longer than 20 years. Loans shall be made in lieu of grants whenever feasible, and, in particular, in lieu of grants for revenue producing improvements.

(c) The amount of a grant or loan made by the state at one location may be limited by the board.

§65.7. Letters of Intent. Prior to the submission of a request for federal or state assistance to the board, the sponsor shall submit to the department a letter of intent. The letter of intent shall describe the project for which the assistance is being requested, the estimated cost of the project, and whether the request is for a state grant or a state loan, or only for federal assistance. The letter of intent shall be accompanied by a duly executed resolution(s) of the governing body or bodies of the sponsor

indicating the sponsor's interest in the project, the sponsor's intent to provide local funds to match state and/or federal assistance as required, and the name and position of the individual authorized to execute agreements and applications on behalf of the sponsor. The submission of a letter of intent neither insures inclusion of the proposed project in the program nor obligates the sponsor to perform any service or to expend any funds. A letter of intent indicates a sponsor's desire to be included in the program and provides a basis for programming available funds. A letter of intent may remain current for one state fiscal year after the state fiscal year in which the letter was originally submitted. New or updated letters may be submitted at any time.

§65.8. Evaluation of Requests for Financial Assistance. Upon receipt of a letter of intent, the staff shall initiate an investigation to evaluate all facts pertinent to the proposed project. Based on the investigation, the staff shall recommend to the board whether the proposed project should be included in the Aviation Facilities Capital Improvement Program. That recommendation shall be based on:

- (1) the consistency of the project with the Texas Aeronautical Facilities Plan;
- (2) the methodology adopted by the board for determining project priority and eligibility;
- (3) the timing of the proposed project in relation to requests by other sponsors; and
- (4) the federal and state funding expected to be available for financial assistance.

§65.9. Approval of the Aviation Facilities Capital Improvement Program and Financial Assistance.

(a) The board shall hold a public hearing at which all interested parties shall have an opportunity to address the projects under consideration by the board for financial assistance. Presentations shall be as concise as possible. The board reserves the right to limit the number of individuals making presentations on any one project. The board also reserves the right to limit the length of presentations.

(b) The board shall approve grants and loans based upon the Aviation Facilities Capital Improvement Program and in accordance with priorities established under §65.4(a)(2) of this title (relating to Facilities Development Program).

(c) A two-thirds vote of the entire board is required for the approval of a grant contract. A majority vote of the entire board is required for approval of a loan under the Act and for submission of a project to the

federal aviation administration for financial assistance. After a grant, loan, or submission of an application for federal assistance has been approved by the board, the staff shall prepare and present to each successful sponsor an intergovernmental agreement, in the case of a state or federal grant, or a loan agreement, in the case of a loan. The sponsor and the department shall execute the agreement within 180 days of approval by the board. If the agreement is not executed within 180 days of approval by the board, approval of financial assistance for the project may be rescinded by the board. Upon a showing of good cause, the director may allow the sponsor additional time to execute said agreement.

§65.10. Intergovernmental and Loan Agreements.

(a) Purpose. The purpose of an agreement between the sponsor and the department is to define the respective responsibilities of the sponsor and the department in implementing the project and to define the requirements, terms, conditions, and considerations attendant upon each party to the agreement. Prior to the disbursement of any funds by the department, or the submission of an application for federal assistance, the sponsor shall execute the agreement in a manner provided by law for entering into binding contractual agreements.

(b) Intergovernmental agreement-federal aid projects. Except as provided in subsection (e) of this section, where the board has agreed to submit an application on behalf of the sponsor for federal financial assistance, the intergovernmental agreement shall provide for the sponsor to name the department as its agent for purposes of administering the project. As the sponsor's agent:

(1) the department will act on behalf of the sponsor to contract for services necessary for implementation and completion of the project;

(2) the department will receive and disburse all funds available for the project; and

(3) for projects for which federal financial assistance is requested, the department will make application for such assistance on behalf of the sponsor.

(c) Intergovernmental agreement-state aid projects. Except as provided in subsection (e) of this section, where the board has agreed to provide state financial assistance to a sponsor in the form of a grant, the intergovernmental agreement shall provide for the sponsor to name the department as its agent for purposes of administering the project. As the sponsor's agent:

(1) the department will act on behalf of the sponsor to contract for services necessary for implementation and

completion of the project; and

(2) the department will receive and disburse all funds available for the project.

(d) Sponsor and department. The intergovernmental agreement will incorporate the grant agreement between the sponsor and the department.

(e) Grant agreement. Where the board has offered financial assistance to a sponsor in the form of a grant, and where the board has determined that it is not required or in the interest of the state to act as the agent of the sponsor, the department shall enter into a grant agreement defining the consideration, the terms and conditions under which the grant will be made, and the responsibilities of the sponsor.

(f) Loan agreement. Where the board has offered financial assistance to a sponsor in the form of a loan, the sponsor and the department shall enter into a loan agreement defining the consideration, the terms and conditions under which the loan will be made, and the responsibilities of the sponsor.

(g) Covenants. All agreements made under this rule shall contain covenants by which the sponsor agrees:

(1) that the airport or air navigational facilities will remain under the sponsor's control for at least 20 years;

(2) that at least 10% of the total project cost will be provided from sources other than the State of Texas;

(3) to disclose the source of all funds for the project; and

(4) that the sponsor has the ability to finance and operate the airport or air navigational facility.

(h) Intergovernmental agreement. The intergovernmental agreement shall include:

(1) a general description of the proposed project;

(2) the amount of state and federal aid requested;

(3) the estimated total cost of the project;

(4) the shares of project costs to be paid by the sponsor, the state, and the federal government; and

(5) a general description of the land involved for the project.

(i) Terms and conditions. In addition to all other requirements imposed by law or by these rules, all grants or loans made by the board shall be subject to the following terms and conditions and any additional terms and conditions necessary to effectuate the program.

(1) The term of the grant or loan agreement shall be not longer than 20

years from the date of a sponsor's acceptance.

(2) The airport or navigational facility shall remain under the sponsor's control during the term of the grant or loan agreement.

(3) The airport or navigational facility shall be maintained by the sponsor in a safe and serviceable condition during the term of the grant or loan agreement.

(4) Consistent with safety and security requirements, a sponsor shall make the airport or navigational facility available to all types, kinds, and classes of aeronautical use without discrimination between such types, kinds, and classes and shall provide adequate public access during the term of this grant or loan agreement.

(5) The sponsor shall not grant or permit another to exercise an exclusive right for the conduct of any aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to, scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products, and aerial application. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting, and navigational aids.

(6) Land identified in a sponsor's grant or loan agreement and attorney's certificate of title shall be pledged to airport use and shall not be removed from such use without prior written approval by the board.

(7) A sponsor, if requested by the department, shall submit to the department annual statements of airport or air navigational facility revenues and expenses.

(8) All fees collected for use of an airport or navigational facility constructed with funds provided under the program shall be reasonable and nondiscriminatory. The proceeds of such fees shall be used solely for the development, operation, and maintenance of the airport or navigational facility. A sponsor, however, shall not be required to pledge income received from the mineral estate to airport use unless state funds were used to acquire the mineral estate or any interest therein.

(9) All development of an airport constructed with program funds shall be consistent with the airport layout plan approved by the staff and maintained by the sponsor. A reproducible copy of such plan, and all subsequent modifications thereto, shall be filed with the department for approval by the staff.

(10) Following completion of a project where airport lighting is part of the project, the sponsor shall operate such lighting from sunset to sunrise either manually or by radio control.

(11) The department shall not be a party to any contract or commitment

which a sponsor may enter into or assume in carrying out a project.

(12) A sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land, adjacent to or in the immediate vicinity of the airport, to activities compatible with normal airport operations. A sponsor shall also acquire and retain easements or other interests in or rights to the use of land or airspace unless a sponsor can show the acquisition and retention of such interest will be impractical or will result in undue hardship to a sponsor. No sponsor shall be eligible for a subsequent grant or loan under the program unless the sponsor has adopted and has, as called upon to do so, enforced the airport hazard zoning ordinance/order approved by the department.

(13) A sponsor shall not enter into any agreement nor permit any aircraft to gain direct ground access to the sponsor's airport from private property adjacent to or in the immediate area of the airport. Further, a sponsor shall not allow aircraft direct ground access to private property from airport property—a practice commonly known as a "through the fence operation." All sponsors shall be subject to this prohibition, unless an exception is granted in writing by the department due to extreme circumstances.

(j) Amendments and cancellation. A major amendment to or cancellation of a grant requires a two-thirds vote of the entire board. A major amendment to or cancellation of a loan agreement requires a majority vote of the entire board. Minor amendments to a grant or loan agreement may be made by the executive director at his discretion. The executive director shall determine what constitutes a major or minor amendment. The sponsor may appeal the executive director's determination to the board by filing with the executive director a written statement of its specific objections. The executive director shall forward the statement of appeal to the board. The board shall make a final decision as to whether the amendment is major or minor.

§65.11. Supplemental Grants and Loans. All airport development funds appropriated by the legislature for any fiscal year or carried forward from any fiscal year, and not encumbered by specific grants or loans approved by the board, shall be available to supplement existing grant or loan agreements to meet unforeseen costs. The executive director may authorize supplemental grants or loans to cover costs not exceeding 25% of the total grant contract or loan approved by the board.

§65.12. Eligible Costs. Only costs necessary and proper for completion of a project will be eligible under a grant or loan approved by the board. The staff shall make a preliminary determination as to the allow-

ance of costs. Such determination of allowance shall be final unless appealed by the sponsor to the board. An appeal shall be filed in writing with the executive director who shall forward the same to the board for its consideration. Unless specifically authorized by the board or by these rules, no costs, except for engineering costs, incurred prior to the approval of a grant or loan agreement will be eligible for reimbursement.

§65.13. Sponsor's Share of Project Costs. Sponsor's share of costs for a project for which a state or federal grant will be made shall be granted to the department in accordance with the terms of the intergovernmental agreement. Where sponsor's share of project costs is made by an in kind contribution, sponsor will be credited with the value of the in kind contribution as determined by the department.

§65.14. Grant and Loan Agreement Payments. Grant payments made under agreements in which the department is not named as the sponsor's agent, and loan payments, may be authorized upon application to the department. Such payments will be in proportion to the amount of the project satisfactorily completed at the time of the payment application. No more than 90% of the total loan will be paid prior to the completion of the project. The last 10% of the loan amount will be paid only after the staff has inspected and approved the completed project and the following requirements have been met:

(1) creation by the sponsor of a special airport fund as required by the Municipal Airports Act, Texas Civil Statutes, Article 46d-1 et seq., into which all revenues derived from all airport operations are to be deposited for the term of the loan agreement, and approval by the department of the sponsor's resolution or order creating the fund;

(2) passage of an airport hazard zoning ordinance/order approved by the department; and

(3) for loan agreements, proof to the department of property damage insurance for the project, naming the Texas Department of Aviation Loan Fund as beneficiary in the total amount of the loan, both principal and interest.

§65.15. Airport Hazard Zoning and Compatible Land Use.

(a) The sponsor shall adopt and enforce comprehensive zoning regulations to restrict the use of land, adjacent to or in the immediate vicinity of the airport, to activities compatible with normal airport operations. The sponsor shall also acquire and retain easements or other interests in or

rights to the use of land or airspace, unless the sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to the sponsor. To assist the sponsor in implementing these measures, the department, upon request from a sponsor, will provide assistance with respect to airport hazard zoning pursuant to the Texas Airport Zoning Act, Local Government Code, §241.001 et seq., including:

- (1) preparation of a zoning map;
- (2) providing a model zoning ordinance/order and procedures for the community to pass such ordinance/order; and
- (3) acting as an airport zoning commission.

(b) No sponsor shall be eligible for a subsequent grant or loan under the program unless the sponsor has adopted and enforced an airport hazard zoning ordinance/order approved by the department.

§65.16. Land.

(a) Minimum requirements. No construction project will be considered for a grant or loan unless the sponsor can assure the acquisition of sufficient land for development, operation, and maintenance of the airport or air navigational facility. This requirement shall include the amount of land needed for construction of necessary runways, taxiways, and aircraft parking areas, and for initial and future construction of necessary structures, such as hangars. All land adjacent to or in the immediate vicinity of the airport must be clear of obstructions hazardous to aviation or the sponsor shall provide proof that such obstructions will be removed within the time allotted for completion of the project.

(b) Eligible costs. Only the reasonable cost of land needed for present and future development of an airport or air navigational facility or for the removal of an airport hazard are eligible land costs under the program. Notwithstanding any language contained in §65.12 of this title (relating to Eligible Costs) land costs are eligible for reimbursement irrespective of the date of acquisition by the sponsor, if acquired through procedures acceptable to the department.

(c) Title. To the maximum extent possible, land to be utilized for a project under the program shall be held by the sponsor in fee simple, free and clear of all liens, easements, leases, and other adverse interests or encumbrances. Exceptions will be made only when it is impossible or impractical for the sponsor to acquire such title and the staff determines that lesser title will not interfere with or adversely affect the present and future development, operation, and maintenance of the airport or air navigational facility.

(d) Certificate of title. Sponsor's attorney shall execute and mail to the department a certificate of title in the form promulgated by the staff, indicating sponsor's title to all land involved in a project.

§65.17. Technical Services. Insofar as is reasonably possible, engineering and technical services relating to airports and air navigational facilities may be provided by the staff to any person so requesting. The areas in which assistance is available include, but are not limited to, site selection, construction inspection, planning, airport layout and design, and airport hazard and compatible land use zoning. A charge may or may not be assessed for technical assistance.

§65.18. Compliance.

(a) If, after all reasonable attempts to assure compliance have failed, and the board finds that a sponsor is unwilling or unable to comply with any of the terms and conditions of the grant contract or loan agreement, the board will:

(1) require a pro rata refund of money issued with a grant or loan to the sponsor or immediate payment of any outstanding loan made to the sponsor by the board;

(2) deny sponsor's future requests for state aid; or

(3) request the attorney general to bring suit seeking reimbursement of amounts paid or loaned to the sponsor by the state pursuant to the grant or loan agreement.

(b) To insure that a sponsor is in compliance with the terms and provisions of a grant or loan agreement, the staff will

make periodic inspections at the project site and shall immediately report to both the sponsor and the board any noncompliance with or violation of the terms and provisions of the grant contract or loan agreement.

§65.19. Planning Grant Contracts. Grants for planning shall also be available to eligible parties under the program. The primary purpose of such planning shall be to determine the facilities required to meet a community's short, intermediate, and long-term aviation needs. The need for a planning grant will be evaluated in light of the overall needs of the state as specified in the Texas Aeronautical Facilities Plan with due emphasis placed on complex situations such as:

(1) service to more than one community or region;

(2) unresolved questions concerning site selection or airspace limitations;

(3) unique environmental conditions;

(4) unusual or unique aviation needs; and

(5) an apparent surplus of facilities and/or land.

§65.20. Compliance with Flood Hazard Evaluation Guidelines.

When administering any proposed project involving construction or land-use planning where state funds are involved, the department shall comply with all flood hazard evaluation guidelines for state agencies published by the Texas Water Commission.

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

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

TRD-9006133

Lydia Scarborough
Director, Support and
Services
Texas Department of
Aviation

Earliest possible date of adoption: July 23, 1990

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





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Withdrawn Sections

An agency may withdraw proposed action or the remaining effectiveness of emergency action on a section by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing or 20 days after filing. If a proposal is not adopted or withdrawn six months after the date of publication in the *Texas Register*, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the *Texas Register*.

TITLE 16. ECONOMIC REGULATION

Part IV. Texas Department of Licensing and Regulation

Chapter 62. Career Counseling Services

• 16 TAC §§62.71-62.73

The Texas Department of Licensing and Regulation has withdrawn the emergency effectiveness of new to §§62.71-62.73, concerning the Career Counseling Services. The text of the emergency new appeared in the April 20, 1990, issue of the *Texas Register* (15 TexReg 2197). The effective date of this withdrawal is July 6, 1990.

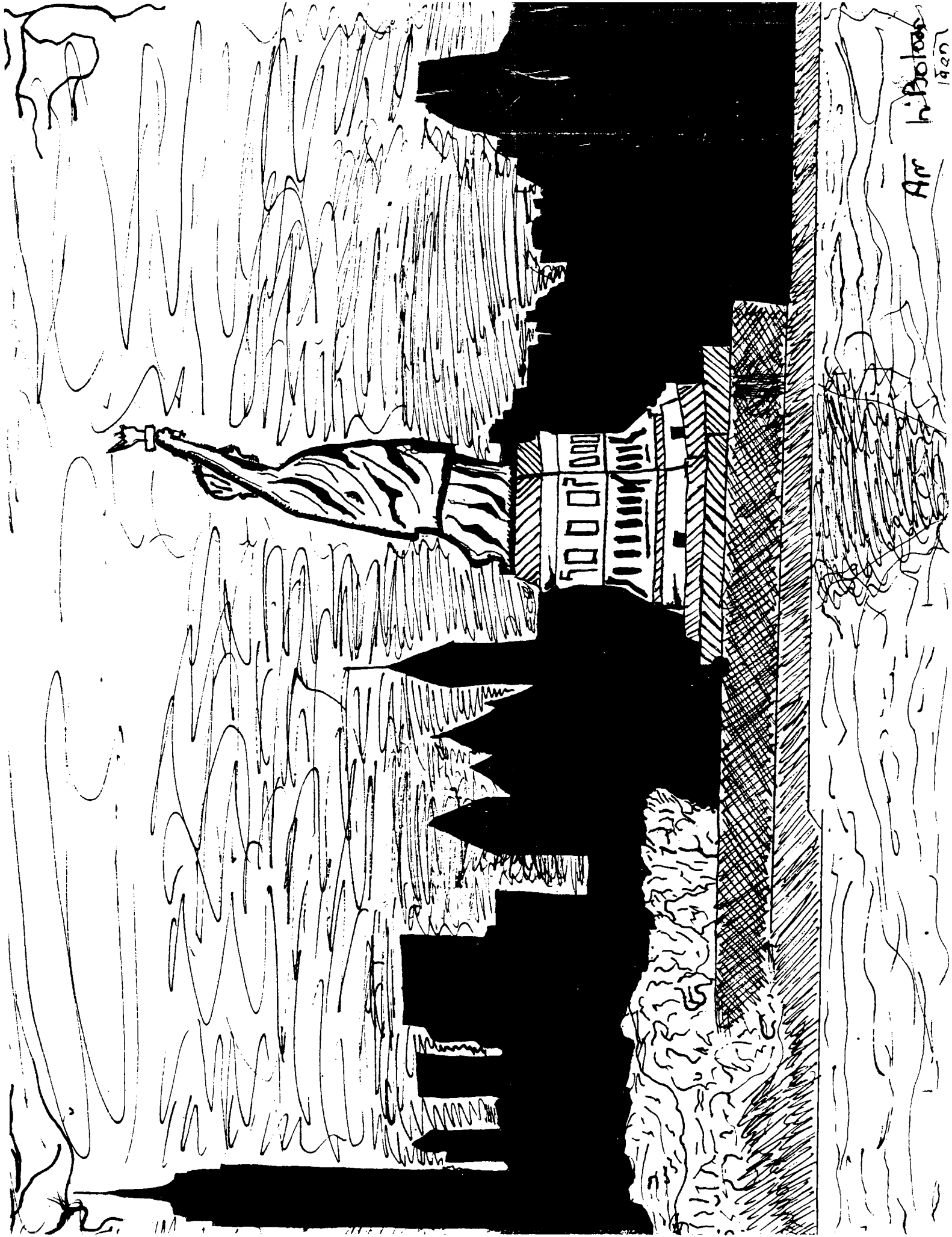
Issued in Austin, Texas, on June 15, 1990.

TRD-9006229 Elvis G. Schulze
 General Counsel
 Texas Department of
 Licensing and
 Regulation

Effective date: July 6, 1990

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





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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 10. COMMUNITY DEVELOPMENT

Part V. Texas Department of Commerce

Chapter 179. Texas Rental Rehabilitation Program

Subchapter A. Contract Administration

• 10 TAC §179.1

The Texas Department of Commerce (Commerce) adopts amendments to §179.1, without changes to the proposed text as published in the May 11, 1990, issue of the *Texas Register* (15 TexReg 2671).

The amendment relates to variances from the Uniform Grant and Contract Management Standards (UGCMS) adopted by the Office of the Governor at 1 TAC §§5.141-5.166. The variances pertain to contracts awarded to units of general local government under the Texas Rental Rehabilitation Program (TRRP).

The amendment modifies current variances based on recent amendments to UGCMS adopted by the Office of the Governor.

No comments were received regarding adoption of the amendment.

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

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 12, 1990.

TRD-9006162 William D. Taylor
Executive Director
Texas Department of
Commerce

Effective date: July 5, 1990

Proposal publication date: May 11, 1990

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

TITLE 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners

Chapter 51. Practice and Procedure

Barber Colleges, Schools, and Students

• 22 TAC §51.28

The State Board of Barber Examiners adopts an amendment to §51.28, without changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1766).

The amendment is necessary to define the curriculum for a 1,000 hour course of instruction to prepare a student for the examination for a teacher license, as required by Texas Civil Statutes, Article 8407a, §9(j)(3), as amended by Acts of the 71st Legislature.

The amendment will enable consumer's health and welfare to be protected by the requirement that applicants for a teacher license must complete a standardized comprehensive course of instruction.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8407a, §28(a), which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 12, 1990.

TRD-9006234 Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Effective date: July 6, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 835-2040

• 22 TAC §51.31

The State Board of Barber Examiners adopts an amendment to §51.31, with changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15 TexReg 1767).

The amendment is necessary to define the curriculum for a 300-hour course of instruction to prepare a student for the examination for a manicurist license, as required by Texas Civil Statutes, Article 8407a, §15(b), as amended by Acts of the 71st Legislature.

Consumers' health and welfare will be protected by the requirement that applicants for a manicurist license must complete a standardized comprehensive course of instruction. Paragraph (3)(G) is adopted with changes to the proposed text to require practical instruction in buffing nails.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8407a, §28(a) which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§51.31. Manicurist Course. The curriculum to prepare a student for the examination for the manicurist license will consist of 300 hours, to include:

(1) eight hours of orientation, consisting of:

(A) rules and regulations of the school;

(B) introductions to school personnel and students; and

(C) layout of school facilities;

(2) 37 hours of instruction in theory, consisting of:

(A) Texas barber laws—four;

(B) professional ethics—three;

(C) hygiene and good grooming—three;

(D) bacteriology, sterilization, and sanitation—eight;

(E) the nail and disorders—four;

(F) manicuring, equipment, and procedures—four;

- (G) anatomy and physiology—four;
- (H) skin—four;
- (I) advanced nail techniques—three;
- (3) 255 hours of instruction in practical work, consisting of:
 - (A) preparation of manicure table—18;
 - (B) removal of polish—26;
 - (C) shaping nails—44;
 - (D) softening cuticle—17;
 - (E) applying cuticle remover and loosening—18;
 - (F) cleaning under free edge—eight;
 - (G) trimming cuticle and buffing nails—27;
 - (H) bleaching under free edge—eight;
 - (I) applying cuticle oil or cream—nine;
 - (J) hand and arm massage—26;
 - (K) applying polish—34;
 - (L) application of artificial and gel nails—20

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 12, 1990.

TRD-9006233 Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Effective date: July 6, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 835-2040

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• 22 TAC §51.34

The State Board of Barber Examiners adopts an amendment to §51.34, without changes to the proposed text as published in the March 30, 1990, issue of the *Texas Register* (15

TexReg 1767).

The amendment is necessary to define the curriculum for a 300 hour course of instruction to prepare a student for the examination for a barber technician license, as required by Texas Civil Statutes, Article 8407a, §14(b), as amended by Acts of the 71st Legislature.

Consumers' health and welfare will be protected by the requirement that applicants for a barber technician license must complete a standardized comprehensive course of instruction.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8407a, §28(a), which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 12, 1990.

TRD-9006232 Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Effective date: July 6, 1990

Proposal publication date: March 30, 1990

For further information, please call: (512) 835-2040

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• 22 TAC §51.39

The State Board of Barber Examiners adopts an amendment to §51.39, without changes to the proposed text as published in the April 20, 1990, issue of the *Texas Register* (15 TexReg 2234).

The amendment is necessary to define enrollment requirements and procedures, define the curriculum for a 300 hour barber refresher course, require that hours earned by a student must be reported to the board on the monthly progress report, and to prohibit a student from working at the school while enrolled in a refresher course, in accordance with Texas Civil Statutes, Article 8407a, §9(d), as amended by Acts of the 71st Legislature.

Consumers' health and welfare will be protected by the opportunity for current and formerly licensed barbers who have not practiced barbering for a period of time to renew and update their skills before returning to the practice of barbering.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8407a, §28(a), which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 12, 1990.

TRD-9006231 Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Effective date: July 6, 1990

Proposal publication date: April 20, 1990

For further information, please call: (512) 835-2040

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Examinations and Licensing

• 22 TAC §51.53

The State Board of Barber Examiners adopts an amendment to §51.53, without changes to the proposed text as published in the April 20, 1990, issue of the *Texas Register* (15 TexReg 2234).

The amendment is necessary to define the requirements for a barber licensed by another state or country to apply for an examination to qualify as a Class A registered barber in Texas and to apply for a journeyman's work permit to practice barbering until examined, to specify the examination fee, and to expedite the licensing of out-of-state barbers by eliminating the requirement that the applicant must be interviewed by the board.

Barbers licensed by another state or country will be able to have their application for examination approved, receive a journeyman's work permit to practice barbering until examined, and be examined to qualify for a Class A registered barber certificate in a shorter period of time.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8407a, §28(a), which provide the State Board of Barber Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 12, 1990.

TRD-9006230 Jo King McCrorey
Executive Director
State Board of Barber
Examiners

Effective date: July 6, 1990

Proposal publication date: April 20, 1990

For further information, please call: (512) 835-2040

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Part IX. Texas State
Board of Medical
Examiners

Chapter 191. District Review
Committees

• 22 TAC §191.4

The Texas State Board of Medical Examiners adopts an amendment to §191.4, without

changes to the proposed text as published in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2722).

The amendment was necessary to provide for certain probationary appearances to be accomplished before district review committees sitting as probationary panels.

The amendment should expedite certain enforcement responsibilities.

No comments were received regarding adoption of the amendment.

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

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

Issued in Austin, Texas, on June 15, 1990.

TRD-9006251 Homer R. Goehrs, M.D.
Executive Director
Texas State Board of
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: May 15, 1990

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

Part XXIV. Texas State Board of Veterinary Medical Examiners

Chapter 571. Licensing

Examinations

• 22 TAC §571.3

The Texas State Board of Veterinary Medical Examiners adopts an amendment to §571.3, without changes to the proposed text as published in the June 5, 1990, issue of the *Texas Register* (15 TexReg 3161).

The amendment allows veterinary students to be licensed upon completion of the necessary course work, without receipt of an actual diploma, when enrolled in a Doctor of Veterinary Medicine/Ph.D. program.

The amendment allows students enrolled in a DVM/Ph.D program to be eligible for licensure when the necessary course work for a DVM degree has been completed, rather than wait until they complete the entire program.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

This agency hereby certifies that the rule as

adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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

TRD-9006227 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 447-1183

• 22 TAC §571.4

The Texas State Board of Veterinary Medical Examiners adopts an amendment to §571.4, without changes to the proposed text as published in the April 10, 1990, issue of the *Texas Register* (15 TexReg 2004).

The amendment changes reference to the Veterinary Licensing Act to Article 8890 as it was recodified by legislature in 1989.

The amendment does not change the function of the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

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

TRD-9006223 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 447-1183

Chapter 573. Rules of Professional Conduct

General Professional Ethics

• 22 TAC §573.9

The Texas State Board of Veterinary Medical Examiners adopts new §573.9, without changes to the proposed text as published in the June 5, 1990, issue of the *Texas Register* (15 TexReg 3161).

The new section limits nonresident veterinary consultant work to treatment for a specific purpose and on an individual case basis.

The new section requires out-of-state-practitioners to become licensed in the State of Texas if they practice on a routine, periodic basis in the state.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

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

TRD-9006225 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 447-1183

• 22 TAC §573.50

The Texas State Board of Veterinary Medical Examiners adopts an amendment to §573.50, without changes to the proposed text as published in the April 10, 1990, issue of the *Texas Register* (15 TexReg 2004).

The amendment removes reference to maintaining records on drugs on hand that are prescribed since this is not applicable to drugs maintained on the premises.

The amendment will function the same and this is a housekeeping revision.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

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

TRD-9006224 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 447-1183

Chapter 575. Practice and Procedure

• 22 TAC §575.1

The Texas State Board of Veterinary Medical Examiners adopts an amendment to §575.1,

without changes to the proposed text as published in the April 10, 1990, issue of the *Texas Register* (15 TexReg 2004).

The amendment removes reference to the Veterinary Practice Act as Article 7465a as it is now Article 8890.

The amendment does not change the way the section will function.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

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

TRD-9006221 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 447-1183

◆ ◆ ◆
• 22 TAC §575.19

The Texas State Board of Veterinary Medical Examiners adopts an amendment to §575.19, without changes to the proposed text as published in the April 10, 1990, issue of the *Texas Register* (15 TexReg 2004).

The amendment revised the section to align it with recent revisions to the Administrative Procedure and Texas Register Act.

The amendment extends motions for rehearing to 20 days after date of final decision versus the previous 15 days. Also, the amendment extends the board's response to motions from 25 days to 30 days.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the State Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

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

TRD-9006222 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: April 10, 1990

For further information, please call: (512) 447-1183

Chapter 577. General Administration and Duties

Staff and Miscellaneous

• 22 TAC §577.13

The State Board of Veterinary Medical Examiners adopts the repeal of §577.13, without changes to the proposed text as published in the June 5, 1990, issue of the *Texas Register* (15 TexReg 3162). The repeal removes the rule from the general administration and duties section to the rules of professional conduct.

The section now falls under the rules of professional conduct.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 8890, §7(a), which provide the Texas Board of Veterinary Medical Examiners with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

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

TRD-9006226 Donald B. Wilson
Executive Director
Texas Board of Veterinary
Medical Examiners

Effective date: July 6, 1990

Proposal publication date: June 5, 1990

For further information, please call: (512) 447-1183

◆ ◆ ◆
TITLE 25. HEALTH SERVICES

Part XIII. On-site Wastewater Treatment Research Council

Chapter 901. Texas On-site Wastewater Treatment Research

Subchapter A. Council Procedures

The On-site Wastewater Treatment Research Council adopts new §§901.1-901.15, 901.31-901.34, 901.51-901.53, 901.71-901.74, 901.91-901.97, 901.111-901.114, and 901.131. Sections 901.4, 901.7, 901.9, 901.12, and 901.112 are adopted with changes to the proposed text as proposed in the May 4, 1990, issue of the *Texas Register* (15 TexReg 2564). The remaining sections are adopted without changes and will not be republished.

The new sections establish requirements for the manner in which the council will conduct business; the duties and responsibilities of the council members, the executive

secretary, the chair and vice-chair, and committee members; the purposes and planning objectives of grants; eligibility, information required from applicants, and selection criteria for the three types of grants given: research grants, demonstration and monitoring grants, and technology transfer grants. The sections also provide for the method of contracting required by a successful applicant.

The new sections enhance the development of on-site treatment systems which improve the quality of on-site wastewater treatment and reduce the cost to consumers of on-site wastewater treatment.

The following comments were received on the rules concerning the On-site Wastewater Treatment Research Council.

The rules committee of the council commented on §901.4(c). The council decided that the section should be changed to read as follows: "Individual council members when contacting the executive secretary or his/her alternate, shall refrain from giving directives or establishing policies, unless acting as chair, vice-chair or committee chair in a matter germane to the committee."

A comment was received on §901.6, suggesting new wording and suggesting that the council use Robert's Rules of Order, Newly Revised. The council disagrees, because the council intends to use the latest edition of Robert's Rules of Order.

A comment was received on §901.9, requesting that the council delete the word "simple" from the section. The council agrees and has deleted the word so that the section is made more clear.

A comment was made by the rules committee to amend §901.12(a) to read as follows: "The executive secretary and alternate executive secretary in the event of the absence of the executive secretary of the council shall be"

A comment was made by the rules committee to amend §901.12(d) to read as follows: "The executive secretary shall be responsible for the presentation of written complaints to the council."

A comment was made by the committee to amend §901.12(e) to read as follows: "The executive secretary shall handle correspondence for the council and obtain, assemble, or prepare reports and information that the council may direct."

The following comments were made by several commenters regarding §901.51.

A request was made to define the terms "affiliated" and "accredited." The council disagrees, as the term "affiliated" is modified in §901.71(2). The council also believes the term "accredited" is self-explanatory. The council further states that it does not have jurisdiction over private affiliations with colleges or universities.

A comment was made that the applicant should be able to contract with the department and not have to go through the college or university with whom the applicant is affiliated. The council agrees; the council would direct the department to contract with whomever it is awarding the grant, therefore, an interagency contract would not be required. The council also wants to provide

cost effectiveness to the grantees and the council nows that utilizing a college or university as a contracting entity will add a 40% increase in the cost.

A comment was made regarding §901.52, suggesting that the applicant for a demonstration and monitoring grant be affiliated with a college or university in order to apply greater scientific scrutiny to the projects and improve scientific methods and results. The council disagrees; the demonstration grant is to be viewed as a type of technology transfer and not a research grant. Technology transfers do not require the affiliation with a college or university.

The rules committee suggested that an additional subsection be added to §901.112; subsection (c) has been added to state: "The council shall not be liable for any expenses incurred by the applicant prior to award of the grant."

Two other comments were made concerning the overall rules as follows.

A commenter suggested that the council should seriously consider applications for systems requiring very little owner maintenance due to consumer unsophistication with on-site systems. The council stated that it was not the purpose of the council to minimize maintenance of systems; local rules concerning the operation and maintenance, including periodic permitting, may cover the necessity for frequent inspections and maintenance.

A commenter suggested that the council should work closely with the department to ensure that state water quality and public health are protected. The council stated that the terms of the working agreement between the council and the department will be addressed in an agreement or contract to be entered by both parties.

The following organizations or associations commented on the proposed new sections: The University of Texas at Arlington; Lower Colorado River Authority; two individuals; and the Texas Department of Health. The commenters were generally in favor of the new sections; however they raised questions and concerns, provided suggestions, and requested clarification.

• 25 TAC §§901.1-901.15

The new sections are adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

§901.4. *Transaction of Official Business.*

(a) The council may transact official business only when in a legally constituted meeting with a quorum present. A quorum of the council necessary to conduct official business is six members.

(b) The council shall not be bound in any way by any statement or action on the part of any council or staff member except when a statement or action is pursuant to specific instructions of the council.

(c) Individual council members,

when contacting the executive secretary or his/her alternate, shall refrain from giving directives or establishing policies. When making statements to the general public concerning matters under the jurisdiction of the council, individual members shall not state or imply that the individual member's opinion necessarily represents the opinion or policy of the council, unless that member is acting as chairperson, vicechairperson, or committee chairperson on a subject germane to that committee.

§901.7. *Agendas.*

(a) At the direction of the chairperson, the executive secretary shall prepare and submit an agenda to each member of the council at the time it is provided to the secretary of state, and the agenda shall include items requested by members, items required by the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, and other matters of council business which have been approved for discussion by the chairperson.

(b) The official agenda of a meeting shall be filed with the Texas Secretary of State as required by the Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17.

§901.9. *Elections.*

(a) At the meeting held nearest to January 1 of each year, the council shall elect by a majority vote of those members present a chairperson and a vice-chairperson.

(b) A vacancy which occurs in the offices of chairperson or vice-chairperson may be filled at any regular meeting as required.

§901.12. *Executive Secretary.*

(a) The executive secretary of the council and his/her alternate in case of the absence of the executive secretary shall be an employee of the department appointed by the commissioner of health, or his designee, and confirmed by the council, as the administrator of council activities.

(b) The executive secretary shall keep the minutes of the meetings and proceedings of the council and shall be the custodian of the files and records of the council.

(c) The executive secretary shall be the department employee with primary responsibility for the administration of the Health and Safety Code, Chapter 367.

(d) The executive secretary shall be responsible for the presentation of written complaints to the council.

(e) The executive secretary shall handle correspondence for the council and obtain, assemble, or prepare reports and information that the council may direct.

(f) The executive secretary shall have the responsibility of assembling and reviewing materials submitted by applicants for grants. Determinations made by the executive secretary that propose denial of eligibility for grants are subject to the approval of the council which shall make the final decision on the eligibility of the applicants.

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

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

TRD-9006142

Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512) 458-7533

◆ ◆ ◆ Subchapter B. Grants General

• 25 TAC §§901, 31-901.34

The new sections are adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

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

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

TRD-9006143

Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512) 458-7533

◆ ◆ ◆ Applicants

• 25 TAC §§901.51-901.53

The new sections are adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

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

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

TRD-9006145 Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512)
458-7533

Grant Proposals

• 25 TAC §§901.71-901.74

The new sections are adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

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

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

TRD-9006146 Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512)
458-7533

Selection Criteria

• 25 TAC §§901.91-901.97

The new sections are adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

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

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

TRD-9006147 Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512)
458-7533

Decisions

• 25 TAC §§901.111-901.114

The new sections are adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

§901.112. Awards.

(a) All applicants awarded a grant will be notified of the award in writing by the executive secretary.

(b) All grantees will be required to contract with the department and will be required to follow the standards of the Uniform Grant and Contract Management Act of 1981 as contained in the contract, and as provided in §901.131 of this title (relating to General Contract).

(c) The council shall not be liable for any expenses incurred by an applicant prior to award of the grant.

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

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

TRD-9006148 Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512)
458-7533

Contracts

• 25 TAC §901.131

The new section is adopted under Texas Health and Safety Code, Chapter 367, §367.008, which provides that the council shall establish procedures for awarding competitive grants and disbursing grant money.

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

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

TRD-9006144 Bill Tennison
Chairperson
On-site Wastewater
Treatment Research
Council

Effective date: July 4, 1990

Proposal publication date: May 4, 1990

For further information, please call: (512)
458-7533

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 7. Corporate and Financial

Subchapter P. Third Party Administrators; Examinations, Licenses

Corporate and Financial

• 28 TAC §§7.1601-7.1622

The State Board of Insurance adopts the repeal of §§7.1601-7.1622, without changes to the proposed text as published in the December 26, 1989, issue of the *Texas Register* (14 TexReg 6855).

Sections 7.1601-7.1622 concern measures to facilitate administration of the licensing and examination of third party administrators. The repeal of §§7.1601-7.1622 as Subchapter P, concerning third party administrators; examinations, licenses, is simultaneous with the proposal of new §§7.1601-7.1613, as Subchapter P, concerning licensing and examination of third party administrators. Notice of the adoption of the new sections appears elsewhere in this issue of the *Texas Register*.

Repeal of §§7.1601-7.1622 enables the board to adopt new §§7.1601-7.1613 to provide for consistency, efficiency, and clarity in the administration of the licensing and regulation of third party administrators in accordance with the provisions of the Insurance Code, Article 21.07-6, effective September 1, 1989. Old §§7.1601-7.1622 were adopted under the Insurance Code, Article 21.07-5, which the 71st Legislature repealed effective September 1, 1989.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Insurance Code, Article 1.04 and Article 21.07-6, §2, and under Texas Civil Statutes, Article 6252-13a, §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to adopt rules in accordance with the laws of this state. The Insurance Code, Article 21.07-6, §2, authorizes the board to establish and promulgate rules, regulations, minimum standards, or limitations that are fair and reasonable as may be appropriate for the augmentation and implementation of the article, which relates to regulation of third party administrators. Texas Civil Statutes, Article 6252-13a, §5, prescribe the procedure for adoption of rules by any state administrative agency.

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 15, 1990.

TRD-9006247 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 6, 1990

Proposal publication date: December 26,
1989

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

Corporate and Financial Regulation

• 22 TAC §§7.1601-7.1613

The State Board of Insurance adopts new §§7.1601-7.1613, without changes to the proposed text as published in the December 26, 1989, issue of the *Texas Register* (14 TexReg 6856).

Sections 7.1601-7.1613 concern measures to facilitate administration of the licensing and

adoption of new §§7.1601-7.1613 as Subchapter P, concerning licensing and examination of third party administrators, is simultaneous with the proposed repeal of existing §§7.1601-7.1622, concerning third party administrators; examinations, licenses. Notice of the proposed repeals appears elsewhere in this issue of the *Texas Register*. The new sections are necessary to provide for consistency, efficiency, and clarity in the administration of the licensing and regulation of third party administrators, in accordance with the provisions of the Insurance Code, Article 21.07-6, effective September 1, 1989.

The new sections establish guidelines and procedures for the supervision and licensing of persons who collect premiums or contributions from or who adjust or settle claims in connection with life, health, and accident benefits or annuities for residents of this state. Adoption of these new sections includes adoption by reference of forms for use in administrative regulation of third party administrators. The board has filed copies of the forms with the Secretary of State's Office, Texas Register section. Persons desiring copies of the forms can obtain copies from the Third Party Administrator Unit, Mail Code 014-11, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Transport Life Insurance Company commented against the sections as proposed.

The commenter asserted that the definition of the term "administrative or service fees" does not correspond to the language of the Insurance Code, Article 21.07-6, §1(2). It is the opinion of the board that the definition which the board is adopting is consistent with statutory law and clarifies the definition as contained in the statute. Another comment was that insurers and health maintenance organizations should not be required to pay maintenance tax under §7.1613 because they are not covered by certificates of authority under the Insurance Code, Article 21.07-6. The board's response is that the Insurance Code, Article 21.07-6, §24, provides that the maintenance tax applies to these entities. Additionally, the language in the Insurance Code, Article 21.07-6, §21, which assesses maintenance tax against all administrators that are covered by a certificate of authority, refers to any certificate of authority issued pursuant to the Insurance Code or the Health Maintenance Organization Act, not merely those issued under the Insurance Code, Article 21.07-6.

The new sections are adopted under the Insurance Code, Article 1.04 and Article 21.07-6, §2, and under Texas Civil Statutes, Article 6252-13a, §5. The Insurance Code, Article 1.04, authorizes the State Board of Insurance to adopt rules in accordance with the laws of this state. The Insurance Code, Article 21.07-6, §2, provides the board with authority to promulgate reasonable rules and regulations that are fair and reasonable as may be appropriate for the augmentation and implementation of the article, which relates to regulation of certain third party administrators. Texas Civil Statutes, Article 6252-13a, §5, prescribe the procedure for adoption of rules by any state administrative agency.

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 15, 1990.

TRD-9006246 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 6, 1990

Proposal publication date: December 26, 1989

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

TITLE 31. NATURAL RESOURCES AND CON- SERVATION

Part IX. Texas Water Commission

Chapter 321. Control of Certain Activities by Rule

Subchapter B. Livestock and Poultry Production Operations

• 31 TAC §§321.42-321.46

The Texas Water Commission (TWC) adopts new §§321.42-321.46, without changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2420).

The new sections are adopted to provide the TWC with a mechanism to identify dairy operations in the state and to determine whether they are subject to this subchapter; to provide the concentrated animal feedings dairies with suggested best management practices that, if implemented, could reduce the amount of wastewater operators would have to manage; and to clarify statutory requirements that all new dairies proposing to operate as a concentrated animal feeding operation as defined in this subchapter who are required to obtain a permit must first apply for and obtain a permit from the TWC before constructing waste management facilities.

The TWC received written comments from the Texas Agricultural Extension Service and the United States Soil Conservation Service supporting these rule modifications. Additionally, oral comments were received from Crosstimbers, a concerned citizens organization on May 29, 1990, at a public hearing concerning the proposed sections. Crosstimbers expressed concern that some dairy operations are not considered concentrated animal feeding operations and are therefore not subject to this subchapter. The TWC has acknowledged in prior rulemaking that other types of facilities, such as dairy operations that allow cows to graze for most of their food, are not subject to the sections. The TWC believes confined, concentrated animal feeding operations have the most potential to impact the ground or surface water. Confinement of animals causes the soils to compact and prevents incorporation of manure and other solids into the soil which in-

creases the probability of the solids being washed away during a rainfall event. The manure and other solids must be collected and properly disposed. Washing away of solids does not occur in most grazing operations because the cows have a greater area to live in and the vegetation in the pasture helps reduce manure movement during rainfall. The TWC believes this subchapter should remain directed at concentrated animal feeding operations; however, should problems occur in a grazing operation, the agency can take action, including requiring corrective action, requiring a permit, and the assessment of administrative penalties, to prevent pollution under its general authorities found in the Texas Water Code. The definition for concentrated animal feeding operations has not been changed.

Crosstimbers, indicated concern that dairies are not implementing all the best management practices that were included in the TWC emergency sections adopted December 13, 1989. The emergency sections do not require the implementation of all the best management practices. In fact, these rules and those adopted as final rules in §321.43 today state that best management practices shall be implemented by dairy operators regulated by this section as appropriate based upon existing physical and economic conditions, opportunities, and constraints. The best management practices listed in this section suggest ways for dairy producers to reduce the amount of wastewater requiring collection and disposal. When a dairy operation applies for a permit or submits a waste management plan, the TWC staff will evaluate the need for the implementation of additional best management practices to reduce wastewater volumes and/or the development of specific permit conditions to assure proper management of wastes. If a dairy operation appears to be impacting water resources, the TWC will address best management practices during the course of enforcement actions. Best management practices should be implemented after careful evaluation by the dairy operator of the operation needs and financial capabilities.

Crosstimbers expressed concern that §321.45, prohibiting construction of waste management facilities prior to permitting, applies only to new dairy operations rather than including existing dairies. The TWC understands this concern; however, the regulated community in response to the TWC resolution relating to dairy concentrated feeding operations issued on December 12, 1989, and the emergency sections adopted on December 13, 1989, is diligently attempting to reduce the potential of discharge of manure and contaminated stormwater. The TWC reviews all waste management facilities at the time of permit application. New dairies do not have the immediacy of existing waste production which requires collection and management, and thus can wait for the issuance of a permit or other commission authorization.

Crosstimbers is concerned about the standard for groundwater protection in §321.36. This section requires all wastewater retention facilities for concentrated animal feeding operations to comply with the same liner provision. Every wastewater retention facility is reviewed with regard to its location

to surface and ground water to assure adequate protection of state water resources. Permits issued by the TWC may include additional liner specifications as best professional judgment. Normally, existing ponds will not be required to meet additional requirements not specifically stated in this subchapter unless the TWC has reason to believe that the wastewater retention facility is causing ground or surface water contamination. TWC permits may require certification of the liner of all wastewater retention facilities. A new wastewater retention facility is generally considered to be a facility constructed during or after the permitting process.

Crosstimbers also indicated concern that some waste management facilities are not properly maintained by dairy operators and that dairies should be permitted based upon the total number of cows within an operation rather than the number of milking head. The TWC will review with dairy operators during inspections the maintenance of all waste management facilities. The TWC currently permits dairies based on the total number of confined cows. At this time, TWC does not have cause to change the permit requirements for dairy operations. The agency realizes that most dairies will have a substantial number of dry cows, but most of these animals are in pasture rather than confined and concentrated in a small area. As discussed previously, TWC will address problems caused by grazing operations on a case specific basis.

Under the emergency rules adopted by the TWC on December 13, 1989, the TWC has registered dairies in the state operating as concentrated animal feeding operations. The agency will continue to register such dairies under the sections adopted today. As discussed previously, the TWC will evaluate best management practices on a site specific basis, especially in relation to an operation's waste retention capability. Dairies will be notified as to when a permit application is required for an existing operation and new dairies will be required to apply for and obtain a permit prior to construction of waste management facilities.

The new sections are adopted under the Texas Water Code, §§5.103, 5.105, and 5.120, which provides the commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state, and to establish and approve all general policies of the commission.

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

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

TRD-9006266 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: July 9, 1990

Proposal publication date: April 27, 1990

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

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. TAX Administration

Subchapter B. Natural Gas Production Tax

• 34 TAC §3.13

The Comptroller of Public Accounts adopts the repeal of §3.13, without changes to the proposed text as published in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2753).

The section is being repealed because suspended rates covered by this section are no longer applicable. Provisions for suspended rates under the Natural Gas Act have been superseded by interim collection procedures authorized by the Natural Gas Policy Act.

No comments were received regarding adoption of the repeal.

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

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 15, 1990.

TRD-9006219 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 6, 1990

Proposal publication date: May 15, 1990

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

Subchapter L. Motor Fuels Tax

• 34 TAC §3.180

The Comptroller of Public Accounts adopts an amendment to §3.180, without changes to the proposed text as published in the May 15, 1990, issue of the *Texas Register* (15 TexReg 2752).

The amendments reflect the restrictions placed on the use of signed statements by House Bill 1155. Suppliers may not sell diesel fuel tax free to buyers who furnish a signed statement if the sale covering a single delivery is more than 2,000 gallons or more than 10,000 gallons have been delivered to the same purchaser during a calendar month.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the Comptroller with the authority to prescribe, adopt, and enforce rules relating to the

administration and enforcement of the provisions of the Tax Code, Title 2.

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 15, 1990.

TRD-9006220 Bob Bullock
Comptroller of Public
Accounts

Effective date: July 6, 1990

Proposal publication date: May 15, 1990

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

Chapter 23. Vehicle Inspection

Vehicle Inspection Station Licensing

• 37 TAC §§23.3, 23.5, 23.12, 23.15

The Texas Department of Public Safety adopts amendments to §§23.3, 23.5, 23.12, and 23.15, without changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2421).

Adoption of the amendments will result in decreased space requirements, designation of a contact person responsible for Motor Vehicle inspection, and elimination of one criteria for denying an application or revoking or suspending a certificate.

Amendments to §23.3 and §23.5 modify the inspection station space requirements for vehicle and motorcycle inspection; §23.12 designates the service commander as the contact for station owners seeking reinstatement; and §23.15 modifies the criteria for denying an application or revoking or suspending a certificate to delete the reference to failure to charge the required fee.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d, Article XV §§140-142, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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

Issued in Austin, Texas, on June 11, 1990.

TRD-9006183 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 5, 1990

Proposal publication date: April 27, 1990

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

General Inspection Requirements

• 37 TAC §§23.21, 23.23, 23.24

The Texas Department of Public Safety adopts amendments to §§23.21, 23.23, 23.24, without changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2422).

Adoption of the amendments eliminates the necessity of inspection station owners returning previous certificates and obtaining new ones each January.

Amendments to these procedures modify the requirements to indicate the month and year of expiration as the official designation on the inspection certificate and that both inserts are required; states that no other stickers or permits are permitted in the lower left-hand corner of the windshield designated for inspection certificate; and deletes the requirement to issue new certificates each calendar year.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d, Article XV, §§140-142, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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

Issued in Austin, Texas, on June 11, 1990.

TRD-9006182 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 5, 1990

Proposal publication date: April 27, 1990

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

Vehicle Inspection Records

• 37 TAC §23.51, §23.52

The Texas Department of Public Safety adopts amendments to §23.51 and §23.52, without changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2423).

Adoption of the amendments clarifies to the public the organizational unit of the department which is responsible for vehicle inspection records and who may sign a requisition for certificates.

The amendments change the name of the unit responsible for vehicle inspection records to Vehicle Inspection Records Bureau and identifies who may sign requisitions for

certificates.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d, Article XV, §§140-142, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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

Issued in Austin, Texas, on June 11, 1990.

TRD-9006185 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 5, 1990

Proposal publication date: April 27, 1990

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

Certification of Inspectors

• 37 TAC §23.61

The Texas Department of Public Safety adopts an amendment to §23.61, without changes to the proposed text as published in the April 22, 1990, issue of the *Texas Register* (15 TexReg 2424).

Adoption of the amendment will disallow inspector certification to those individuals with certain felony convictions.

The amendment will disallow inspector certification status to those individuals with felony convictions relating to government documents, motor vehicle titles, criminal negligence in motor vehicle operation, or driving under the influence of drugs or alcohol. This section will conform in wording to 37 TAC §23.15.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6701d, Article XV, §§140-142, which provides the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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

Issued in Austin, Texas, on June 11, 1990.

TRD-9006186 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 5, 1990

Proposal publication date: April 27, 1990

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

Vehicle Inspection Station Operation

• 37 TAC §§23.71, 23.73, 23.74

The Texas Department of Public Safety adopts amendments to §§23.71, 23.73, and 23.74, without changes to the proposed text as published in the April 27, 1990, issue of the *Texas Register* (15 TexReg 2424).

Adoption of the amendments allow station owners to conduct certain vehicle inspection business through the mail and to waiver fee to customers. The fees for certificates are specified.

The amendments set the fees for each type of inspection, allow waiver of fee if the department of Public Safety receives advance payment, and provide provisions for mailing refund applications and certificates of appointment.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 6701d, Article XV, §§140-142, which provide the Texas Department of Public Safety with the authority to adopt rules necessary for the administration of this Act.

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

Issued in Austin, Texas, on June 11, 1990.

TRD-9006184 Joe E. Milner
Director
Texas Department of
Public Safety

Effective date: July 5, 1990

Proposal publication date: April 27, 1990

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 12. Child Nutrition Program

Child and Adult Care Food Program

• §12.22, §12.23

The Texas Department of Human Services (DHS) adopts amendments to §12.22 and §12.23, without changes to the proposed text as published in the May 8, 1990, issue of the *Texas Register* (15 TexReg 2630).

The justification for the amendments is to correct references to chapter numbers in recently adopted rules and to change the undesignated head, Child Care Food Program, to Child and Adult Care Food Program to clarify the intent of the program.

The amendments will function by clarifying section cites.

No comments were received regarding

adoption of the amendments.

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

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

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

TRD-9006268 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: July 15, 1990

Proposal publication date: May 8, 1990

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

Part IX. Texas Department on Aging

Chapter 255. State Delivery Systems

Area Agency Designation

• 40 TAC §255.37

The Texas Department on Aging (TDoA) adopts an amendment to §255.37, with changes to the proposed text as published in the March 9, 1990, issue of the *Texas Register* (15 TexReg 1286).

The section expands, strengthens, and clarifies the request for proposal (RFP) process that must be followed by area agencies on aging and identifies additional documentation requirements to improve the process.

The section will create a standardized request for proposal process which will enhance the area agency responsibilities to contract for service delivery in their planning and service areas.

Comments received suggested a change to subsection (d)(1) to increase the requirements of RFP notices as well as increasing the time limit and maintaining lists of potential and prequalified bidders; a comment to maintain the wording in paragraph (2)(A) identified for deletion which read "required proposal content, proposal review criteria, appeals procedure;" addition of "no unreasonable requirements shall be placed upon applicants which would restrict competition;" a suggestion to delete the requirement in subsection (d)(C)(i) specifying a requirement for a previous fiscal year audit; and suggestions to change the words "should" and "may" to "must" and "shall" to strengthen the intent of the section.

A group or association commenting in favor of the proposed section was the Texas Association of Home Health Agencies.

TDoA disagrees with compiling prequalified lists and contracting with entities on such a list. We believe such a procedure may infer pre-approval and would contribute to a misunderstanding regarding the opportunity for

all potential service providers to respond to the RFP process. The department does agree to rewording to include the requirement that the area agencies on aging will maintain a mailing list of those who have requested to be placed on it, and letters of notification will be sent to such entities or individuals. The department believes that the suggested 30-day response to an RFP would delay the process unnecessarily and hold up funds for services. The suggestion to incorporate the wording "no unreasonable requirements" is too vague and subject to broad misinterpretation. The rules and regulations already in place stipulate reasonable requirements. The department disagrees that a previous years' fiscal audit is irrelevant. This is a significant indicator of the fiscal and managerial maturity of a bidder and illustrative of the method in which a company conducts its business. The department does not agree with rewording to make certain requirements mandatory and has revised the section accordingly in these instances. The department also agrees with the suggestion to maintain the wording "required proposal content, proposal review criteria, appeals procedures" and has acted to do so.

The amendment is adopted under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to promulgate rules governing the operation of the department.

§255.37. *Contract and Reimbursement Methodology for Aging Services Provided Under the Older Americans Act.*

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

(d) Request for proposals. Area agencies on aging (AAA) annually issue requests for proposals (RFPs) to be completed by applicant agencies desiring to provide aging services in Texas.

(1) Public notice. Notice of the availability of a RFP must be published in a major newspaper of general circulation within the community to be served. The notice shall include, as a minimum, a description of the project or service, a contact person for copies of the complete RFP, a closing date, and a statement that requests may be made to be placed on a mailing list. The AAA should have certified documentation of the public notices published, as well as documentation of any letters sent to interested parties. The notices of the RFPs and letters of notification, if they are sent, must also include:

(A) a description of the services to be contracted and the available funds for each service;

(B) the deadline to submit proposals stated as to the date, time, and place;

(C) a statement that the proposal must be submitted in the required format of the AAA;

(D) a statement if the AAA is providing, or plans to provide directly, any of the service(s) listed in the RFP, specifying the number of persons to be served and units of service to be provided, and

(E) a reasonable time period in which to reply should be given (at least two weeks).

(2) Content. Requests for proposals issued by AAAs shall include the following information.

(A) General information. This section should include details regarding the purpose of the RFP, authority of the agency to issue the RFP, submission procedures, required proposal content, proposal review criteria, appeals procedures, award process (including description of performance based unit rate contracts), and contractor responsibilities.

(B) Scope of work. Clear and concise guidelines must be included identifying the following:

(i)-(ii) (No change.)

(iii) staffing and other administrative requirements, including qualifications and appropriate training of staff;

(iv)-(vi) (No change.)

(vii) requirement of a statement of disclosure concerning any current or potential conflict of interest;

(viii) requirement of the use of a chart of accounts identifying line items costs; and

(ix) any special requirements.

(C) Disclosure information. In addition, the AAA should require the following disclosures and information about the potential provider:

(i) a fiscal audit of the agency's previous fiscal year;

(ii) a list of the principle incorporators, board of directors with addresses, chief executive officers, and principle shareholders with percentage of ownership;

(iii) a list of all affiliate companies or corporations and addresses; and

(iv) a disclosure of any criminal convictions and any pending litigations which could affect the let of this contract.

(e)-(f) (No change.)

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

and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 12, 1990.

TRD-9006196

Jebron Hopper
Acting Executive Director
Texas Department on
Aging

Effective date: July 6, 1990

Proposal publication date: March 9, 1990

For further information, please call: (512)
444-2727

◆ ◆ ◆
TITLE 43.

TRANSPORTATION

**Part I. State Department
of Highways and Public
Transportation**

**Chapter 31. Public
Transportation Division**

General

• **43 TAC §31.3**

The State Department of Highways and Public Transportation adopts an amendment to §31.3, with changes to the proposed text as published in the February 16, 1990, issue of the *Texas Register* (15 TexReg 861).

The adoption of this amended section adds definitions necessary due to the contemporaneous adoption of 43 TAC §§31.50, 31.53, 31.55, and 31.57, concerning property management standards.

The amended section will provide definitions central to the understanding of Chapter 31 regarding the department's public transportation activities. The amendment adds the terms "common rule," "equipment," and "real property" to the section.

The Texas Transit Association and the Metropolitan Transit Authority of Harris County were generally supportive of the proposed sections but suggested changes or requested clarification.

The department's response to the comments received is as follows. One commenter posed several questions regarding definitions of the terms "administrative expenses," "allocation," and "private" that were previously adopted. Those definitions were not included in this amendment but will be addressed at this time. The various funding programs described in Chapter 31 each have somewhat different eligibility criteria, and the definition of administrative expenses is, as the commenter suggested, intentionally broad. More specific guidance on eligible expenses is provided under the funding program descriptions. The term "allocation" is used in 43 TAC §§31.11, 31.13, and 31.36 and, in those contexts, does refer to a fiscal year period. The department recognizes that transit properties may budget on a different basis, and this is not intended to imply that local budgets must correspond to the state fiscal year. The definition of private was taken verbatim from the federal program circular relating to the §16(b)(2) grant program. In that definition, "state or municipal" are adjectives that de-

scribe the two most common types of public authority.

It was suggested that the definition of equipment as proposed be revised to correspond to the definition contained in the federal common rules. This would entail inclusion of the clause "and an acquisition cost of \$5,000 or more per unit." The department agrees with the comment and the suggested change has been made in the adoption.

The amendment is adopted under Texas Civil Statutes, Articles 6666, 6663b, and 6663c, which provide the State Highway and Public Transportation Commission with the authority to promulgate rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and more specifically to administer the state public transportation fund and state and federal public transportation programs.

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

Common rule—Title 49, Code of Federal Regulations, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments.

Equipment—Tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Real property—Land, including land improvements, structures, and appurtenances thereto, excluding movable machinery and equipment.

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 15, 1990.

TRD-9006201

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

Effective date: July 6, 1990

Proposal publication date: February 16, 1990

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

◆ ◆ ◆
**Property Management
Standards**

• **43 TAC §§31.50, 31.53, 31.55,
31.57**

The State Department of Highways and Public Transportation adopts new §§31.50, 31.53, 31.55, and 31.57. Sections 31.50 and 31.57 are adopted with changes to the proposed text as published in the February 16, 1990, issue of the *Texas Register* (15 TexReg 861). Sections §§31.53 and 31.55 are adopted without changes and will not be republished.

The new sections are necessary to establish consistent guidelines for property

management standards for entities that receive state and/or federal public transportation funds through contracts with the department.

The new sections outline the procedures for property management standards including recordkeeping, inventory, maintenance, title, and disposition requirements.

The following groups and associations made comments in favor of the new sections: Harlandale Presbyterian Nutrition Center; Medina County Senior Citizens Association, Inc.; Midtown Manor, Inc.; and Volunteer Services Council, Kerrville State Hospital. The following groups and associations were generally supportive of the proposed new sections, but suggested changes or requested clarification: Texas Transit Association; Metropolitan Transit Authority of Harris County; Hill Country Community Action Association, Inc.; Heart of Texas Council of Governments; City of Waco; Texoma Area Paratransit System; and Corpus Christi Regional Transportation Authority.

The department's responses to the comments are presented in the order in which they appear in the proposed sections. One commenter asked if the proposed property management standards would apply retroactively to existing contracts or only to those signed after the effective date of the rule? Additional clarification was requested as to what property would be covered by the rules. The property management standards will apply to all public transportation contracts administered by the department as of the effective date of the rules. As these rules in most cases merely formalize administrative procedures that have been in effect for some time, the department does not view these requirements as burdensome to existing contractors. Further, by adopting the federal standards for application to the state investment in public transportation property and equipment, the department's rulemaking will eliminate conflicting requirements previously imposed on contractors. As stated in §31.50(a), these rules will apply only to those state and/or federally funded capital assets that are purchased under contracts administered by the department.

Several commenters questioned the need for annual physical inventories as described in §31.50(c) when federal property management standards require such inspections only at least once every two years. Another commenter suggested that such inspections by department personnel would be extremely costly and time-consuming. It was also noted that this section was unclear as to what property was to be inventoried. The department agrees that biennial inventories are sufficient provided that interim reports are provided in writing of all changes in the status of property and equipment. This will be particularly important for those federal programs in which the department is responsible for making biennial inventory reports to the federal grantor agency. With respect to the involvement of department personnel in the actual inspections, this would be necessary in only those cases where there is evidence that the contractor does not have adequate property management procedures in place. The department believes that few such exceptions exist and that this will not, therefore, require significant time investments by state

personnel. Instead, district office personnel will verify the contractors' inventory against the current records maintained by the department and investigate and resolve any discrepancies. This section has been clarified to indicate that the biennial inventories are required on real property and equipment as defined in 43 TAC §31.3, concerning definitions.

One commenter was uncertain as to how the provisions of §31.57 would apply to §16(b)(2) and §18 grant contractors. With respect to those programs, the department generally administers by contract at least an 80% interest in §16(b)(2) and §18 program property and equipment. Therefore, the provisions of §31.57(c) would apply to those contractors.

Subsequent to the publication of the proposed sections, the department noted that §31.57(b) was too narrow in describing the instances in which the state had only a minority interest in property or equipment. Further, §31.57(c) was not clear in defining the contracts that would be governed by state standards. Therefore, §31.57(b) has been revised to indicate that federal standards for disposition will apply when the state's interest is confined to all or part of the local share of federally assisted capital improvements. Section 31.57(c) was similarly modified to note that state standards would apply to contracts in which the department administers federal funds as well as non-federal projects in which the state and the local contractor share the costs equally.

One commenter suggested modifications to §31.57(b) and (c) to eliminate the requirement that property must be sold, auctioned, or transferred to a third party for public transportation purposes similar to those for which the original contract award was made. As noted by the commenter, this would prevent the sale of a lift-equipped van to a handicapped individual. The department agrees with this comment and has deleted the latter part of the sentences in question. The proposed section does require that the state's share of any proceeds derived from the disposition of such property must be either reinvested by the contractor for similar purposes or refunded to the department, depending on the circumstances. However, the first part of the questioned text has been retained to ensure that the property is, in fact, disposed of by the contractor rather than retained as a surplus or spare item.

Eight comments were received regarding the disposition criteria for vehicles outlined in §31.57(c)(1)(A). Several noted that the \$1,000 or 2.0% threshold established for vehicles costing less than \$100,000 would force a contractor to keep equipment that was unsafe or very expensive to maintain. Suggested alternatives were \$3,000 or 5.0% of the original purchase price or a uniform standard for all vehicles of \$5,000. Two commenters referred to the suggested criteria contained in Urban Mass Transportation Administration (UMTA) Circular 9030.1A as more appropriate for inclusion in the section. Several also questioned the use of the term "market value" in this context and asked how and by whom that determination would be made. The department agrees with the suggestion to adopt a uniform threshold of \$5,000 for all vehicles, regardless of their original purchase price. The federal

standards are clearly identified in the referenced circular as suggested vehicle service life standards and, as such, would continue to serve as useful benchmarks for disposition. However, the federal common rule, which is the basis for the department's proposed rulemaking, clearly takes precedence over those standards. Use of the term "market value" is not intended to mean that vehicles and other equipment must be offered in the marketplace. Any generally accepted depreciation technique or appraisals can be used to establish the current value of the equipment. In cases governed by the provisions of §31.57(b), the contractor would obtain federal approval of such valuations. Cases governed by the provisions of §31.57(c) would similarly be presented to the department by the contractor.

Three commenters suggested changes to §31.57(c)(1)(B), relating to disposition criteria for equipment other than vehicles. Several suggested a uniform \$5,000 threshold. Clarification on the use of the term "market value" was also requested. The department agrees with the suggestion for a uniform \$5,000 threshold, and the suggested change has been made in the adoption. As discussed previously in relation to vehicles, depreciation schedules or appraisals are acceptable in lieu of actual sale or auction of equipment.

One general comment was received concerning the wording and organization of the proposed sections. The commenter suggested that a more concise, less bureaucratic document would result in better understanding of and compliance with the sections. Every effort has been made to present these sections in a clear and concise fashion within the guidelines prescribed by the Administrative Procedure and Texas Register Act and the form and style guidelines published by the Secretary of State, Texas Register Section. However, the department encourages anyone who has questions regarding the applicability of these standards or the specific requirements contained in the sections to contact their district office representative for clarification.

The new sections are adopted under Texas Civil Statutes, Articles 6666, 6663b, and 6663c, which provide the State Highway and Public Transportation Commission with the authority to promulgate rules and regulations for the conduct of the work of the State Department of Highways and Public Transportation, and more specifically to administer the state public transportation fund and state and federal public transportation programs.

§31.50. Recordkeeping and Inventory Requirements.

(a) Purpose. To protect the public investment in real property and equipment purchased in whole or in part with state and/or federal public transportation funds administered by the department, contractors will comply with the standards described in this section.

(b) Property records. The contractor must maintain records that include:

- (1) a description of the property;
- (2) a serial number or other

identification number;

- (3) the source of the property;
- (4) who holds title;
- (5) the acquisition date and cost of the property;
- (6) percentage of state and/or federal participation in the cost of the property;
- (7) the location, use, and condition of the property; and
- (8) any ultimate disposition data including the date of disposal and sale price of the property.

(c) Inventory. The contractor will cooperate with department representatives in performing at least once every two years a physical inventory of all real property and equipment, as defined in §31.3 of this title (relating to Definitions), purchased in whole or in part with state and/or federal capital funds administered by the department. However, during the time period between these physical inventories, the contractor shall promptly notify the department in writing of all changes in the status of such real property and equipment in order that department records may be kept current. Property shall remain on the department's and contractor's inventories until such time as the property is formally disposed of in accordance with the requirements outlined in §31.57 of this title (relating to Disposition). Notwithstanding the foregoing, the contractor shall, where applicable, be bound by, and shall comply with, the inventory requirements specified in the common rule.

(d) Control system. The contractor must develop a control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. The contractor shall investigate any loss, damage, or theft.

§31.57. Disposition.

(a) Purpose. This section describes the standards that apply to the disposition of equipment purchased in whole or in part with state and/or federal public transportation funds.

(b) Federal standards. The federal standards contained in the common rule shall govern the disposition of real property and equipment purchased under contracts in which the department provides all or part of the local share requirement of federally assisted capital improvements. In cases where the common rule does not require reimbursement of the federal grantor agency, the department will similarly release the state interest in the capital improvement provided that the state's percentage share of any proceeds derived by the contractor in the disposition process shall be used by the contractor for public transportation purposes similar to those for which the contract award was originally made. In cases where the common rule

requires reimbursement of the federal grantor agency, the contractor shall provide the department a percentage of the proceeds of any such disposition equal to the percentage of the state's original investment in the property or equipment. Once disposition is authorized, the contractor shall relinquish title to the property through either sale, auction, or transfer to a third party. The department shall be notified of any such dispositions and provided information necessary to delete the property from inventory records described in §31.50 of this title (relating to Recordkeeping and Inventory Requirements).

(c) State standards. All real property and equipment obtained through contracts in which the department's contractual interest includes federal funds or state monies as 50% of a non-federally assisted capital improvement shall be governed by the disposition standards contained in paragraphs (1) and (2) of this subsection. The department shall be notified of the contractor's intent to proceed with such dispositions and provided information necessary to delete the property from inventory records described in §31.50 of this title (relating to Recordkeeping and Inventory Requirements). Prior to disposition of property under the terms of this subsection, the contractor shall obtain written concurrence from the department. Once disposition is authorized, the contractor shall relinquish title to the property through either sale, auction, or transfer to a third party.

(1) Disposition criteria.

(A) Vehicles. Disposition may occur when the current per-unit market value is less than \$5,000.

(B) Other equipment. Disposition may occur when the current per-unit market value is less than \$5,000.

(C) Real property. When real property is no longer needed for the originally authorized purpose, the contractor will request disposition instructions from the department pursuant to this subsection.

(D) Exceptions. The department will consider exceptions to the standards contained in subparagraphs (A) and (B) of this paragraph on a case-by-case basis. In such instances, the contractor will furnish information requested by the department to determine if an exception is warranted due to special circumstances.

(2) Distribution of disposition proceeds.

(A) Refund not required. In cases where the disposition criteria contained in paragraph (1)(A) and (B) of this subsection have been met, the department will release its contractual interest in the capital improvement. The department will similarly release its contractual interest in cases where exceptions are granted for early disposition in accordance with the provisions contained in paragraph (1)(D) of this subsection. However, the department's release of its interest in a capital improvement is contingent upon the contractor's assurance that the department's contractually specified percentage share of any proceeds derived by the contractor in the disposition process

shall be used by the contractor for public transportation purposes similar to those for which the contract award was originally made.

(B) Refund required. In cases where the disposition criteria contained in paragraphs (1)(A) and (B) of this subsection have not been met but the contractor has received authorization to proceed with the disposition of property from the department, the contractor shall provide the department a percentage of the proceeds of any such disposition equal to the percentage of the department's original contractual interest in the property or equipment. In cases of real property, as described in paragraph (1)(C) of this subsection, and where exceptions are not granted for early disposition, as described in paragraph (1)(D) of this subsection, the contractor will similarly provide the department a percentage of the proceeds of any such disposition equal to the percentage of the department's original contractual interest in the property or equipment.

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 15, 1990.

TRD-9006200

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

Effective date: July 6, 1990

Proposal publication date: February 16, 1990

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



State Board of Insurance Exempt Filing

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

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

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

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

The State Board of Insurance has adopted a filing submitted by the CUMIS Insurance Society, Inc., of a cash letter endorsement and

rate for use with the Credit Union Discovery Bond Program.

In accordance with the provisions of the Insurance Code, Article 5.97, a text of the proposed filing has been filed in the office of the chief clerk of the State Board of Insurance. The proposed filing has been available for public inspection for 15 days and a public hearing was not requested by any party.

The cash letter endorsement, designated 255-CDB-A(8/83), is designed to provide a credit union with all risk protection for negotiable and non-negotiable items that are in the process of collection. A cash letter is defined as "any letter dispatched by the Insured or any correspondent bank or any Federal Reserve Bank or branch thereof, itemizing by separate amounts all share drafts/checks, promissory notes, drafts, and any similar items enclosed therewith which shall have

been accepted by the insured for deposit, payment, collection, or encashment."

The rates adopted for the endorsement are based on the value of the deposits being transported annually and the distance of the trips.

The specific rates proposed are: .02/\$1,000 for trips under 250 miles, and .03/\$1,000 for trips of 250 miles or over.

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

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

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

agency's legal authority.

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

TRD-9006179 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: July 7, 1990

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



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

The board has adopted physical damage rating symbols for certain 1991 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual* for 1990 models and subsequent models. The amendments are to be effective on the 60th day after notice of this action is published in the adopted rules section of the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

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

TRD-9006178 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 21, 1990

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



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

The board has deleted physical damage rating symbols for certain 1990, 1989, 1988, 1987, and 1986 model private passenger automobiles. The models deleted are utility type or multi-purpose type vehicles which should not be included with private passenger automobiles. The amendments are to be effective on the 60th day after notice of this action is published in the adopted rule section of the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006207 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 21, 1990

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



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

The board has adopted adjusted physical damage rating symbols for certain 1990 model private passenger automobiles and adjusted 1990 model private passenger automobiles. The symbols adopted were developed from manufacturers list price data and adjusted in accordance with the prescribed vehicle series rating rule contained in the Symbol and Identification Section of the *Texas Automobile Manual* for 1990 models and subsequent models. The amendments are to be effective on the 60th day after notice of this action is published in the adopted rule section of the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on June 14, 1990.

TRD-9006206 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 21, 1990

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



Open Meetings

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

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

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

Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

Wednesday, June 27, 1990, 10 a.m. The Pricing Subcommittee of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the Central Services Building, Room 402, 1711 San Jacinto Street, Austin. According to the agenda summary, the subcommittee will introduce subcommittee members and guests; accept minutes of March 20, 1990 meeting; discussion and recommendations for action on new services, renewal services, contracts with six months provisional approval, new products, and product changes and revisions; discussion and recommendations for action on San Antonio State School's interest in liquidating discontinued chair line; discussion regarding rules for determining fair market price; and proposed rules for pricing subcommittee.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: June 18, 1990, 2:50 p.m.

TRD-9006294

Thursday, July 5, 1990, 10:30 a.m. The Interim Subcommittee on the Development of a Written Agreement Between the Texas Committee and TIBH of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the Texas Rehabilitation Commission, Room 5501-5502, Brown-Heatley Building, 4900 North Lamar Boulevard, Austin. According to the complete agenda, the subcommittee will meet to introduce subcommittee members and guests; discuss recommendations for outlining the responsibilities of the Texas Committee; discussion regarding recommendations for outlining the responsibilities of Texas Industries for the Blind and Handicapped, Inc. (TIBH); discussion and recommendations for a draft

memorandum of agreement between the Texas Committee and TIBH; and discussion regarding the feasibility of hiring paid staff.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2603.

Filed: June 15, 1990, 8:59 a.m.

TRD-9006198

Texas Cosmetology Commission

Sunday, July 1, 1990, 9 a.m. The Texas Cosmetology Commission will meet at the Radisson Plaza Hotel, 700 San Jacinto, Austin. According to the complete agenda, the commission will have introductions; minutes from previous meeting; rule changes; presentation of the Texas State Association and Beauty Culture League concerning the curriculum in cosmetology schools; employees manual; commission committees; employees sick leave pool; discussion on individual commissioners participation in the group insurance plan; student work permits; and open meeting.

Contact: Laura Donges, 1111 Rio Grande, Austin, Texas 78701, (512) 463-3182.

Filed: June 19, 1990, 9:57 a.m.

TRD-9006331

Texas Department of Commerce

Friday, June 15, 1990, 7:30 a.m. The Board of Directors of the Texas Department of Commerce met at the Harvey Hotel, 3100 West I-40, Amarillo. According to the emergency revised complete agenda, the recess into executive session pursuant to Texas Civil Statutes, 6252-17, §2g and r; welcome from the community; presentation of new Commerce video; adoption of April 10, 1990 minutes; consideration of enterprise project applications from: City of Terrell-Tejas Resources, Inc.; Town of Pecos City-Anchor West, Inc.; consideration of request for proposal for senior managing

underwriter concerning product development bond financing; consideration of appointments to the Small Business Advisory Committee; discussion of legislative activities including the legislative appropriations request; overview of the Air High Program; and update on America's Heartland program. The emergency status was necessary because the information was not available at time of submission.

Contact: Mary Lane, 816 Congress, Suite 1100, Austin, Texas 78711, (512) 320-9660.

Filed: June 14, 1990, 11:15 a.m.

TRD-9006181

Friday-Saturday, June 22-23, 1990, 5:30 p.m. The Texas/Mexico Authority of the Texas Department of Commerce will meet at the Westin Paso del Norte, El Paso. According to the complete agenda, there will be a reception on June 22, 1990. On Saturday opening remarks by Don Hagans; legislative needs for next session (all topics are open discussion for the Texas/Mexico Authority members); program recommendation for fiscal year 1991-1993; plans for the remaining TMA activities and ending remarks by Don Hagans.

Contact: Marlene Burnisky, 816 Congress, Suite 1100, Austin, Texas 78711, (512) 320-9660.

Filed: June 15, 1990, 3:44 p.m.

TRD-9006258

Texas Education Agency

Thursday, June 21, 1990, 2 p.m. The Interagency Coordinating Council on Dropout Prevention and Recovery will meet at the Texas Department of Community Affairs Building, 8317 Cross Park Drive, Room 1-96, Austin. According to the emergency agenda summary, the council will meet to discuss subcommittee reports: welfare reform; media task force; action will be taken on other subcommittee recommendations. discuss 1988-89 public school dropout report: Jose E. Gonzalez, Education Spec., Res. Plng. TEA. Human

resource investment system: work force division staff, Texas Department of Commerce. Compendium update/Federico Miller, TEA; and council business/time and date of next meeting. The council finds it is of urgent public necessity for this meeting to be held so that the council and its sub-committees can act on recommendations that need to be implemented before the July meeting of the council. In particular, discussion of payment of freight costs for the compendium.

Contact: Federico Miller, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9512.

Filed: June 14, 1990, 10:20 a.m.

TRD-9006187

Employees Retirement System of Texas

Wednesday, June 27, 1990, 8:30 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet at the ERS Building Auditorium, 18th and Brazos, Austin. According to the agenda summary, the board will review and approve minutes; discuss appeals of contested cases; consideration/action on contract award for computer programming services/application development software for completion of integrated redesign project; death validation internal audit; status of state auditor's financial statement recommendations; FY-1990 internal auditing quarterly status report; Texas State Employees Union presentation on health care issues; acting executive director's report; executive session; action resulting from executive session; and next trustee meeting date.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 476-6431. ext/213.

Filed: June 18, 1990, 2:04 p.m.

TRD-9006291

Texas Employment Commission

Tuesday, June 26, 1990, 8:30 a.m. The Texas Employment Commission will meet at the Texas Employment Commission Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss prior meeting notes; presentation of certificates of appreciation for ISP project team; consideration and approval of contract with Vener Consulting Engineers for HVAC retrofit of agency-owned building; internal procedures of commission appeals; consideration and action on higher level appeals in unemployment compensation cases listed on commission docket 26; and set date of next meeting.

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

Filed: June 18, 1990, 1:51 p.m.

TRD-9006289

Office of the Governor-Criminal Justice Division

Wednesday, June 20, 1990, 11 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division met at the Sam Houston Building, 201 East 14th Street, Third Floor Conference Room, Austin. According to the complete agenda, the council met to approve minutes; review and discuss conference planning committee, Chairman Sam Chase; education committee report, Chairman Don Geen; bid guidelines for 1992 conference; award guidelines for 1991 conference; crime stoppers assistance fund update; crime stoppers legislation update; director's update; advisory council 1990-1991 budget; crime stoppers international conference; and certification update.

Contact: David M. Cobos, 201 East 14th Street, Austin, Texas 78746, (463-1784).

Filed: June 14, 1990, 4:56 p.m.

TRD-9006195

Thursday, June 28, 1990, 9 a.m. The Juvenile Justice and Delinquency Prevention Advisory Board of the Criminal Justice Division will meet at the John H. Reagan Building, 14th and Congress Avenue, Room 101, Austin. According to the agenda summary, the board will discuss recommendations to Governor regarding FY 1990 state plan for implementing section 223(a)(23) of JJDP Act; minorities in secure confinement; position paper prepared by the subcommittee on purchase of juvenile services; summary listing of grant applications for FY 1990 JJDP act formula grant funds.

Contact: Jim Kester, 201 East 14th Street, Austin, Texas 78746, (512) 463-1919.

Filed: June 18, 9:42 a.m.

TRD-9006271

Texas Health and Human Services Coordinating Council

Tuesday, June 26, 1990, 10 a.m. The Commission on Children, Youth and Family Services Child Abuse Program Evaluation Workgroup of the Texas Health and Human Services Coordinating Council will meet at 2802 West Ashby, Salvation Army Home for Girls, San Antonio. According to the complete agenda, the commission will approve minutes of April 18, 1990 meeting; child abuse risk field

(CARF) presentation; NCCAN update; program evaluation criteria; California child abuse prevention; sourcebook on self-evaluation summary; CAPEG priority development; define scope; timelines; categorize tasks; develop assignments; old and new business.

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

Filed: June 18, 1990, 3:09 p.m.

TRD-9006295

Texas Housing Agency

Wednesday, June 20, 1990, 3:30 p.m. The Personnel and Programs Committee of the Texas Housing Agency held an emergency meeting at 1200 Louisiana Street, Hyatt Regency, Houston. According to the agenda summary, the committee considered and/or possibly acted on the following: proposal regarding the agency serving as a clearinghouse in partnership with the Resolution Trust Corporation (RTC); financing proposal between THA and RTC; selection of master servicer; Sunset self-evaluation report; extension of mortgage revenue bond program and any legislative assistance required; amendment to agency personnel policy and procedure manual; confirmation of deputy executive administrator candidate; and executive session pursuant to Article 6252-17, Texas Civil Statutes, consider and possibly act on pending or contemplated litigation and duties, evaluation and discipline of employees. Act on executive session items as required in open session. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 18, 1990, 4:29 p.m.

TRD-9006320

Thursday, June 21, 1990, 9 a.m. The Finance and Planning Committee of the Texas Housing Agency held an emergency meeting at 8181 Airport Boulevard, Hobby Airport Hilton, Houston. According to the agenda summary, the committee considered and/or possibly acted on the following items: strategic planning cycle and business plan for fiscal year 1991; report from staff on status of financial advisor engagement; report from staff on fiscal year 1991 budget process; report from staff regarding issue(s) mentioned in Sunset self-evaluation report. The emergency status was necessary due to urgent public necessity to better manage and preserve state funds and property to provide safe, decent, and sanitary housing for Texans of low and moderate income.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 18, 1990, 4:29 p.m.

TRD-9006319

Monday, June 25, 1990, 3 p.m. The Audit Committee of the Texas Housing Agency will meet at 14901 Dallas Parkway, Dallas Marriott Quorum, Dallas. According to the agenda summary, the committee will consider and/or possibly act on the following items: selection of an outside independent auditor; selection of contract professional services for the REO, accounts payable and financial reporting integration computer system; Hinton Management Services report; REO contractor performance and RFP for services for fiscal year 1991; procedures implemented in response to Ernst and Young management letter; management letter presented by state auditors; reports from foreclosure, repurchase, archival and collections working groups; and Sunset self-evaluation report.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 15, 1990, 4:30 p.m.

TRD-9006262

Tuesday, June 26, 1990, 3 p.m. The Low Income Tax Credit Committee of the Texas Housing Agency will meet at 811 Barton Springs, Conference Room, Suite 300, Austin. According to the agenda summary, the committee will consider and/or possibly act on selection of an underwriter or a pool of underwriters for the low income tax credit program and report from staff regarding issue(s) mentioned in Sunset self-evaluation report.

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 15, 1990, 4:31 p.m.

TRD-9006263

Wednesday, June 27, 1990, noon. The Board of Directors of the Texas Housing Agency will meet at 811 Barton Springs, Conference Room, Suite 300, Austin. According to the agenda summary, the committee will consider and/or possibly act on the following items: minutes; MIS quarterly reports; clearinghouse proposal; RTC financing proposal; master servicer; agency personnel policy and procedure manual; deputy executive administrator; strategic planning cycle and business plan for fiscal year 1991; financial advisor engagement; fiscal year 1991 budget process; LITC underwriter; outside independent auditor; contract professional services contract; Hinton Management Services; REO contractor performance and RFP for services fiscal year 1991; response to Ernst and Young management letter; state auditors management letter; reports from working groups; liability insurance; Sunset Commission staff review; Sunset self-evaluation report; procedure manuals;

annual housing conference; testimony before United States House of Representatives; legislative amendments; bond program extension; accomplishments and activities to date; payment of legal expenses; and executive session—pending or contemplated litigation and employee matters. Act on executive session items as required in open session

Contact: Tish Gonzalez, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: June 15, 1990, 4:31 p.m.

TRD-9006264

State Board of Insurance

Monday, June 25, 1990, 9 a.m. The Commissioners Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street Street, Room 460, Austin. According to the complete agenda, a public hearing will be held to consider if disciplinary action should be taken against Albert Harvey Neal, Springfield, Virginia, who holds a Non-Resident Group I, Legal Reserve Life Insurance Agent's license issued by the State Board of Insurance. Docket number 10841.

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

Filed: June 15, 1990, 2:30 p.m.

TRD-9006257

Monday, June 25, 1990, 1:30 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street Street, Room 460, Austin. According to the complete agenda, a public hearing will be held to consider an appeal by Janice Kaufman, of Commissioner's order 89-1031.

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

Filed: June 15, 1990, 10:49 a.m.

TRD-9006209

Monday, June 25, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, a public hearing will be held to consider the application for amendment to Articles of Incorporation of Northeast United Life Insurance Company, Paris, adding a provision limiting director's liability.

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

Filed: June 15, 1990, 2:30 p.m.

TRD-9006256

Monday, June 25, 1990, 4:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110

San Jacinto Street, Room 353, Austin. According to the complete agenda, a public hearing will be reopened to consider whether disciplinary action should be taken against Western Employers Insurance Company, Fullerton, California which holds a certificate of authority to transact business in this state.

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

Filed: June 15, 1990, 2:30 p.m.

TRD-9006255

Tuesday, June 26, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin. According to the complete agenda, a public hearing will be held on docket number 10825 to consider whether disciplinary action should be taken against Randall Lawrence Adams, Fort Worth, who holds a Group I, Legal Reserve Life Insurance agent license.

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

Filed: June 18, 1990, 4:14 p.m.

TRD-9006308

Wednesday, June 27, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, a public hearing will be held on docket number 10832 to consider whether disciplinary action should be taken against Michael Angelo Fazio, San Antonio who holds a local recording agent license and San Antonio Insurance Agency, Inc., which holds a corporate local recording agency license.

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

Filed: June 18, 1990, 4:14 p.m.

TRD-9006309

Wednesday, June 27, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, a public hearing will be held on docket number 10813 to consider whether disciplinary action should be taken against Ricky Lynn Fields, Seagraves, who holds a Group II insurance agent license.

Contact: Wendy L. Ingham, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6526.

Filed: June 18, 1990, 4:14 p.m.

TRD-9006307

Wednesday, June 27, 1990, 2 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, Room 460, Austin.

According to the complete agenda, a public hearing will be held to consider adoption of new 28 TAC 7.601-7.614, concerning reinsurance credit for reinsurers and allowance for reinsurance credit to ceding insurers.

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

Filed: June 15, 1990, 10:49 a.m.

TRD-9006208

Friday, June 29, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, a public hearing will be held on docket number 10867 to consider the application of Torchmark Corporation through its subsidiary Liberty National Insurance Company, Birmingham, Alabama to acquire control of Family Service Life Insurance Company, Houston.

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

Filed: June 18, 1990, 4:14 p.m.

TRD-9006306

Friday, June 29, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, a public hearing will be held on docket number 10869 to consider the application of James Wayne Moreland, Mineola for a Group I, legal reserve life insurance agent license.

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

Filed: June 18, 1990, 4:14 p.m.

TRD-9006305

Friday, June 29, 1990, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 414, Austin. According to the complete agenda, a public hearing will be held on docket number 10867 to consider the application of Torchmark Corporation through its subsidiary Liberty National Insurance Company, Birmingham, Alabama to acquire control of Family Service Life Insurance Company, Houston.

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

Filed: June 18, 1990, 4:14 p.m.

TRD-9006306

Friday, June 29, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, a public hearing will be held on docket number

10835 to consider whether disciplinary action should be taken against David Curtis Rexrode, David Curtis Rexrode doing business as Macnaughton and Rexrode Agency and David Curtis Rexrode doing business as Rexrode Agency Insurance, Bandera/Comfort/Kerrville, who holds a group I legal reserve life insurance agent license, a local recording agent individual license and a local recording agent partnership license.

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

Filed: June 18, 1990, 4:14 p.m.

TRD-9006304

Texas Juvenile Probation Commission

Friday, June 29, 1990, 9 a.m. The Board of The Texas Juvenile Probation Commission will meet at 2015 South IH-35, Austin. According to the complete agenda, the board will approve minutes of May 18, 1990 meeting; discuss director's report; adoption of the memorandum of understanding on service delivery to runaways; approval of publication of memorandum of understanding on service contracts for dysfunctional families as a proposed rule. Approval of contract with Texas Department of Human Services for \$10,000 for services for dysfunctional families to be provided to children referred by the juvenile probation departments in Bexar and El Paso counties. Approval of FY 1992-'93 biennial budget request; and public comments.

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

Filed: June 14, 1990, 2:06 p.m.

TRD-9006190

Board for Lease of State-owned Lands

Tuesday, June 26, 1990, 11 a.m. The Board for Lease of Texas Parks and Wildlife Lands of the Board for Lease of State-owned Lands will meet at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 833, Austin. According to the agenda summary, the board will approve minutes of the previous board meeting; consider nominations, terms, conditions and procedures for the October 1990, oil, gas and other minerals lease sale; pipeline easement applications, Sea Rim State Park, Jefferson County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: June 18, 1990, 2:42 p.m.

TRD-9006292

Board of Law Examiners

Thursday-Sunday, June 21-24, 1990, 8 a.m. The Board of Law Examiners will meet Thursday-Friday at the Texas Law Center, 1414 Colorado, Saturday at the BLE Offices, 510 South Congress, number 116, and Sunday at the Four Seasons Hotel, 99 San Jacinto, Austin. According to the complete agenda, the board will discuss minutes of April 1990 meeting; budget and review FY 1990; consider proposed FY 1991; review bank accounts; discuss audit questions; review forms used by applicants; review North Carolina licensing standards; discuss litigation re: Malloy Case; discuss Sunset Review questions; questions of eligibility and special requests; hearings on moral character and fitness; rule VII (i) formal reviews; and discuss 7/90 bar exam and prepare questions.

Contact: Wayne E. Denton, 510 South Congress Avenue, Suite 116, Austin, Texas 78704, (512) 463-1621.

Filed: June 14, 1990, 10:45 a.m.

TRD-9006180

Texas Department of Licensing and Regulation

Wednesday, June 20, 1990, 8:30 a.m. The Manufactured Housing of the Texas Department of Licensing and Regulation held an emergency meeting at 920 Colorado, E.O. Thompson Building, 10th Floor Conference Room, Austin. According to the complete agenda, the meeting will include proceedings that consider denial, suspension, or revocation of respondent's license for violation of Texas Civil Statute, Article 5221f and will consider the assessment of an administrative penalty for violation of Texas Civil Statutes, Article 9100 for Flying W. Mobile Homes. The emergency status was necessary because of the need for an emergency meeting.

Contact: Imelda Escobar, 920 Colorado, Austin, Texas 78711, (512) 463-7332.

Filed: June 18, 1990, 11:05 a.m.

TRD-9006274

Tuesday, June 26, 1990, 9 a.m. The Air Conditioning and Refrigeration Unit of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, 10th Floor Conference Room, Austin. According to the complete agenda, the meeting will include proceedings that consider denial, suspension, or revocation of respondent's license for violation of Texas Civil Statute, Article 8861 and a consideration of an assessment of an administrative penalty for violation of Article 9100 for Russell L. Webster.

Contact: Imelda Escobar, 920 Colorado, Austin, Texas 78711, (512) 463-7332.

Filed: June 18, 1990, 11:05 a.m.

TRD-9006273

Friday, July 13, 1990, 9 a.m. The Air Conditioning and Refrigeration Unit of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, 10th Floor Conference Room, Austin. According to the complete agenda, a hearing to hear comments concerning a proposed language change to Texas Civil Statutes, Article 8861, §75.70(f). Any person may give testimony at the hearing, and written opinions will be accepted until the date of the hearing.

Contact: George Bynog, P.O. Box 12157, Austin, Texas 78711, (512) 463-2904.

Filed: June 15, 1990, 9 a.m.

TRD-9006199

Texas Department of Mental Health Mental Retardation

Thursday, June 28, 1990, 10:30 a.m. The Board Audit Committee of the Texas Department of Mental Health Mental Retardation will meet at 909 West 45th Street, Central Office Auditorium, Austin. According to the complete agenda, the committee will present the quarterly report. If deaf interpreters are required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, ((512) 454-3761.

Filed: June 18, 1990, 4:19 p.m.

TRD-9006314

Thursday, June 28, 1990, 11 a.m. The Board Personnel Committee of the Texas Department of Mental Health Mental Retardation will meet at 909 West 45th Street, Central Office Auditorium, Austin. According to the complete agenda, the committee will consider the approval of appointment of superintendent at Vemon State Hospital and the role of the personnel committee. If deaf interpreters are required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, ((512) 454-3761.

Filed: June 18, 1990, 4:19 p.m.

TRD-9006313

Thursday, June 28, 1990, 1 p.m. The Board Business and Asset Management Committee of the Texas Department of Mental Health Mental Retardation will meet at 909 West 45th Street, Central Office Auditorium, Austin. According to the complete agenda, the committee will present fiscal year 1990 budget adjustments; fiscal year 1991 operating budget; approval of fiscal year 1992-1993 appropriations request; approval of the selections of architects and engineers for the department

construction projects; approval of construction projects to be funded by Senate Bill 11, 71st Legislature, 6th called session; and lease for the West 38th planned unit development. If deaf interpreters are required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, ((512) 454-3761.

Filed: June 18, 1990, 4:20 p.m.

TRD-9006312

Thursday, June 28, 1990, 3 p.m. The Board Planning and Policy Development Committee of the Texas Department of Mental Health Mental Retardation will meet at 909 West 45th Street, Central Office Auditorium, Austin. According to the complete agenda, the committee will make appointments to single portal review committee; propose naming of the hospitality house at Austin State School; CPAC subcommittee reports; study of community department centers; AIDS; Alzheimers; Autism; and HSRI service planning model. If deaf interpreters are required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, ((512) 454-3761.

Filed: June 18, 1990, 4:20 p.m.

TRD-9006311

Friday, June 29, 1990, 9 a.m. The Board of the Texas Department of Mental Health Mental Retardation will meet at 909 West 45th Street, Central Office Auditorium, Austin. According to the agenda summary, the committee will hear citizens comments (limited to three minutes); and other issues to be considered. If deaf interpreters are required, notify Ernest Fuentes, (512) 465-4585, 72 hours prior to the meeting.

Contact: Dennis R. Jones, 909 West 45th Street, Austin, Texas 78756, ((512) 454-3761.

Filed: June 18, 1990, 4:20 p.m.

TRD-9006310

The Texas Department of Criminal Justice Board of Pardons and Paroles

Monday-Friday, June 25-29, 1990, 10 a.m. The Department of Criminal Justice Board of Pardons and Paroles will meet at 2503 Lake Road, Suite 2, Huntsville. According to the agenda summary, the board panel will meet to 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: Karin Armstrong, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

Filed: June 15, 1990, 10:57 a.m.

TRD-9006213

Texas Public Finance Authority

Tuesday, June 26, 1990, 10:30 a.m. The Texas Public Finance Authority will meet at 1500 North Congress Avenue, Room 101, John H. Reagan Building, Austin. According to the complete agenda, the authority will approve minutes; consider purchase of insurance for TSD buildings; 11 a.m. CDT-open bids for Series 1990B GO Bond issue; select winning bidder; and consider "A resolution authorizing the issuance of bonds to finance a project for the Texas Department of Criminal Justice, the execution and delivery of documents in connection therewith, and the taking of action to effect the sale and delivery of the bonds and resolving related matters."

Contact: Shannon Needham, 1201 Brazos, Room 313, Austin, Texas 78711, (512) 473-5545.

Filed: June 18, 1990, 2:50 p.m.

TRD-9006293

Texas Department of Public Safety

Thursday, June 28, 1990, 10 a.m. The Public Safety commission of the Texas Department of Public Safety will meet at DPS Headquarters, 5805 North Lamar, in the Commission Room, Austin. According to the complete agenda, the commission will meet to approve minutes; appeal hearing of discharged employee Johnny Whitley; discuss budget matters; resolution on AISD bond proposal; personnel matters; real estate matters; pending and contemplated litigation; miscellaneous and other unfinished business.

Contact: Joe E. Milner, 5805 North Lamar, Austin, Texas 78773, (512) 465-2000, ext. 3700.

Filed: June 15, 1990, 1:07 p.m.

TRD-9006243

Public Utility Commission of Texas

Tuesday, June 26, 1990, 9 a.m. The Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the revised agenda, the commission will also consider Docket number 9000; application of J-A-C Electric Cooperative, Inc., to revise PCRF factor.

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

Filed: June 18, 1990, 3:41 p.m.

TRD-9006302

Tuesday, June 26, 1990, 9 a.m. The Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets and projects: 9121, 9252, 9402, 9151, 9404, P8827, 9365, 9375, 9401, 9183, 9226, 9336, and 9470.

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

Filed: June 18, 1990, 3:41 p.m.

TRD-9006301

Tuesday, June 26, 1990, 10 a.m. The Hearings Division of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, a prehearing conference has been scheduled to review application of Bandera Electric Cooperative, Inc. to revise tariff. Docket number 9586.

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

Filed: June 18, 1990, 3:42 p.m.

TRD-9006299

Tuesday, June 26, 1990, 1 p.m. The Administrative Board of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the board will meet to discuss reports; discussion and action on budget and fiscal matters; progress report on dual-party relay service; consideration of NARUC survey on the appropriate locus of cable television regulatory authority; approval of staff selection of a consultant to review Texas Utility Electric company's gas costs during the reconciliation period covered by Docket number 9300 and authorization of general counsel to negotiate a contract with the consultant; adjournment for executive session to consider personnel and litigation matters; reconvene for discussions and decisions on matters considered in executive session; and set time and place for next meeting.

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

Filed: June 18, 1990, 3:42 p.m.

TRD-9006300

Tuesday, June 26, 1990, 1 p.m. The Relay Service Advisory Committee of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the committee will meet to consider issues

concerning the implementation of a statewide dual-party telecommunications relay system for the hearing and speech impaired. The Advisory Committee was appointed by the Public Utility Commission pursuant to House Bill 174, passed by the Seventy-First Texas Legislature. At this meeting the committee will discuss further issues of the dual-party relay service, including status of implementation of the service by Sprint Services, the carrier selected by the commission to provide the relay service.

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

Filed: June 18, 1990, 3:43 p.m.

TRD-9006303

Wednesday, June 27, 1990, 10 a.m. The Hearings Division of The Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference to review and discuss application of GTE Southwest, Inc., to revise general exchange tariff to add new station features for airport telephone service. Docket number 9580.

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

Filed: June 15, 1990, 3:11 p.m.

TRD-9006253

Monday, July 9, 1990, 10 a.m. The Hearings Division of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100. According to the complete agenda, the commission will conduct a prehearing conference, Docket number 9496; review and discuss request of Mobil Producing Texas and New Mexico Inc. for investigation of the uses and proposed uses of reimbursed funds by Brazos Electric Power Cooperative, Inc.

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

Filed: June 18, 1990, 3:43 p.m.

TRD-9006298

Thursday, July 12, 1990, 10 a.m. The Hearings Division of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference to review and discuss joint application of Texas and New Mexico Power Company and Houston Lighting and Power Company for approval of agreements. Docket number 8636.

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

Filed: June 14, 1990, 3:07 p.m.

TRD-9006193

Friday, August 31, 1990, 10 a.m. The Hearings Division of the Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will conduct a hearing to discuss petition of Conrail Capital Management Corporation for good cause exemption to Subst. R. 23.50(e)(1) A & B. Docket number 9583.

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

Filed: June 15, 1990, 3:11 p.m.

TRD-9006254

Railroad Commission of Texas

Monday, June 25, 1990, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the Administrative Services Division director's report on division administration, budget, procedure, and personnel matters.

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

Filed: June 15, 1990, 10:47 a.m.

TRD-9006217

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

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

Filed: June 15, 1990, 10:47 a.m.

TRD-9006210

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

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

Filed: June 15, 1990, 10:46 a.m.

TRD-9006214

The commission will consider and act on the Office of Information Services/Office of

Research and Statistical Analysis Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78753, (512) 463-6710.

Filed: June 15, 1990, 10:47 a.m.

TRD-9006212

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

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

Filed: June 15, 1990, 10:47 a.m.

TRD-9006211

The commission 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. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session to receive legal advice regarding pending and/or contemplated litigation.

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

Filed: June 15, 1990, 10:47 a.m.

TRD-9006218

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

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

Filed: June 15, 1990, 10:46 a.m.

TRD-9006216

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

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

Filed: June 15, 1990, 10:46 a.m.

TRD-9006215

Texas Rehabilitation Commission

Thursday, June 21, 1990, 9:30 a.m. The Board of the Texas Rehabilitation Commission met at the Wyndham Hotel, Ballroom A, 3rd Floor, 900 North Shoreline Boulevard, Corpus Christi. According to the emergency revised agenda, the board also discussed subrogation legislation; Florida legislation; and fines for comprehensive medical services. The additional subjects were reasonably unforeseeable subjects requiring immediate action by the Board of the Texas Rehabilitation Commission.

Contact: Charles Schiesser, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4052.

Filed: June 19, 1990, 9:26 a.m.

TRD-9006330

Sunday, June 24, 1990, 1:30 p.m. The Subcommittee Awareness, Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet at the Doubletree Hotel Lobby, 6505 North IH 35, Austin. According to the complete agenda, the committee will present employer awards, Barbara Jordan awards. Discuss Americans with Disabilities Act; old business; and new business. If there is need for an interpreter, notify the Governor's Committee three days before the meeting.

Contact: Charles W. Schiesser, 118 East Riverside, Austin, Texas 78704, (512) 445-8124.

Filed: June 15, 1990, 1:44 p.m.

TRD-9006244

House of Representatives

Tuesday, June 26, 1990, 10 a.m. The Texas Veterans Memorial Committee of the House of Representatives will meet at the Reagan Building, 105 West 15th Street, Room 106, Austin. According to the complete agenda, the committee will meet to review and discuss summary of last meeting; financial report; presentation of model of memorial design; and general discussion.

Contact: Representative Collazo, Capitol Building, Room 345-A, Austin, Texas 78701, (512) 463-0494.

Filed: June 15, 1990, 2:03 p.m.

TRD-9006245

Texas A&M University

Tuesday July 3, 1990, 10 a.m. The Board of Regents of Texas A&M University will meet at the Board of Regents Meeting Room, College Station. According to the complete agenda, the board's purpose for this special telephonic meeting is to award a

contract for asbestos abatement in five dormitories at Prairie View A&M University.

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

Filed: June 18, 1990, 9 a.m.

TRD-9006270

Thursday, June 28, 1990, 9:30 a.m. The Board of Regents of Texas A&M University will meet at the Board Annex, College Station. According to the agenda summary, the board will discuss consideration of bids and awarding of a contract for the operation of the Texas A&M University Bookstore; confirmation of underwriter selection committee, bond counsel, senior managing underwriter and financial advisor; review of overall debt management program; recommendation of the selection of co-managers for managed underwritings and authorize refundings as required; approval of board debt policy and master resolution; consideration of bids to be awarded for McKenzie Terminal parking lot expansion; approval of holiday schedule; and appointment of dean.

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

Filed: June 15, 1990, 10:41 a.m.

TRD-9006235

University of Texas System, M. D. Anderson Cancer Center

Tuesday, June 19, 1990, 9 a.m. The Institutional Animal Care and Use Committee of the University of Texas, M. D. Anderson Cancer Center met at 1515 Holcombe Boulevard, Room AW7.707, Houston. According to the agenda summary, the committee reviewed protocols for animal care and use and modifications thereof.

Contact: Anthony Mastromarino, Ph.D, 1515 Holcombe Boulevard, Houston, Texas 77030, (512) 499-4402.

Filed: June 15, 1990, 9:12 a.m.

TRD-9006202

Texas Southern University

Tuesday, June 26, 1990, 2 p.m. The Special Projects (Ad Hoc) Committee Board of Regents of the Texas Southern University will meet at the University, 3100 Cleburne Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the board will hear a report on long-range community planning conference; and report on the 1990 Summer Jazz Festival.

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

Filed: June 18, 1990, 11:03 a.m.

TRD-9006282

Tuesday, June 26, 1990, 4 p.m. The Buildings and Grounds Committee Board of Regents of the Texas Southern University will meet at the University, 3100 Cleburne Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the board will consider construction change orders; payment to architects contractors and engineers; authorization and ratification of contracts and awards; review of on going construction and current contractual relations.

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

Filed: June 18, 1990, 11:03 a.m.

TRD-9006285

Wednesday, June 27, 1990, 4:30 p.m. The Academic Affairs and Personnel (Ad Hoc) Committee Board of Regents (Jointly) of the Texas Southern University will meet at the University, 3100 Cleburne Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the board will consider report on progress of academic activities and programs; and personnel actions

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

Filed: June 18, 1990, 11:03 a.m.

TRD-9006283

Thursday, June 28, 1990, 4 p.m. The Finance Committee Board of Regents of the Texas Southern University will meet at the University, 3100 Cleburne Avenue, Hannah Hall Room 117, Houston. According to the complete agenda, the board will consider matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments and informational items.

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

Filed: June 18, 1990, 11:03 a.m.

TRD-9006284

Friday, July 6, 1990, 8:30 a.m. The Board of Regents of the Texas Southern University will meet at the University Library, 3100 Cleburne Avenue, Fifth Floor, Houston. According to the complete agenda, the board will consider minutes; budget changes; investments; budgets for restricted and/or grants and projects funds. Construction change orders; authorization and ratification of contracts and awards; review of on going construction and current contractual relations; personnel actions; report on progress of academic activities and programs; report of the president and executive session.

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

Filed: June 18, 1990, 11:03 a.m.

TRD-9006281

Board of Vocational Nurse Examiners

Monday-Wednesday, July 9-11, 1990, 8 a.m. The Board of Vocational Nurse Examiners will meet at the Ramada Inn Airport, Frontier Room, 5600 North IH 35, Austin. According to the agenda summary, the board will meet to approve minutes; discuss education report, (program matters, program actions, meetings/conferences attended, review of April 18, 1990, NCLEX-PN score summary), executive director's report; unfinished business (peer assistance update, continuing education, new business (budget update/budget request for FY 92093, Rule 235.18, and administrative hearings. Executive session to discuss personnel changes/matters.

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

Filed: June 14, 1990, 10:54 a.m.

TRD-9006188

Texas Water Commission

Wednesday, June 27, 1990, 3 p.m. The Texas Water Commission will meet at 1700 North Congress, Stephen F. Austin Building, Room 118, Austin. According to the revised agenda summary, the commission will meet to discuss consideration of various matters within the regulatory jurisdiction of the Texas Water Commission; in addition the commission will consider items previously posted for open meeting at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: June 15, 1990, 3:48 p.m.

TRD-9006259

Thursday, July 26, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Nueces County Courthouse, Commissioners Courtroom, 901 Leopard, Corpus. According to the agenda summary, the commission will consider an application by E.I. du Pont de Nemours and Company for amendment to Permit number 01651, to authorize a decrease in the discharge of treated wastewater

effluent via Outfall 001 and stormwater via Outfall 002 to a pipe with a submerged outlet into a barge slip on La Quinta Channel; thence to Corpus Christi Bay, Segment number 2481 of the Bays and Estuaries.

Contact: Chris Gee, P.O. Box 13087, Capitol Station, Austin, Texas 78711, (512) 463-7875.

TRD-9006260

Thursday, July 26, 1990, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Nueces County Courthouse, Commissioners Courtroom, 901 Leopard, Corpus Christi. According to the agency summary, the commission will meet to discuss application by E.I. du Pont de Nemours and Company for amendment to Permit number 01651 to authorize a decrease in the discharge of treated wastewater effluent via Outfall 001 and stormwater via Outfall 002 to a pipe with a submerged outlet into a barge slip on La Quinta channel; thence to Corpus Christi Bay, Segment number 2481 of the Bays and Estuaries.

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

Filed: June 15, 1990, 3:48 p.m.

TRD-9006260

Texas Workers Compensation Commission

Thursday, June 21, 1990, 1:30 p.m. The Special Advisory Committee on Chiropractic Care of the Texas Workers Compensation Commission met at the Bevington A. Reed Building, Room 107, 200 East Riverside Drive, Austin. According to the complete agenda, the committee met to discuss and review recommended changes to the proposed draft of the California relative value scale for criteria and adoption by Texas; reviewed the current official medical fee guideline coding system; and discussed additional codes and services to be included in the adoption of a new fee guideline.

Contact: Nancy J. Kozak, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7974.

Filed: June 18, 1990, 12:05 p.m.

TRD-9006288

Regional Meetings

Meetings Filed June 14, 1990

The Austin-Travis County Mental Health Mental Retardation Center Finance and Control Committee meeting was held at 1430 Collier Street, Austin, June 18, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Burnet County Appraisal District Appraisal Review Board met at 223 South Pierce, Burnet, June 18, 1990, at 9 a.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Dallas Area Rapid Transit Railtran Ad Hoc Committee met at 601 Pacific Avenue, Dallas, June 19, 1990, at 11:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Railtran Ad Hoc Committee met at 601 Pacific Avenue, Dallas, June 19, 1990, at 11:30 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Planning and Development Committee met at 601 Pacific Avenue, Dallas, June 19, 1990, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Business Development Ad Hoc Committee met at 601 Pacific Avenue, Dallas, June 19, 1990, at 11 a.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Area Rapid Transit Budget and Finance Committee met at 601 Pacific Avenue, Dallas, June 19, 1990, at 1 p.m. Information may be obtained from Nancy McKethan, 601 Pacific, Dallas, Texas 75202, (214) 658-6237.

The Deep East Texas Private Industry Council, Inc., Planning and Educational Advisory Committee will meet at the Lufkin City Hall, Room 102, Lufkin, July 9, 1990, at 9:30 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432.

The Education Service Center, Region VI Board of Directors met at 3332 Montgomery Road, Huntsville, June 21, 1990, at 5 p.m. Information may be obtained from Bobby Roberts, 3332 Montgomery Road, Huntsville, Texas 77340, (409) 295-9161.

The Education Service Center, Region 10 Board of Directors met at the Region 10 Board Room, 400 East Spring Valley, Richardson, June 21, 1990, at 12:30 p.m. Information may be obtained from Joe Farmer, P.O. Box 831300, Richardson, Texas 75083, (214) 231-6301.

The Education Service Center, Region XI Board of Directors will meet at the Service Center, 3001 North Freeway, Fort Worth, June 26, 1990, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311.

The Education Service Center, Region XV Board of Directors met at 612 South Irene Street, San Angelo, June 21, 1990, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571.

The Gillespie Central Appraisal District Board of Review will meet at the Gillespie County Courthouse Room 101-B, Fredericksburg, June 25, 1990, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul Street, Gonzales, June 19, 1990, at 1 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Lamb County Appraisal District Appraisal Review Board will meet at 330 Phelps Avenue, Board Meeting Room, Littlefield, June 28, 1990, at 9 a.m. Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339-0552, (806) 385-6474.

The Lampasas County Appraisal District Board of Directors met at 109 East Fifth, Lampasas, June 20, 1990, at 8:30 a.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058.

The North Texas Municipal Water District Board of Directors will meet at the Administrative Offices, 505 East Brown Street, Wylie, June 28, 1990, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, (214) 442-5405.

The Texas Municipal League Group Benefits Risk Pool Board of Trustees, Group Benefits Risk Pool met at the Four Seasons Hotel, Austin, June 21, 1990, at 12:30 p.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

The Upshur County Appraisal District Appraisal Review Board met at the Upshur County Appraisal District Office, Warren and Trinity Street, Gilmer, June 20, 1990, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

TRD-9006177

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Meetings Filed June 15, 1990

The Atascosa County Appraisal District Board of Directors met at 4th and Avenue J, Poteet, June 21, 1990, at 1:30 p.m. Information may be obtained from Vernon A. Warren, 1010 Zanderson, Jourdanon, Texas, 78026, (512) 742-3591.

The Austin-Travis County Mental Health Mental Retardation Center Executive

Committee held an emergency meeting at 1430 Collier Street, Board Room, Austin, June 18, 1990, at 7 a.m. The emergency status was necessary because they were informed on June 15th that a decision would be needed on a case that is going to court on 6-18-90. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031.

The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees met at 1430 Collier Street, Board Room, Austin, June 18, 1990, at 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier, Austin, Texas 78704, (512) 440-4031.

The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees, Personnel Committee met at 1430 Collier Street, Conference Room I, Austin, June 19, 1990, at 6:15 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas, 78704, (512) 440-4031.

The Barton Springs/Edwards Aquifer Conservation District Board of Directors and Policy Advisory Committee met at 1124A Regal Row, Austin, June 20, 1990, at 7 p.m. Information may be obtained from Bill E. Couch, 1124 A Regal Row, Austin, Texas 78748, (512) 282-8441.

The Bastrop County Appraisal District Board of Directors met at the Bastrop County Appraisal District, 1200 Cedar Street, Bastrop, June 21, 1990, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas, 78602, (512) 321-3925.

The Bosque County Appraisal District Appraisal Review Board met at the Bosque County Appraisal District Office, 104 West Morgan, Meridian, June 19, 1990, at 9 a.m. Information may be obtained from Billye McGehee, P.O. Box 393, Meridian, Texas 76665, (812) 435-2305.

The Bosque Central Appraisal District Board of Directors met at the Bosque Central Appraisal District Office, 104 West Morgan Street, Meridian, June 20, 1990, at 7:30 p.m. Information may be obtained from Don Whitney, P.O. Box 393, Meridian, Texas 76665, (817) 435-2304.

The Coastal Bend Council of Governments Executive Board will meet at the Nueces County Courthouse, Commissioners Courtroom, Third Floor, 901 Leopard Street, Corpus Christi, June 22, 1990, at 1:15 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Coastal Bend Council of Governments Membership Committee will meet at the Nueces County Courthouse, Commissioners Courtroom, Third Floor, Corpus Christi, June 22, 1990, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78469, (512) 883-5743.

The Education Service Center, Region 20 Board of Directors will meet at 1314 Hines Avenue, San Antonio, June 27, 1990, at 2 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 299-2400.

The Fisher County Appraisal Review Board will meet at the Fisher County Commissioners Court, Fisher County Courthouse, Roby, June 27, 1990, at 9 a.m. Information may be obtained from Teddy Kral, P.O. Box 516, Roby, Texas 79543, (915) 776-2733.

The Jack County Appraisal District Board of Directors met at the Los Creek Office Building, 216-D South Main, Jacksboro, June 19, 1990, at 7 p.m. Information may be obtained from Gary L. Zeitler or Donna E. Hartzell, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Leon County Central Appraisal District Appraisal Review Board will meet at the Leon County Appraisal District Office, Gresham Building, Centerville, June 20-21, and 27, 1990, at 8:30 a.m. Information may be obtained from Robert M. Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Lower Colorado River Authority Finance and Administration Committee met at 3700 Lake Austin Boulevard, Austin, June 20, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, June 20, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Natural Resources Committee met at 3700 Lake Austin Boulevard, Austin, June 20, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, June 20, 1990, at 9 a.m. or following one or more of committee meetings. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Audit and Budget Committee met at 3700 Lake Austin Boulevard, Austin, June 20, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Energy Operations Committee met at 3700 Lake Austin Boulevard, Austin, June 20, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Lower Colorado River Authority Board of Directors met at 3700 Lake Austin Boulevard, Austin, June 21, 1990, at 9 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3250.

The Mills County Appraisal District met at the Mills County Commissioners Court, Goldthwaite, June 21, 1990, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Sabline Valley Center Executive Committee met at the Administration Building Conference Room, 107 Woodbine Place, Longview, June 20, 1990, at 11:30 a.m. Information may be obtained from Jack Coston or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (214) 758-2471.

The Wood County Appraisal District Appraisal Review Board met at 217 North Main, Conference Room, Quitman, June 20, 1990, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

The Wood County Appraisal District Board of Directors met at 217 North Main, Conference Room, Quitman, June 21, 1990, at 1:30 p.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783, (214) 763-4891.

TRD-9006197

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Meetings Filed June 18, 1990

The Archer County Appraisal District Board of Directors met at the Appraisal District Office, 211 South Center, Archer City, June 20, 1990, at 5 p. m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172.

The Austin-Travis County Mental Health Mental Retardation Center Operations and Planning Committee will meet at 1430 Collier Street, Conference Room One, Austin, June 22, 1990, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main, San Antonio, June 22, 1990, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce, Burnet, June 19-22, 1990, at 9 a.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Burnet County Appraisal District Appraisal Review Board will meet at 223 South Pierce, Burnet, June 25-29, 1990, at 9

a.m. Information may be obtained from Melissa Cude, Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Coryell County Appraisal District Board of Directors met at 113 North 7th Street, Coryell County Appraisal District Office, Gatesville, June 21, 1990, at 5 p.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Dallas Area Rapid Transit Planning and Development Committee met at 601 Pacific Avenue, Board Room, Dallas, June 19, 1990, at 3 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

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

The Ellis County Tax Appraisal District Board of Directors met at 406 Sycamore Street, Waxahachie, June 21, 1990, at 7 p.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

The Ellis County Tax Appraisal District Appraisal Review Board met at 406 Sycamore Street, Waxahachie, June 21, 1990, at 9 a.m. Information may be obtained from Russell A. Garrison, P.O. Box 878, Waxahachie, Texas, 75165, (214) 937-3552.

The Erath County Appraisal District Board of Directors will meet in the Board Room, 1390 Harbin Drive, Stephenville, June 19, 1990, at 8 a.m. Information may be obtained from Jerry Lee, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Erath County Appraisal District Appraisal Review Board will meet in the Board Room, 1390 Harbin Drive, Stephenville, June 26-28, 1990, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434.

The Henderson County Appraisal District Appraisal Review Board will meet at 1751 Enterprise, Athens, June 25, 1990, at 9:30 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas 75751, (214) 675-9296.

The Nolan County Central Appraisal District Appraisal Review Board will meet at the Nolan County Courthouse, Sweetwater, June 25-26, 1990, at 9 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421.

The Nortex Regional Planning Commission General Membership Committee met at the Wichita Falls Activities Center, Room 214, 10th and Indiana, Wichita Falls, June 21, 1990, at noon. Information may be obtained from Dennis Wilde, 2101 Kemp Boulevard, Wichita Falls, Texas 76307, (817) 322-5281.

The Northeast Texas Municipal Water District Board of Directors will meet at Highway 250 South, Hughes Springs, June 25, 1990, at 10 a.m. Information may be obtained from J. W. Dean, P.O. Box 955, Hughes Springs, Texas, 75656, (214) 639-7538.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, June 26, 1990, at 1:30 p.m. Information may be obtained from Jack F. Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, June 27, 1990, at 1:30 p.m. Information may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Palo Pinto Appraisal District Appraisal Review Board will meet at the Palo Pinto County Courthouse, Palo Pinto, June 28, 1990, at 1:30 p.m. Information

may be obtained from Jack Samford, P.O. Box 250, Palo Pinto, Texas 76072, (817) 659-1234.

The Region One Education Service Center Board of Directors met at 1900 West Schunior, Edinburg, June 19, 1990, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

The Rusk County Appraisal District Board of Directors will meet at the Administrative Office, 107 North Van Buren, Henderson, June 26, 1990, at 1:30 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (214) 657-9697.

The San Antonio River Authority Board of Directors met at the General Office, 100 East Guenther Street, San Antonio, June 20, 1990, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (512) 227-1373.

The San Jacinto River Authority Board of Directors will meet at the Lake Conroe Office Building Conference Room, Highway 105 West, Conroe, June 27, 1990, at 1 p.m. Information may be obtained from Jack Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Swisher County Appraisal District Board of Directors met at 130 North

Armstrong, Tulia, June 21, 1990, at 7 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, June 26, 1990, at 10 a.m. Information may be obtained from Linda Lewis, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

The Upper Leon River Municipal Water District Board of Directors will meet at General Office, Proctor Lake, Comanche, June 28, 1990, at 6:30 p.m. Information may be obtained from Zollie D. Skaggs, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.

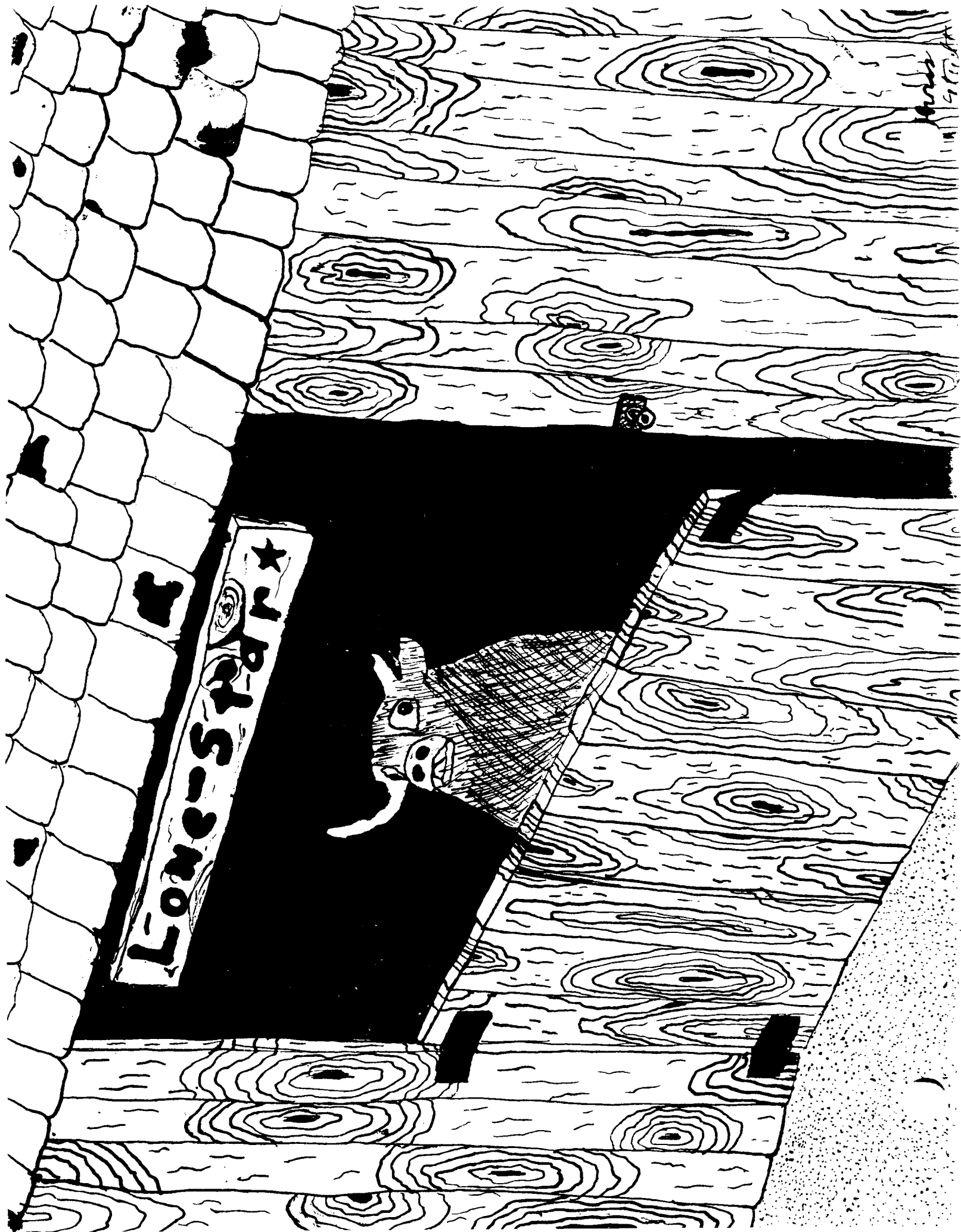
TRD-9006265

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Meetings Filed June 19, 1990

The Brown County Appraisal District Board of Review met at 403 Fisk Avenue, Brownwood, June 20, 1990, at 8:30 a.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

TRD-9006321

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In Addition

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

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

Texas Air Control Board

Notice of Applications for Construction Permits

Notice is given by the Texas Air Control Board (TACB) of applications for construction permits received during the period of May 1, 1990 to May 31, 1990.

Information relative to the applications listed below including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

A copy of all material submitted by the applicant is available for public inspection at the central office of the TACB at the address stated previously and at the regional office for the air quality control region within which the proposed facility will be located.

Four Winns of Texas, Inc., Fiberglass, Boat Manufacturing, Athens, Henderson County, 20095, Type = *RVW, May 1, 1990.

Vichem Incorporated, Batch Chemical Blending Factory, Dallas, Dallas County, 20096, Type = *RVW, May 1, 1990.

Lubrizol Petroleum Chemicals Company, Gasoline Additive Expansion, Pasadena, Harris County, 19002, Type = *AMD, May 1, 1990.

Phillips 66 Natural Gas Company, Sulfur Recovery Unit, Dumas, Moore County, 18279, Type = *AMD, May 1, 1990.

American Chrome and Chemicals, Inc., Chromic Acid Plant, Corpus Christi, Nueces County, 9212, Type = *AMD, May 2, 1990.

Ball Packaging Products Group, Steel Line Dome Spray Operation, Conroe, Montgomery County, 17847, Type = *AMD, May 2, 1990.

Phillips 66 Company, Hydrogenation of Polybutenes, Borger, Hutchinson County, 18508, Type = *AMD, May 4, 1990.

Maple Gas Company, The, Natural Gas Processing, Pampa, Gray County, 4312, Type = *AMD, May 7, 1990.

Mobil Chemical Company, Polystyrene Foam Products, Temple, Bell County, 3372, Type = *AMD, May 7, 1990.

3P Performance Plastics Products, Plastic Pipe MFG, Houston, Harris County, 18900, Type = *AMD, May 7, 1990.

ABC Treadco Incorporated, Tire Retreading Facility, Dallas, Dallas County, 4671, Type = *AMD, May 7, 1990.

XIT Feeders, Feedlot and Feedmill, Dalhart, Hartley County, 182A, Type = *AMD, May 7, 1990.

Texwood Industries, Cabinet Finishing and Assembly,

Duncanville, Dallas County, 9156, Type = *AMD, May 8, 1990.

Ogletree Forest Products, Inc., Lumber Manufacturing, Livingston, Polk County, 20104, Type = *RVW, May 8, 1990.

Mobay Corporation, Methylene Dianilene Units, Baytown, Chambers County, 1849A, Type = *AMD, May 8, 1990.

Texaco Chemical Company, Storage Tank-Number 789, Port Neches, Jefferson County, 791, Type = *AMD, May 8, 1990.

Petrounited Terminals Incorporated, Bayport Terminal, Seabrook, Harris County, 4644A, Type = *AMD, May 8, 1990.

El Paso Refining L.P., SRU/VAC Unit/Expanded Plant, El Paso, El Paso County, 18897, Type = *AMD, May 8, 1990.

Koch Refining Company, Pseudocumene Unit Modification, Corpus Christi, Nueces County, 9516, Type = *AMD, May 8, 1990.

Mentor Corporation, Ethylene Oxide Sterilizers, Irving, Dallas County, 20105, Type = *RVW, May 9, 1990.

Texas Eastman Company, Install Drift Eliminator, Longview, Harrison County, 1329, Type = *AMD, May 10, 1990.

American Central Gas Companies, Inc., Amine Treating Plant, Freer, Duval County, 20118, Type = *RVW, May 11, 1990.

Hi-Tek Polymers, Incorporated, Bulk Handling #2 Guar, Vernon, Wilbarger County, 8224A, Type = *AMD, May 14, 1990.

Nita Industries, Inc., Blend Plant, Houston, Harris County, 20119, Type = *RVW, May 16, 1990.

Merichem Company, Number 1 and C-25 Distillation Unit, Houston, Harris County, 20120, Type = *RVW, May 16, 1990.

Advance Chrome Connection, Auto Bumper Restoration/CHR PL, Fort Worth, Tarrant County, 20121, Type = *RVW, May 16, 1990.

Arco Chemical Company, Storage Tanks, Pasadena, Harris County, 20122, Type = *RVW, May 16, 1990.

E.R. Carpenter Company, Inc., Polyurethane Foam MFG, Dallas, Dallas County, 19133, Type = *AMD, May 16, 1990.

Hoechst Celanese, Synthetic Fatty Acids, Bay City, Matagorda County, 6105, Type = *AMD, May 16, 1990.

National Semiconductor Corp. MFG Integrated Circuits, Arlington, Tarrant County, 8559, Type = *AMD, May 16, 1990.

Texaco Chemical Company, Utility Boilers, Conroe, Montgomery County, 20123, Type = *RVW, May 16, 1990.

Formosa Plastics Corporation, Polypropylene Plant, Point Comfort, Calhoun County, 19200, Type = *AMD, May 16, 1990.

Rock-Tenn Company, Offset Printing and Folding Coat, Waxahachie, Ellis County, 20124, Type = *RVW, May 16, 1990.

Tex-Tin Corporation, Kaldo Furnace, Texas City, Galveston, County, 8809, Type = *AMD, May 16, 1990.

Shaffer-A Baroid Company, reclamation Incinerator, Houston, Harris County, 20128, Type = *RVW, May 16, 1990.

Vintage Petroleum, Incorporated, W.E. West Gas Unit Number 1, Fruitvale, Van Zandt County, 20127, Type = *RVW, May 17, 1990.

Vintage Petroleum, Incorporated., Prewitt Gas Unit Number 1, Fruitvale, Van Zandt County, 20126, Type = *RVW, May 17, 1990.

Koch Refining Company, Specialty Chemicals Unit, Corpus Christi, Nueces County, 20129, Type = *RVW, May 18, 1990.

Ceilcote Company, Linings, Coatings, Grout MFG Factory, Jersey Village, Harris County, 17112, Type = *AMD, May 18, 1990.

American Airlines, Incorporated, Aircraft Maintenance, Fort Worth, Tarrant County, 20131, Type = *RVW, May 18, 1990.

Maple Gas Company, The, Bryan Compressor Station, Skellytown, Carson County, 20132, Type = *RVW, May 18, 1990.

Dow Chemical Company, Add Throx Unit, Plant B, Clute, Brazoria County, 4575, Type = *AMD, May 18, 1990.

Enterprise Products Company, De-Isobutanizer Units I and II, Mt. Belvieu, Chambers County, 8418, Type = *AMD, May 21, 1990.

Union Carbide Chemicals and Plastics Company, Incorporated, Storage Tanks 9102Y and 9102Z, Texas City, Galveston County, 20135, Type = *RVW, May 22, 1990.

Lone Star Marble, Cultured Marble, Wylie, Collin County, 17495, Type = *AMD, May 23, 1990.

Foamex, Polyurethane Foam Machine, Mesquite, Dallas County, 18113, Type = *AMD, May 23, 1990.

Sprint Press, Inc., Offset Printing Plant, Fort Worth, Tarrant County, 20141, Type = *RVW, May 23, 1990.

Texaco Chemical Company, Kettle #F-E6-24, Port Neches, Jefferson County, 20134, Type = *RVW, May 23, 1990.

Howell Cattle Company, feedlot, Premont, Jim Wells County, 20144, Type = *RVW, May 23, 1990.

Texaco Producing Inc., Sulfur Recovery Plant, Coahoma, Howard County, 20137, Type = *RVW, May 24, 1990.

Lee Solder Inc., Bar Solder MFG, Seagoville, Dallas County, 20140, Type = *RVW, May 24, 1990.

Ennis Steel Industries, Inc., Structural Steel, Ennis, Ellis County, 20138, Type = *RVW, May 25, 1990.

Galvanizing Services, Inc., Hot Dip Zinc Galvanizing PLT, Houston, Harris County, 20139, Type = *RVW, May 25, 1990.

Mumme's Inc., Fertilizer Blending and Storage Facility, Uvalde, Uvalde County, 20143, Type = *RVW, May 25, 1990.

Saginaw Flakes, Inc., Feed Mill, Saginaw, Tarrant County, 20145, Type = *RVW, May 25, 1990.

Acco Feeds, Inc., Feed Mill, Seguin, Guadalupe County, 14A, Type = *AMD, May 25, 1990.

Fermenta ASC Corporation, Change Abatement Method, Houston, Harris County, 6132, Type = *AMD, May 29, 1990.

Ferro Corporation-Cleveland, Ohio, Shuttle Kiln #6, Tyler, Smith County, 20142, Type = *RVW, May 29, 1990.

Mobay Synthetics Corporation, Maleic Anhydride Unit, Houston, Harris County, 20153, Type = *RVW, May 30, 1990.

Apac-Texas, Inc., Asphalt Concrete Plant, Beaumont, Jefferson County, 18441, Type = *AMD, May 30, 1990.

DPC Industries Limited Partnership, Sulfur Dioxide/Chlorine Trans, Fort Worth, Tarrant County, 20155, Type = *RVW, May 30, 1990.

Williams Brothers Construction, Rock Crusher, Houston, Harris County, 20159, Type = *RVW, May 30, 1990.

Brown and Root U.S.A., Inc., Concrete Batch Plant, Dallas, Dallas County, 6575, Type = *AMD, May 30, 1990.

General Motors Corporation, Base Coat/Clear Coat/Paint Sho, Arlington, Tarrant County, 19156, Type = *AMD, May 31, 1990.

Arco Chemical Company, Consolidation Amendment, Pasadena, Harris County, 9395, Type = *AMD, May 31, 1990.

Champlin Refining and Chemicals, Inc, Hydrar, Corpus Christi, Nueces County, 20156, Type = *RVW, May 31, 1990.

Hutto Cooperative Gin Company, Cotton Gin, Hutto, Williamson County, 4198, Type = *AMD, May 31, 1990.

Brown and Root U.S.A., Inc., Concrete Batch Plant, Dallas, Dallas County, 20158, Type = *RVW, May 31, 1990.

Champion International Corporation, Kraft Paper Mill, Sheldon, Harris County, 20157, Type = *RVW, May 31, 1990.

Champion International Corporation, Kraft Paper Mill, Sheldon, Harris County, 190, Type = *AMD, May 31, 1990.

Champion International Corporation, Kraft Paper Mill, Sheldon, Harris County, 9506, Type = *AMD, May 31, 1990.

General Dynamics, Vapor Phase Reflow Solder Machine, Fort Worth, Tarrant County, 17702, Type = *AMD, May 31, 1990.

Issued in Austin, Texas, on June 11, 1990.

TRD-9006138 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: June 13, 1990

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

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Texas Education Agency
Consultant Proposal Request

Description. The Texas Education Agency is requesting proposals to assist the agency's Division of Services for the Deaf, which is charged with the responsibility to develop and administer a statewide program of educational

services for deaf students, in the refinement and continued implementation of an objective data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf. The system must include the revision or design of a data collection instrument which will, when data so collected has been entered on computer, provide ready access to individual and composite pupil profiles. Pupil data to be collected may include, but shall not necessarily be limited to the following: name, sex, date of birth, address, audiological findings, cause of hearing loss, age at onset of hearing loss, additional handicapping conditions, ethnic background, and results of standardized achievement tests. A plan for output products and data analyses appropriate to local, regional, state and national levels will be required.

Continuation of Service Previously Performed. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet University, Washington, D.C. This agency intends to award a contract to Gallaudet University unless a better offer is submitted.

Procedure for Selecting Consultant. The organization demonstrating the broadest and deepest knowledge of demographic and educational performance data analysis of the deaf will be selected for cost and contract negotiations.

Dates of Contract: The beginning date of the contract is September 1, 1990, and the ending date of the contract is August 31, 1991.

Amount of The Contract. The amount of the contract shall not exceed \$40,000.

Contact. Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Services for the Deaf, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, at (512) 463-9424.

Deadline For Receipt of Proposals. Proposals must be received in the agency no later than 5 p.m. on July 15, 1990.

Issued in Austin, Texas on June 12, 1990.

TRD-9006173 W. N. Kirby
Commissioner of Education

Filed: June 13, 1990

For further information, please call: (512) 463-9701

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**Texas Employment Commission
Consultant Proposal Request**

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Employment Commission (TEC) announces a request for proposals for consulting services.

Background. The TEC has recently completed a review and assessment of the current and proposed redesign of the unemployment insurance (UI) tax system. This evaluation was conducted in order to re-examine the system design and implementation strategy in view of the number of legislative changes requiring program modifications, increasing transaction volumes, as well as new and proposed changes in the electronic data processing operating environment.

Project Description. The purpose of this project, utilizing the observations provided as a result of the recent tax system assessment plan, is to develop and implement a comprehensive UI tax system. This will include, but not be limited to: the development of a final tax system design;

the development, coding, and testing of appropriate program software; and the implementation of a comprehensive UI tax system.

The primary objective of the project is the implementation of a tax system which addresses mandated functions including user needs. The final product of this project is an installed tax system operating in a production environment.

It is envisioned that this effort will be in two phases with Phase I consisting of the development of a final tax system design and Phase II addressing the actual software development, coding, testing, and system implementation. Phase II, however, is contingent on approval of the final system design.

Contact Person. Proposal packets and/or additional information may be obtained by contacting Michael Fernandez, Texas Employment Commission, 15th and Congress Avenue, Austin, Texas 78778, (512) 463-3031.

Proposal Evaluation Criteria. Proposals will be evaluated on the basis of the following criteria: a demonstrated experience and familiarity with the unemployment insurance tax system; experience in system development projects involving state and federal agencies; experience in software design and implementation; a knowledge of relevant confidentiality issues; a proposed project design; a management plan; the time and cost to complete the project.

Eligible Applicants. Eligible applicants shall be institutions of higher education, private-for-profit entities, and private-not-for-profit entities.

Consultant Information. In order to proceed with the design and implementation of the tax system at the earliest possible date and based on similar services performed for other states including the development of the TEC tax system assessment plan, it is the intent of the TEC to award this contract to Andersen Consulting unless a better offer is received.

Award of this contract is contingent on certification by the Department of Information Resources.

Closing Date. Proposals must be either mailed or hand delivered to Michael Fernandez, Room 606, Texas Employment Commission Building, 15th and Congress Avenue, Austin, Texas 78778, and received no later than 5 p.m. on July 20, 1990.

Issued in Austin, Texas, on June 15, 1990.

TRD-9006252 C. Ed Davis
Special Counsel
Texas Employment Commission

Filed: June 15, 1990

For further information, please call: (512) 463-2291

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**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of 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>
Nacogdoches	Nacogdoches Heart Clinic	L04382	Nacogdoches	0	05/17/90
Throughout Texas	Outokumpu Electronics, Inc.	L04389	Round Rock	0	05/08/90
Throughout Texas	Austin Bridge Company	L04408	San Antonio	0	05/15/90
Throughout Texas	Wrenco Wireline Services, Inc.	L04411	Kilgore	0	05/24/90

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Abilene	Humana Hospital - Abilene	L02434	Abilene	24	05/15/90
Abilene	Hendrick Medical Center	L02433	Abilene	26	05/23/90
Austin	St. David's Community Hospital	L00740	Austin	44	05/21/90
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	8	05/15/90
Borger	Phillips 66 Company	L03977	Borger	1	05/15/90
Bryan	Poretics Corporation	L04065	Livermore, CA	3	05/18/90
Corpus Christi	Memorial Medical Center	L00265	Corpus Christi	45	05/24/90
Dallas	Mallinckrodt, Inc.	L03580	Dallas	8	05/15/90
Dallas	Princeton Packaging, Inc.	L00803	Dallas	18	05/25/90
El Campo	Memorial Hospital - El Campo	L02664	El Campo	5	05/15/90
Fort Worth	All Saints Episcopal Hospital	L02212	Fort Worth	20	05/15/90
Fort Worth	Bell Helicopter Textron	L03023	Fort Worth	5	05/18/90
Gregory	Occidental Chemical Corporation	L04259	Ingleside	2	05/15/90
Houston	The Woman's Hospital of Texas	L02806	Houston	4	05/16/90
Longview	Texas Eastman Company	L00301	Longview	62	05/22/90
Lubbock	Syncor International Corporation	L02737	Lubbock	28	05/10/90
Mansfield	Mansfield Community Hospital	L03490	Mansfield	9	05/18/90
McAllen	McAllen Medical Center	L01713	McAllen	44	05/24/90
Midland	Smith Energy Services	L03667	Golden, Colorado	6	05/25/90
Orange	Occidental Chemical Corporation	L04090	Orange	2	05/24/90
Pasadena	ICI Americas, Inc.	L02216	Pasadena	16	05/14/90
Point Comfort	Formosa Plastics Corporation Texas	L03893	Point Comfort	3	05/23/90
Port Arthur	St. Mary Hospital of Port Arthur	L01212	Port Arthur	38	05/16/90
San Angelo	Cancer Therapy and Research Center	L01922	San Angelo	25	05/16/90

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

San Antonio	Humana Hospital San Antonio	L02266	San Antonio	26	05/16/90
San Antonio	Baptist Hospital System	L00455	San Antonio	46	05/22/90
Seadrift	Union Carbide Chemicals and Plastics Company Inc.	L00051	Port Lavaca	51	05/22/90
Stafford	Texas Instruments, Inc.	L00714	Houston	32	05/15/90

Temple	Scott and White Memorial Hospital	L00331	Temple	39	05/22/90
The Woodlands	LifeCell Corporation	L04232	The Woodlands	2	05/24/90
Throughout Texas	Olympic Wireline, Inc.	L03674	Victoria	8	05/14/90
Throughout Texas	Mine Service, Inc.	L04350	Rockdale	1	05/14/90
Throughout Texas	General Inspection Services	L02319	Houston	17	05/10/90
Throughout Texas	Linac Services, Inc.	L03573	Houston	16	05/11/90
Throughout Texas	Houston Inspection, Inc.	L04255	Houston	5	05/07/90
Throughout Texas	Catch-A-Fault	L02725	Houston	8	05/07/90
Throughout Texas	Southwest Research Institute	L00775	San Antonio	35	05/18/90
Throughout Texas	Exploration Logging of U.S.A., Inc.	L03258	Houston	12	05/17/90
Throughout Texas	American Surveys, Inc.	L02086	Stafford	5	05/14/90
Throughout Texas	Goolsby Testing Laboratories, Inc.	L03115	Humble	26	05/21/90
Throughout Texas	Bonded Inspections, Inc.	L00693	Garland	38	05/21/90
Throughout Texas	Century Inspection, Inc.	L00062	Dallas	50	05/18/90
Throughout Texas	BIX Testing Laboratories	L02143	Baytown	40	05/17/90
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	47	05/16/90
Throughout Texas	American Inspection Company, Inc.	L04073	Beaumont	8	05/16/90
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	54	05/16/90
Throughout Texas	Four Seasons Industrial X-Ray	L02855	Beeville	14	05/15/90
Throughout Texas	Mississippi X-Ray Services of Texas, Inc.	L03246	Mont Belvieu	23	05/11/90
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	20	05/15/90
Throughout Texas	J. L. Spears, Inc.	L04220	Sherman	2	05/25/90
Throughout Texas	Outokumpu Electronics, Inc.	L04389	Round Rock	1	05/22/90
Throughout Texas	City of San Antonio	L03762	San Antonio	3	05/23/90
Throughout Texas	Component Sales and Service, Inc.	L02243	Houston	13	05/25/90
Throughout Texas	ICI Tracerco	L03096	Houston	33	05/23/90
Throughout Texas	Halliburton Logging Services, Inc.	L02113	Houston	61	05/22/90
Throughout Texas	Tuboscope, Inc.	L00287	Houston	85	05/21/90
Throughout Texas	Texas Instruments, Inc.	L00946	Dallas	53	05/24/90
Throughout Texas	City of La Porte	L03530	La Porte	4	05/23/90
Tyler	NuTech, Inc.	L04274	Tyler	3	05/28/90
Webster	Humana Hospital Clear Lake	L01680	Webster	25	05/15/90

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>
Center	Center Hospital, Inc.	L03608	Center	7	05/25/90

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>
Arlington	Johnson & Johnson Medical Products Inc.	L02435	Arlington	8	05/24/90
Throughout Texas	Hassell Construction Company, Inc.	L04200	Houston	1	03/18/90

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

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

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

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

Issued in Austin, Texas, on June 12, 1990.

TRD-9006135 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 13, 1990

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

Municipal Solid Waste Disposal Site Public Hearing

The department will conduct a public hearing on the following municipal solid waste disposal site.

West Belt Development, Inc., has filed Application Number 1877 with the Texas Department of Health for a permit to operate a proposed Type I municipal solid waste disposal site to be located west of Houston, approximately 600 feet north of Tanner Road between Clara Road and Crawford Street, and approximately 0.7 mile southwest of Hempstead Road, in Harris County.

The site consists of approximately 77.9 acres of land, and is to daily receive approximately 1,375 tons of solid wastes under the regulatory jurisdiction of the department

when disposed of or otherwise processed in accordance with the department's Municipal Solid Waste Management Regulations.

Pursuant to the provisions of the Texas Solid Waste Disposal Act, Health and Safety Code, the department's said regulations, and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a), preliminary sessions have been held on two previous occasions and a public hearing on the aforesaid application will be held at the Houston Marriott Brookhollow/Motel, 3000 North Loop West, (US Highway 290 and 610), Houston, at 9 a.m. on Tuesday, July 31, 1990. The purpose of the hearing is to receive evidence for and against the issuance of a permit for the aforesaid application. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the department's said regulations, including all changes in effect as of May 10, 1988. All parties having an interest in this matter shall have the right to appear at the hearing, present evidence and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the department's formal hearing procedures, the cost of a written hearing transcript may be assessed against one or more of the designated parties.

A copy of the complete application may be reviewed at the Texas Department of Health, 1100 West 49th Street, Austin, or at the department's Public Health Region 4 office located at 10500 Forum Place, Suite 200, Houston, Texas 77036; telephone (713) 995-1112.

Issued in Austin, Texas, on June 14, 1990.

TRD-9006189 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: June 14, 1990

For further information, please call: (512) 458-7271

State Board of Insurance Notice of Public Hearing

Notice is hereby given that a hearing under Docket Number 1766 will be held before the State Board of Insurance beginning at 9 a.m. on Monday, July 23, 1990. The hearing may continue from time to time and from place to place as designated by the board and will probably continue at least through Tuesday, July 24, 1990. The purpose of the hearing is to receive testimony and evidence relating to various methodologies for including prospective investment earnings of insurers in the determination of manual rates for residential and commercial property insurance, for commercial multi-peril insurance, for workers' compensation insurance and longshoremen's and harbor workers' compensation insurance, for general liability insurance and other liability insurance, for private passenger and commercial automobile insurance, and generally for all lines of property and casualty insurance and other insurance for which the Texas Insurance Code has assigned to the State Board of Insurance the responsibility for determining or approving rates. At the hearing, the board will consider specifying factors which all parties must address in presentations concerning investment income at all hearings on rates before the State Board of Insurance. The board will consider determining a model and a consistent set of assumptions, which all parties must utilize and include in

testimony and presentation concerning investment income at all future hearings for determination or approval of rates by the board. The hearing will be in Room 460 of the State Insurance Building at 1110 San Jacinto Boulevard, in Austin.

The hearing will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Chapter 5. The hearing and procedure under Docket Number 1766 will be governed by the contested case provisions of the rules of practice and procedure before the State Board of Insurance (28 Texas Administrative Code (TAC), Chapter 1, Subchapter A) and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a). Reference is hereby made to the preceding statutes and rules and to other articles of the Insurance Code, to 28 TAC, Part I, and to manuals adopted by the State Board of Insurance under the Insurance Code, Article 5.96 and Article 5.97, as particular sections of statutes and rules that may be involved in this hearing.

If possible, each page of any exhibit offered in evidence at the hearing before the State Board of Insurance must be numbered, must be on 8 1/2-inch-by-11-inch paper, and must be on paper three-hole punched along the left margin. The front page of each exhibit should indicate that the exhibit would be part of the record of a public hearing before the State Board of Insurance and should identify the subject of the hearing, the docket number, the date of the hearing, the party offering the exhibit, and the exhibit number.

Each prospective party to the hearing shall file with the chief clerk of the State Board of Insurance not later than 5 p.m., July 9, 1990, 10 copies of each exhibit that the prospective party will offer as an exhibit at the hearing. A prospective party that files its exhibits with the chief clerk in a timely manner is entitled to obtain from the chief clerk before the date of the hearing one copy of each of the exhibits submitted by the other parties.

A party offering exhibits into evidence at a board hearing should be prepared with sufficient copies of each proposed exhibit to furnish the following: the original exhibit which will be tendered to the general counsel for marking and retention for the official record, after which the attorneys shall use an exact photocopy of such marked exhibit in the examination of the witness; three copies for the board with one copy to be tendered to each of the three board members for their use in ruling on the admissibility of the exhibit; one copy for the staff attorney; and one copy for every other party admitted to the hearing.

Please direct inquiries regarding this hearing to Gaylon Daniel, Statistical and Rate Development Division, Mail Code Number 000-2, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 475-3017. Exhibits may be filed with the Office of the Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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

TRD-9006272 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: July 18, 1990

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



General Land Office Consultant Contract Proposal

In accordance with Texas Civil Statutes, Article 6252-11C, the General Land Office (GLO) invites qualified organizations to submit proposals for a consultant contract for counseling and referral services to conduct an Employee Assistance Program (EAP).

Proposal Specification. The EAP provider will provide counseling and referral services to approximately 600 to 620 employees and their family members, both in Austin (88%) and statewide (12%). The purpose of the EAP is to provide confidential counseling and referral services thereby increasing productivity and morale.

The successful bidder must have provided similar services to at least one employer with a similar number of employees in decentralized locations. The successful bidder must either have branch offices in other areas of the state with permanent staff members in each site, or be able to provide referral services to contracted professionals in other areas of the state. Detailed documentations describing the organization may be requested after the initial proposal.

At least one staff member in the Austin office must be a Certified Employee Assistance Program professional. Other staff members whose jobs involve client counseling must be licensed or certified counselors. Documentation, in the form of a list of all staff members, by location, indicating their credentials and the length of time they have been employed with the bidder must be provided along with the bid.

The provider will consult with appropriate GLO management to develop employee assistance policy and procedures. Detailed documentation describing examples of policies and procedures, outpatient referrals and provider screening processes may be requested after the initial proposal.

The provider will develop and conduct orientation training for supervisory staff which will include procedures for supervisory intervention and referral of employees and/or their family members. The provider will also provide up to four educational training sessions on stress management, substance abuse, or other topics mutually agreed to by both parties.

The provider will supply materials for staff orientation, mailers to employees and their families publicizing the EAP and will provide a quarterly educational newsletter.

The provider will provide evaluation and counseling services for problems related to financial, legal, marital, emotions, stress, and chemical dependency matters, among others. If necessary, the provider will refer clients to a treatment resource it considers appropriate.

The provider will provide follow-up and statistical reports on a quarterly basis to GLO management subject to applicable laws relating to client confidentiality and privacy.

Contact. Proposals addressing the experience required and providing information demonstrating ability to perform the scope of the work shall be submitted to Arthur T. Moreno, Director of Personnel and Staff Development, General Land Office, 1700 North Congress Avenue, Austin, Texas 78701, (512) 463-5287.

Limitations. The initial contract period will be from September 1, 1990-August 31, 1991. Subsequent contracts may be for twelve month periods.

Closing date. The deadline for receiving proposals is 5 p.m., August 1, 1990.

Selection criteria. The GLO has previously engaged P.P.C., Inc., doing business as Personal Performance Consultants, Inc. as a consultant for similar services. The GLO anticipates that P.P.C., Inc. will submit a proposal and unless a material difference is perceived in the bids submitted, the GLO will engage P.P.C., Inc. as the consultant under this proposal. Applicants will be evaluated on the basis of demonstrated competence, knowledge, qualifications, and level of expertise and experience demonstrated in similar programs for other organizations; the organization and size of the company; the quality and experience of staff to be assigned; the quality and detail of the project approach; and the responsiveness of proposals to the purpose and scope of services.

Issued in Austin, Texas, on June 15, 1990.

TRD-9006203 Garry Mauro
Commissioner
General Land Office

Filed: June 15, 1990

For further information, please call: (512) 463-5019

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Texas College of Osteopathic Medicine Consultant Contract Award

In compliance with Texas Civil Statutes, Article 6251-11c, the Texas College of Osteopathic Medicine (TCOM) publishes this notice of consultant contract award. The consultant proposal request was published in the May 30, 1989, issue of the *Texas Register* (14 TexReg 2633).

Description of Services. Andersen Consulting, Arthur Andersen and Company, is to assist TCOM with the analysis and design of the framework for an integrated management information system. They are to evaluate current hardware, software, and personnel configurations as they relate to the needs of the institution. They are also to evaluate the computing relationships between TCOM and the University of North Texas (UNT).

Name and Business Address of Consultant. The contractor selected to perform this service is Andersen Consulting, Arthur Andersen and Company, 816 Congress Avenue, Austin, Texas 78701.

Total Value, Term of Contract, and Due Dates of Reports. The total value of the contract is \$97,200. The contract with Andersen Consulting began October 23, 1989, and will end on or about February 23, 1990, with documents, films, reports, etc. from this contract due at that time.

Issued in Fort Worth, Texas, on November 3, 1989.

TRD-9006269 David M. Richards, D.O.
President
Agency Liaison

Filed: June 18, 1990

For further information, please call: (817) 735-2146

Public Utility Commission of Texas

Notice of Applications to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 1, 1990, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52 and 54. A summary of the application follows.

Docket Title and Number: Application of Cap Rock Electric Cooperative, Inc. for a certificate of convenience and necessity for proposed transmission line and substation within Howard County, Docket Number 9581 before the Public Utility Commission of Texas.

The Application: In Docket Number 9581, Cap Rock Electric Cooperative requests approval of its application to construct approximately 11.8 miles of 138kV transmission line and an associated substation north of Big Spring.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas on June 13, 1990.

TRD-9006192 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 14, 1990

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

◆ ◆ ◆

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on June 1, 1990, to amend a Certificate of Convenience and Necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52 and 54. A summary of the application follows.

Docket Title and Number: Application of GTE Southwest, Inc. to amend certificate of convenience and necessity within Crockett County, Docket Number 9582 before the Public Utility Commission of Texas.

The Application: In Docket Number 9582, GTE Southwest, Inc. requests approval of its application to transfer a small portion of territory from the Big Lake Exchange to the Ozona Exchange.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas on June 13, 1990.

TRD-9006191 Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: June 14, 1990

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

Texas A&M University System Consultant Proposal Request

The request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The Texas A&M University System (TAMUS) will award a contract for the purpose of conducting an actuarial study of the System Worker's Compensation Program. The study will include a review of claims history and employee census data to establish an experience rating, the determination of an appropriate premium rate, a review of the reserve account for adequacy and compliance with regulations, an assessment of risk to the system, and an evaluation of administrative expenses. This study will not include a review of the claims process nor the payment of claims except as they affect the reserve account. The selected firm is to complete the study in 30 days.

Firms wishing to respond to the request should have superior recognized expertise and specialization in performing actuarial studies in worker's compensation programs.

The RFP instructions which detail information regarding the project are available upon request from the Texas A&M University System.

The deadline for receipt of the proposals in response to this request will be 5 p.m. on August 1, 1990.

TAMUS reserves the right to accept or reject any or all proposals submitted. TAMUS is under no legal requirement to execute a resulting contract on the basis of this advertisement.

TAMUS intends to sue responses as a basis for further negotiations of specific project details. TAMUS will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with the RFP criteria.

The RFP does not commit the Texas A&M University System to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates TAMUS to award a contract or to pay any costs incurred in the preparation of a response. TAMUS specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where TAMUS deems it to be in the best interest of the system.

For additional information regarding this notice, or to obtain copies of the RFP instructions, contact Dena Richie, Management Analyst, Operational Analysis, The Texas A&M University System, College Station, Texas 77840-1141, (409) 845-6969.

Issued in College Station, Texas, on June 14, 1990.

TRD-9006261 Eddie J. Davis
Deputy Chancellor for Finance and
Administration
The Texas A&M University System

Filed: June 15, 1990

For further information, please call: (409) 845-6969

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.

South Texas Water Authority (Driscoll) P.O. Box 1701,

Kingsville, Texas 78363; received May 9, 1990, application for financial assistance in the amount of \$320,000 from the Water Supply Account of the Texas Water Development Fund.

City of Wichita Falls, 1300 Seventh Street, Wichita Falls, Texas 76301, received June 1, 1990, application for financial assistance from \$21, 350,000 to \$26,210,000 from the State Water Pollution Control Revolving Fund.

Hickory Underground Water Conservation District, P.O. Box 1214, Brady, Texas, 76825, received May 16, 1990, application for financial assistance in the amount of \$31,635 from the Research and Planning Fund.

Additional information concerning this matter may be obtained from G. E. Kretschmar, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas on June 13, 1990.

TRD-9006159 G. E. Kretschmar
Executive Administrator
Texas Water Development Board

Filed: June 13, 1990

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

Texas Youth Commission Requests for Proposals

The Texas Youth Commission (TYC) is requesting written proposals for a Secure Short-Term Behavior Management Program to serve youth at the Health and Human Services Level III and IV levels of care. TYC anticipates that, because of the staffing and service requirements, cost may exceed the Health and Human Services recommended rate for Level III and IV care.

Description. The program will provide site and staff secure short term behavior management services to 32 male youth in the TYC East Region in or around Harris County. The goal of the program is to provide a 60-day intensive treatment program for selected youth as follows: youth who are high risk to fail their reentry to the community from institutions; youth at risk to be transferred or revoked and removed from the community to an institution; and youth in need of secure, short-term, intensive treatment prior to follow-up care in a less secure residential or non-residential program. The program will use adventure-based therapy as a key component of the treatment program including aerobics, exercises, and challenge activities such as a ropes course, obstacle course, weight lifting, and other appropriate activities.

Eligible applicants include corporations, private non-profit agencies, private for profit agencies, or individuals.

Contract Limitations. The initial contract period will be from November 1, 1990-August 31, 1991. Start-up funds will be available for this program. TYC prefers that the program be operational at 8 a.m. on November 1, 1990, but no later than 8 a.m. on December 19, 1990.

Evaluation and Selection. Proposals will be evaluated and a selection made based on: the program description of services; staff qualifications and experience; site specifications; daily operations; operational specifications; and financial information.

Contact Person. Bid packets and additional information may be obtained from Michael C. Harrison, Administrator of Contract Services, Texas Youth Commission, P.O. Box 4260, Austin, Texas 78765, (512) 483-5091.

Closing Date. The closing date for receipt of proposals is July 27, 1990, at 5 p.m.

Issued in Austin, Texas, on June 14, 1990.

TRD-9006248 Ron Jackson
 Executive Director
 Texas Youth Commission

Filed: June 15, 1990

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



The Texas Youth Commission (TYC) is requesting written proposals for a Secure Substance Abuse Treatment Program to serve youth at the Health and Human Services Level V level of care.

Description. The program will provide substance abuse treatment services to 32 male youth in the TYC East Region in or around Harris County. The goal of the program is to provide a six- to nine-month intensive substance abuse treatment program in a highly structured therapeutic community that is both staff and physically secure. The program will develop behavior and attitudinal changes in youth that result in successful reentry into the community. Primary program components include: individual and group counseling; family involvement; educational services such as academic education, GED preparation, life skills training, and substance abuse education; behavior management; recreational activities; and pre- and post-care planning.

Eligible applicants include corporations, private non-profit agencies, private for profit agencies, or individuals.

Contract Limitations. The initial contract period will be from November 1, 1990-August 31, 1991. Start-up funds will be available for this program. TYC prefers that the program be operational at 8 a.m. on November 10, 1990, but no later than 8 a.m. on December 10, 1990.

Evaluation and Selection. Proposals will be evaluated and a selection made based on: the program description of services; staff qualifications and experience; site specifications; daily operations; operational specifications; and financial information.

Contact Person. Bid packets and additional information may be obtained from Michael C. Harrison, Administrator of Contract Services, Texas Youth Commission, P.O. Box 4260, Austin, Texas 78765, (512) 483-5091.

Closing Date. The closing date for receipt of proposals is July 18, 1990, at 5 p.m.

Issued in Austin, Texas, on June 14, 1990.

TRD-9006249 Ron Jackson
 Executive Director
 Texas Youth Commission

Filed: June 15, 1990

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



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