

Texas Register

Volume 15, Number 16, February 27, 1990

Pages 1037-1119

In This Issue...

Office of the Governor

Appointments Made February 12, 1990

1047-Interagency Council on Minority Health Affairs

1047-Texas Historical Records Advisory Board

1047-Texas Diabetes Council

Appointments Made February 13, 1990

1047-Texas Southern University Board of Regents

1047-Texas Commission on the Arts

1047-Hospital Licensing Advisory Council

1047-Home Health Services Advisory Council

Attorney General's Office

Open Records Decisions

1049-ORD-537 (RQ-1701)

1049-ORD-538 (RQ-1737)

1049-ORD-539 (RQ-1739)

1049-ORD-540 (RQ-1775)

Emergency Sections

Texas Higher Education Coordinating Board

1051-Financial Planning

Texas Water Commission

1051-Application Processing

1052-Consolidated Permits

1059-Criteria and Standards for the National Pollutant Discharge Elimination System

1061-Effluent Limitations

1061-Toxic Pollutant Effluent Standards

1062-Enforcement

Comptroller of Public Accounts

1062-Tax Administration

Proposed Sections

Texas Higher Education Coordinating Board

1063-Financial Planning

Texas Commission on Alcohol and Drug Abuse

1063-Licensure

1065-Community Services

Withdrawn Sections

Texas Racing Commission

1067-General Provisions

1067-Licenses for Pari-Mutuel Racing

1067-Practice and Procedure

1067-Operation of Racetracks

1067-Conduct and Duties of Individual Licensees

Adopted Sections

Texas Parks and Wildlife Department

1069-Law Enforcement

Texas Department of Human Services

1070-Medicaid Eligibility

1070-Community Care for Aged and Disabled

Texas Employment Commission

1071-Child Labor

State Board of Insurance

1072-Notification Pursuant of the Texas Insurance Code, Chapter 5, Subchapter L

CONTENTS CONTINUED INSIDE

Texas Register

The *Texas Register* (ISN 0362-4781) is published semi-weekly 100 times a year except June 1, 1990, July 20, 1990, November 9 and 27, 1990, and December 28, 1990. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

POSTMASTER: Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

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

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

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 TexReg 3."

How To Research: The public is invited to research rules and information; of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, sections number, or TRD number.

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



Texas Register Publications

a section of the
Office of the Secretary of State
P.O. Box 13824
Austin, Texas 78711-3824
512-463-5561

Secretary of State
George S. Bayoud, Jr.

Director
Dan Procter

Assistant Director
Dee Wright

Documents Section Supervisor
Patty Parris

Documents Editors
Lisa Brull
Janiene Hagel

Open Meetings Clerk
Brenda J. Kizzee

Production Section Supervisor
Ann Franklin

Production Editor
Sharon Menger

Typographers
Myra Herber
Sherry Rester

Circulation/Marketing
Richard Kallus
Roberta Knight

TAC Editor
Dana Blanton

TAC Typographer
Madeline Chrisner

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

Open Meetings

1073–Texas Department of Agriculture
1074–Texas Commission on the Arts
1074–Texas Department of Community Affairs
1074–Texas Department of Criminal Justice
1074–East Texas State University
1075–Texas Education Agency
1075–General Land Office
1075–Texas Health and Human Services Coordinating Council
1075–Texas Historical Commission
1075–House of Representatives
1075–Texas Housing Agency
1076–State Board of Insurance
1076–Texas Board of Irrigators
1076–Texas Council on Offenders with Mental Impairments
1076–Texas State Board of Public Accountancy
1077–Texas Public Finance Authority
1077–Public Utility Commission of Texas
1077–Texas Racing Commission
1077–Texas Southern University
1077–University of Texas Health Center at Tyler
1078–University Interscholastic League
1078–Texas Water Commission
1078–West Texas State University
1078–Regional Meetings
In Additions
Texas Department of Banking
1081–Notice of Application

State Banking Board
1081–Notice of Hearing
Court Reporters Certification Board
1081–Certification of Court Reporters
1081–Revocation of Certification
Employees Retirement System of Texas
1081–Employees Retirement System of Texas Fiscal Report
Texas Employment Commission
1106–Request for Proposals
Texas Department of Health
1106–Intent to Revoke a Certificate of Registration
Texas Higher Education Coordinating Board
1106–Consultant Contract Award
Middle Rio Grande Development Council
1107–Request for Proposals
North Central Texas Council of Governments
1108–Consultant Contract Award
Texas Rehabilitation Commission
1108–Requests for Applications
Teacher Retirement System of Texas
1109–Report of Balance Sheet, Actuarial Valuation, and Unfunded Liabilities
University of North Texas
1114–Consultant Proposal Request
Texas Water Commission
1114–Meeting Notice
1114–Notice of Application for Waste Disposal Permit



TAC Titles Affected

TAC Titles Affected—February

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

1 TAC §§5.141-5.151—705

1 TAC §§5.141-5.166—705

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §§7.1, 7.4, 7.8-7.20, 7.22-7.26, 7.28, 7.32-7.34, 7.40—993

4 TAC §7.41—1003

4 TAC §17.32, §17.33—915

4 TAC §§27.1-27.6, 27.12-27.16, 27.21, 27.22, 27.102-27.104—525

TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

7 TAC §§83.1, §83.2—771

7 TAC §§83.11-83.13—771

7 TAC §§83.21-83.25—771

7 TAC §83.31—771

7 TAC §§83.41-83.46—771

7 TAC §§83.61-83.66—771

Part VI. Credit Union Department

7 TAC §91.1—641

7 TAC §91.2—641, 649

7 TAC §91.206—651

7 TAC §91.402—644

7 TAC §93.91—651

7 TAC §95.301—651

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

10 TAC §5.1—867

Part V. Texas Department of Commerce

10 TAC §184.101—651

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

13 TAC §§3.1-3.7—705

13 TAC §§7.1-7.9—652

Part II. Texas Historical Commission

13 TAC §23.4—867

Part IV. Texas Antiquities Committee

13 TAC §41.29, §41.30—537

TITLE 16. ECONOMIC REGULATIONS

Part I. Railroad Commission of Texas

16 TAC §3.11—644

16 TAC §3.50—652

16 TAC §3.74—753

16 TAC §3.86—917

16 TAC §5.249—919

16 TAC §5.625—753

Part IV. Texas Department of Licensing and Regulation

16 TAC §60.1—649

16 TAC §§60.21-60.26—649

16 TAC §§60.61-60.63, 60.65-60.67, 60.69, 60.70, 60.75, 60.78-60.80—649

16 TAC §§60.100-60.109, 60.120-60.124, 60.150-60.159, 60.170-60.177, 60.190-60.195—649

16 TAC §§61.1-61.10—865

16 TAC §§61.1, 61.10, 61.20-61.22, 61.40, 61.50, 61.60, 61.61, 61.70-61.73, 61.80, 61.90-61.94, 61.100, 61.101-61.109—865

16 TAC §§67.1-67.28—803, 865

16 TAC §§67.1, 67.10, 67.20-67.23, 67.30, 67.40, 67.60, 67.61, 67.70, 67.80-67.83, 67.90, 67.91, 67.94, 67.100-67.104—865

16 TAC §§67.1, 67.10, 67.20-67.23, 67.30, 67.40, 67.60, 67.61, 67.70, 67.80-67.83, 67.90-67.92, 67.94, 67.100-67.105—803

16 TAC §§69.51, 69.53, 69.54—703

16 TAC §75.20, §75.60—808

Part VI. Texas Motor Vehicle Commission

16 TAC §§80.1-80.5, 80.8-80.10—809, 865

16 TAC §§80.1, 80.10, 80.20, 80.30, 80.40, 80.60, 80.70, 80.80-80.82, 80.90-80.94, 80.100-80.103—810, 865

16 TAC §107.2, §107.8—865

Part VIII. Texas Racing Commission

16 TAC §303.35—1067

16 TAC §305.12—1067

16 TAC §305.34—1067

16 TAC §305.83—955, 977

16 TAC §305.84—955, 977

16 TAC §305.85—961, 977

16 TAC §305.87—961, 978

16 TAC §305.107—961, 978

16 TAC §305.125—961, 978

16 TAC §305.141—962, 978

16 TAC §305.143—962, 979

16 TAC §305.144—962, 979

16 TAC §305.145—962, 979

16 TAC §305.146—963, 979

16 TAC §305.147—963, 980

16 TAC §305.148—963, 980

16 TAC §305.150—964, 980

16 TAC §305.151—964, 980

16 TAC §305.152—964, 981

16 TAC §305.165—965, 981

16 TAC §305.166—965, 981

16 TAC §305.167—965, 981

16 TAC §305.168—966, 982

16 TAC §305.181—970, 982

16 TAC §305.182—970, 982

16 TAC §305.183—971, 983

16 TAC §305.187—971, 983

16 TAC §305.188—972, 983

16 TAC §305.189—972, 983

16 TAC §305.190—972, 984

16 TAC §305.204—972, 984

16 TAC §305.221—973, 984

16 TAC §305.226—973, 984

16 TAC §305.227—973, 985

16 TAC §305.228—973, 985

16 TAC §305.264—974, 985

16 TAC §307.221—1067

16 TAC §307.241—1067

16 TAC §307.247—1067

16 TAC §309.19—974, 986

16 TAC §309.29—974, 986

16 TAC §309.33—975, 986

16 TAC §309.68—975, 986

16 TAC §309.104—975, 987

16 TAC §309.107—975, 987

16 TAC §309.108—1067

16 TAC §309.112—1067

16 TAC §309.115—1067

16 TAC §309.195—1067

16 TAC §311.14—1067

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

19 TAC §13.70, §13.71—1051, 1063

19 TAC §25.32, §25.50—867

19 TAC §25.33—706, 868

19 TAC §25.34—706

Part II. Texas Education Agency

19 TAC §75.174—531

19 TAC §81.129—531

19 TAC §101.7—645

19 TAC §141.23—532

19 TAC §149.21—533

19 TAC §149.43, §149.44—533

TITLE 22. EXAMINING BOARDS

Part I. Texas Board of Architectural Examiners

- 22 TAC §§3.1-3.13—868
- 22 TAC §§3.1-3.18—868
- 22 TAC §§3.21,3.22, 3.25, 3.27,3.28—869
- 22 TAC §3.26—869
- 22 TAC §3.41-3.47—869
- 22 TAC §3.48—869
- 22 TAC §3.49—870
- 22 TAC §§3.49-3.51—870
- 22 TAC §§3.61, 3.62, 3.64-3.69—870
- 22 TAC §3.70—870
- 22 TAC §3.82—871
- 22 TAC §§3.84-3.88—871
- 22 TAC §3.105—871
- 22 TAC §3.107—871
- 22 TAC §§3.121-3.125—871
- 22 TAC §§3.121-3.127—872
- 22 TAC §§3.141-3.145—872
- 22 TAC §§3.141-3.148—872
- 22 TAC §§3.158-3.174—872
- 22 TAC §§3.184-3.188—872

Part III. Texas Board of Chiropractic Examiners

- 22 TAC §71.1—772
- 22 TAC §73.4—755
- 22 TAC §75.6—755
- 22 TAC §76.1—751
- 22 TAC §79.1—751, 755
- 22 TAC §80.1—751, 756
- 22 TAC §80.2, §80.3—756

Part V. State Board of Dental Examiners

- 22 TAC §107.64—681
- 22 TAC §109.175—681
- 22 TAC §115.2—682, 707

Part VI. State Board of Registration for Professional Engineers

- 22 TAC §131.54—707
- 22 TAC §131.133—756
- 22 TAC §131.155—707

Part IX. State Board of Medical Examiners

- 22 TAC §§169.1-169.6—649, 757
- 22 TAC §§169.1-169.8—649, 757
- 22 TAC §175.4—

Part XI. Board of Nurse Examiners

- 22 TAC §217.18—656
- 22 TAC §221.1—679, 682
- 22 TAC §221.7—679, 682
- 22 TAC §221.7 §221.8—679, 683
- 22 TAC §223.1—815

Part XIV. Texas Optometry Board

- 22 TAC §275.2—759

Part XIX. Polygraph Examiners Board

- 22 TAC §397.40—538
- 22 TAC §397.42—538

Part XXII. Texas State Board of Public Accountancy

- 22 TAC §501.1—683
- 22 TAC §521.5—759
- 22 TAC §521.8—759
- 22 TAC §521.9—759

Part XXIII. Texas Real Estate Commission

- 22 TAC §531.19—656
- 22 TAC §§535.71-535.73—873
- 22 TAC §§535.91-535.92—876
- 22 TAC §535.122—877
- 22 TAC §535.91, §535.92—
- 22 TAC §537.11—646
- 22 TAC §539.91—657
- 22 TAC §539.137—657
- 22 TAC §543.4—657

Part XXIX. Texas Board of Professional Land Surveying

22 TAC §663.9—539

TITLE 25. Health Services

Part I. Department of Health

25 TAC §1.161—708

25 TAC §31.3—925

25 TAC §97.17—708

25 TAC §97.18—703, 708

25 TAC §97.20—923, 925

25 TAC §115.8—919

25 TAC §§115.10, 115.15, 115.19—926

25 TAC §§127.1-127.3—708

25 TAC §133.21—920

25 TAC §135.2, §135.10—920

25 TAC §137.8—921

25 TAC §139.4—921

25 TAC §§145.11-145.13, 145.15, 145.20, 145.24—760

25 TAC §145.23—684

25 TAC §145.35—685

25 TAC §145.58—685

25 TAC §§145.81-145.85, 145.87-145.90, 145.92-145.97—762

25 TAC §145.182—685

25 TAC §145.212—685

25 TAC §§145.251-145.261—709

25 TAC §§145.251-145.263—710

25 TAC §151.3, §151.5—751, 769

25 TAC §157.2-157.4—816

25 TAC §157.11-157.20—818

25 TAC §157.62, 157.66-157.73, 157.75, 157.83—829

25 TAC §§157.63, 157.64, 157.72, 157.78, 157.80-157.82—713

25 TAC §§169.81-169.89—715

25 TAC §§229.271-229.273—685

Part VII. Texas Medical Disclosure Panel

25 TAC §§601.1, 601.3, 601.4—539

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§1.901-1.911—526

28 TAC §§3.3302-3.3309, 3.3313-3.3318—540

28 TAC §§3.3801-3.3812, 3.3821-3.3838—544

28 TAC §3.3819, §3.3820—535

28 TAC §§33.1-33.3—879

28 TAC §33.107, §33.108—879

28 TAC §§33.401, 33.404, 33.405—879

28 TAC §33.505, §33.506—880

28 TAC §5.4602—915

28 TAC §5.4603—878

28 TAC §7.74—801

28 TAC §21.704—878

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Parks and Wildlife Department

31 TAC §51.141—686

31 TAC §§55.201-55.211—1069

31 TAC §§55.301-55.305—1069

31 TAC §59.91—716

Part III. Texas Air Control Board

31 TAC §115.010—549

31 TAC §§115.112-115.117, 115.119—561

31 TAC §§115.121-115.123, 115.125-115.127, 115.129—562

31 TAC §§115.131-115.133, 115.135-115.137, 115.139—564

31 TAC §§115.211-115.217, 115.219—565

31 TAC §§115.221-115.227, 115.229—568

31 TAC §§115.234-115.236, 115.239—569

31 TAC §§115.242, 115.243, 115.245-115.247, 115.249—570

31 TAC §§115.311-115.313, 115.315-115.317, 115.319—572

31 TAC §§115.322-115.327, 115.329—572

31 TAC §§115.332-115.337, 115.339—574

31 TAC §§115.342-115.347, 115.349—577

31 TAC §§115.412, 115.413, 115.415-115.417, 115.419—579

31 TAC §§115.421-115.423, 115.425-115.427, 115.429—580

31 TAC §§115.432, 115.433, 115.435-115.437, 115.439—583

31 TAC §§115.512, 115.513, 115.515-115.517, 115.519—584

31 TAC §§115.521-115.527, 115.529—585

31 TAC §§115.531-115.537, 115.539—586

31 TAC §§115.612, 115.613, 115.615, 115.617, 115.619—587

31 TAC §115.910—587

31 TAC §§115.930, 115.932, 115.934, 115.936—588

Part IX. Texas Water Commission

31 TAC §281.21, §281.25—1051

31 TAC §305.1, §305.2—1052

31 TAC §305.24—1054

31 TAC §§305.43, 305.44, 305.46, 305.48, 305.50—1054

31 TAC §305.62, §305.63—1056

31 TAC §§305.96, 305.100, 305.106—1056

31 TAC §§305.122, 305.125, 305.127, 305.128, 305.129—1057

31 TAC §§305.531-305.534—1058

31 TAC §305.541—1059

31 TAC §308.1—1060

31 TAC §308.21—1060

31 TAC §308.31—1060

31 TAC §308.41—1060

31 TAC §308.81—1061

31 TAC §308.101—1061

31 TAC §308.121—1061

31 TAC §309.1, §309.5—1061

31 TAC §314.1—1061

31 TAC §§334.201-334.213—526

31 TAC §337.6—1062

Part X. Texas Water Development Board

31 TAC §375.2, §375.3—687

31 TAC §§375.18-375.20—687

31 TAC §375.72—690

31 TAC §375.73, §375.74—691

31 TAC §§375.36, 375.38, 375.39—689

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §1.33—529

34 TAC §3.152—916, 975

34 TAC §3.173—1062

34 TAC §3.184—1062

34 TAC §3.287—657

34 TAC §3.323—658

34 TAC §3.331—650

34 TAC §3.355—922

34 TAC §3.681—588

34 TAC §3.682—589

34 TAC §3.683—589

34 TAC §3.684—589

34 TAC §5.42—639

Part VII. State Property Tax Board

34 TAC §161.1—658

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

37 TAC §91.51—772

37 TAC §91.61—772

37 TAC §150.52—880

37 TAC §§152.1, 152.2, 152.3—880

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Department of Human Services

40 TAC §§1.1, 1.3, 1.5, 1.7, 1.9—716

40 TAC §3.3702—590

40 TAC §15.100—1004

40 TAC §15.415—1004

40 TAC §15.455—1004

40 TAC §15.506—1070

40 TAC §16.1510—692

40 TAC §16.3504—590
 40 TAC §16.3903—590
 40 TAC §16.6102—590
 40 TAC §16.9801—1004
 40 TAC §§18.1-18.5—772
 40 TAC §24.101, §24.102—1008
 40 TAC §24.201—1009
 40 TAC §24.301—1010
 40 TAC §24.401—1011
 40 TAC §24.501—1011
 40 TAC §24.601—1011
 40 TAC §27.9801—1012
 40 TAC §29.609—718
 40 TAC §29.1001—659
 40 TAC §29.1102, §29.1112—659
 40 TAC §29.1901, §29.1902—660
 40 TAC §29.2001, §29.2002—660
 40 TAC §31.11—1015
 40 TAC §35.9001—1016
 40 TAC §47.5901—1016
 40 TAC §48.2608—647
 40 TAC §48.2701-48.2708, 48.2710, 48.2711—830
 40 TAC §48.2920—1070
 40 TAC §48.3902, §48.3903—1070
 40 TAC §48.9802—1016
 40 TAC §48.9808—987, 1017
 40 TAC §49.104—694
 40 TAC §§49.511, 49.512, 49.514, 49.515—694
 40 TAC §49.701, §49.702—695
 40 TAC §49.1764—591
 40 TAC §85.1404—660
Part II. Texas Rehabilitation Commission
 40 TAC §115.7—696

Part III. Texas Commission on Alcohol and Drug Abuse

40 TAC §151.601—1063
 40 TAC §151.602—1064
 40 TAC §§151.602-151.606—1063
 40 TAC §155.34—1065

Part IX. Texas Department on Aging

40 TAC §§292.1, 292.3, 292.5, 292.7, 292.9, 292.11, 292.13, 292.15—703

Part X. Texas Employment Commission

40 TAC §§303.1-303.8—1071

Part XI. Texas Commission on Human Rights

40 TAC §§335.1-335.7—769, 835
 40 TAC §336.1—769, 837
 40 TAC §§337.1-337.3—769, 837
 40 TAC §§338.1-338.8—769, 838
 40 TAC §§339.1-339.18—769, 840
 40 TAC §§340.1-340.28—769, 845
 40 TAC §§341.1-341.68—769, 849
 40 TAC §§342.1-342.3—769, 857
 40 TAC §§343.1-342.5—769, 858
 40 TAC §§344.1-344.3—770, 859
 40 TAC §345.1—770, 859
 40 TAC §346.1—770, 860
 40 TAC §347.1—770, 860
 40 TAC §348.1—770, 861

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §§15.40-15.42—701
 43 TAC §25.60—719
 43 TAC §25.81—719
 43 TAC §31.3—861
 43 TAC §§31.50, 31.53, 31.55, 31.57—861



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 February, 12, 1990

To be a member of the **Interagency Council on Minority Health Affairs** for a term to expire on January 31, 1992: Linda Lopez, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Ms. Lopez is being reappointed.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1991: Kent Keeth, B.U. Box 7142, Waco, Texas 76798. Mr. Keeth is being appointed to a different position on the board, replacing Jake Brisbin, Jr. of Marfa, who resigned.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1993: Trisha Wilson, 4209 Edmondson, Dallas Texas 75205. Ms. Wilson will be replacing Kent Keeth who was moved to another position on the board.

To be a member of the **Texas Historical Records Advisory Board** for a term to expire January 23, 1993: Iris T. Schumann, 1079 Fredericksburg Road, New Braunfels, Texas 78130. Mrs. Schumann is being reappointed.

To be a member of the **Texas Historical Records and Advisory Board** for a term to expire January 23, 1993: David R. Farmer, 3223 Woodland Drive, Southlake, Texas 76092. Dr. Farmer is being reappointed.

To be a member of the **Texas Diabetes Council** for a term to expire February 1, 1992: Ernest Deal, First City Texas-Dallas, P.O. Box 661700, Dallas, Texas 75266-1700. Mr. Deal is being reappointed.

Appointments Made February 13, 1990

To be a member of the **Texas Southern University Board of Regents** for a term to expire February 1, 1991: Anthony Ray Chase, 3131 Eastside, Suite 450, Houston, Texas 77098. Mr. Chase is filling the unexpired term of Milton Carroll of Houston, who resigned.

To be a member of the **Texas Commission on the Arts** for a term to expire August 31, 1995: George Ann Carter, 29 Valley Ridge, Fort Worth, Texas 76107. Mrs. Carter will be replacing Louann Temple of Austin, whose term expired.

To be a member of the **Hospital Licensing Advisory Council** for a term to expire

December 7, 1995: Richard Lewis Ballard, M.D., 1406 Kerria, McAllen, Texas 78501. Dr. Ballard is being reappointed.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1992: Donald L. Kelley, M.D., Texas Department of Human Services, P.O. Box 149030, Austin, Texas 78714-9030. Dr. Kelley is being reappointed.

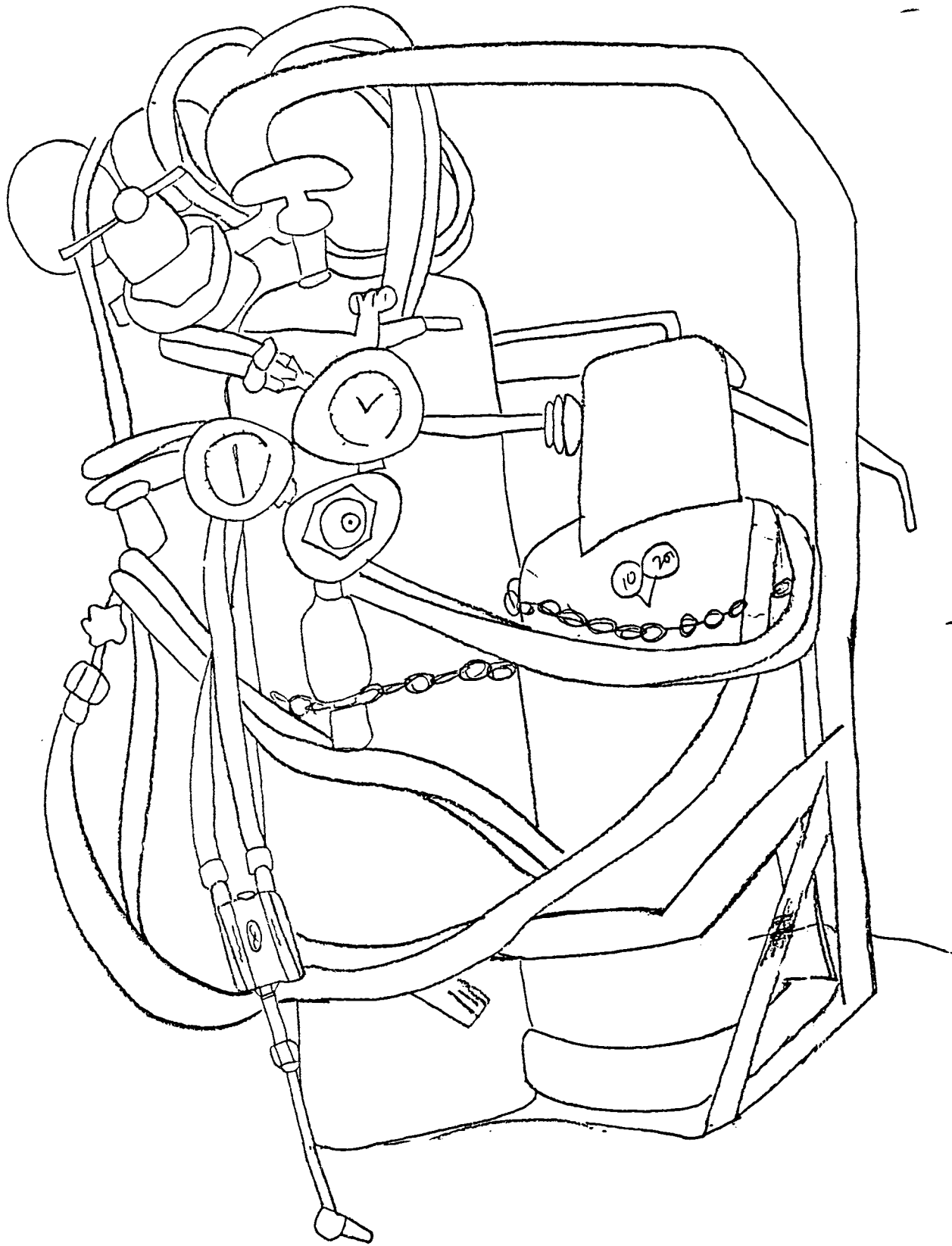
To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1992: Kenneth A. Lemke, P.O. Box 2350, Victoria, Texas 77902. Mr. Lemke is being reappointed.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1992: Rosemary Orton Blackwell, 1100 West 49th Street, Austin, Texas 78756. Ms. Blackwell will be replacing Maurice Shaw of Austin, whose term expired.

To be a member of the **Home Health Services Advisory Council** for a term to expire January 31, 1992: Nannette Nau Overbeck, 3412 Cascadera Drive, Austin, Texas 78731. Mrs. Overbeck is being reappointed.

Issued in Austin, Texas, January 16, 1990
TRD-9001780





Name: Lou Womack
School: Plano East High, Plano

Attorney General

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

Open Records Decisions

ORD-537 (RQ-1701). Request from Tom Sewell, Chancellor, San Jacinto College District, Pasadena, concerning whether the Open Records Act, §3(a)(21), authorizes a college district to withhold a copy of an advanced placement exam.

Summary of Decision. The Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(22), provides express authority to a school district to withhold from the public copies of examination questions and answer keys.

TRD-9001865

◆ ◆ ◆

ORD-538 (RQ-1737). Request from E. T. Lon Luty, Superintendent, Pasadena Independent School District, Pasadena, concerning whether teacher appraisals/evaluations are protected from required public disclosure by Texas Civil Statutes, Article 6252-17a, §3(a)(11).

Summary of Decision. Whether the identity of the author of advice, opinion, or recommendation protected by the Open

Records Act, §3(a)(11), is discernible is not determinative of whether the information is protected. The exception from public disclosure found in §3(a)(11) protects the information itself. Open Records Decision Numbers 464 and 482 are overruled to the extent of any conflict.

TRD-9001864

◆ ◆ ◆

ORD-539 (RQ-1739). Request from James B. Bond, Deputy Chancellor, Texas A&M University System, Office of General Counsel, College Station, concerning whether records of interview of former student by university personnel covering events of the student's collegiate career fall within Texas Civil Statutes, Article 6252-17a, §3(a)(14) and §14(e).

Summary of Decision. Tape recordings of an interview between officials of Texas A&M University and a former student are education records within the Family Educational Rights and Privacy Act to the extent that they contain information about the former student's attendance at the university. Portions of the interview relating to the former student's recruitment by the

university are also education records within the act.

TRD-9001863

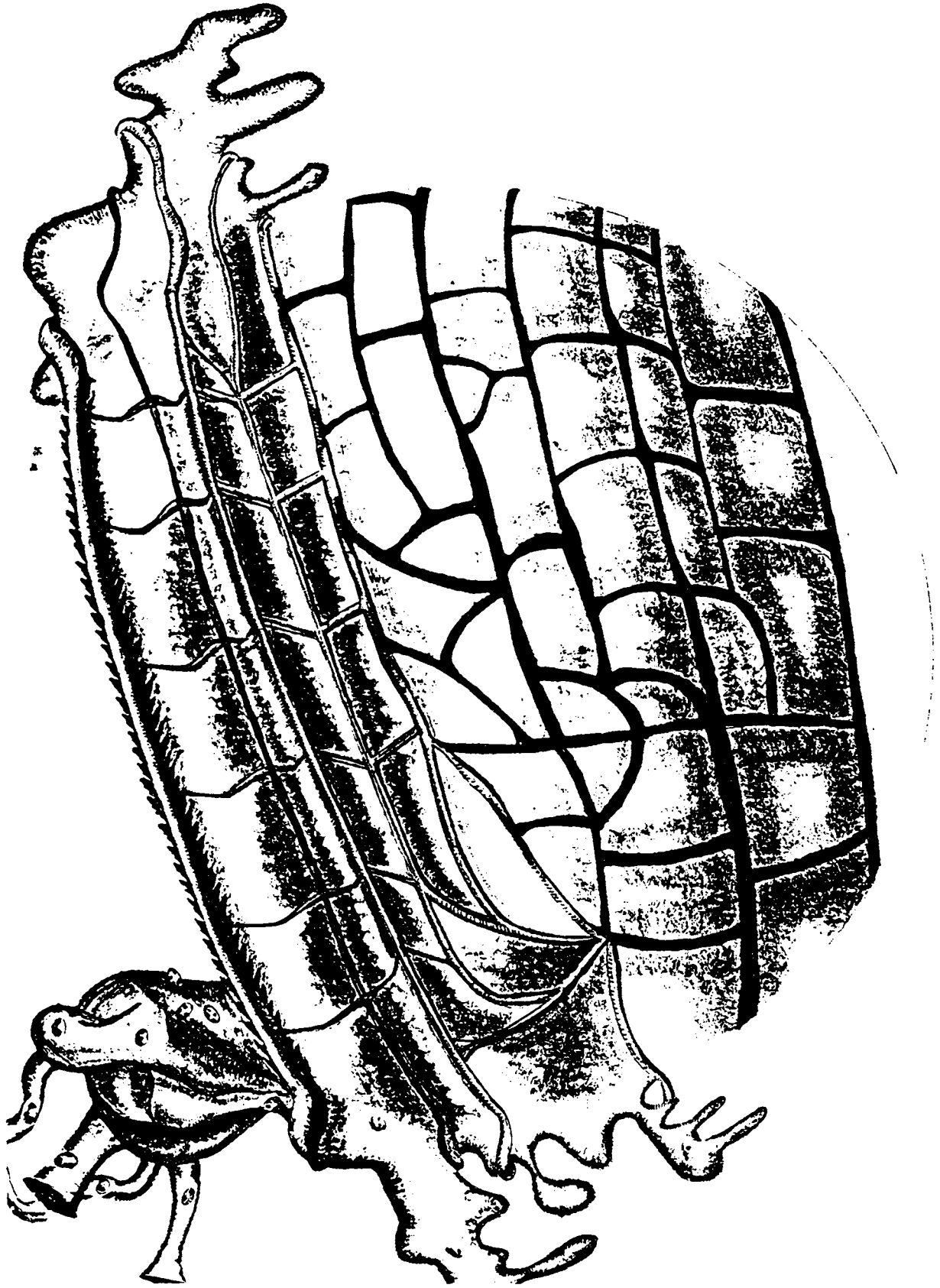
◆ ◆ ◆

ORD-540 (RQ-1775). Request from James B. Bond, Deputy Chancellor, Legal and External Affairs, Texas A&M University System, College Station, concerning applicability of the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(23), as added by Senate Bill 404 of the 71st Texas Legislature to information regarding candidates for president of a university.

Summary of Decision. The Open Records Act, Texas Civil Statutes, Article 6252-17a, §3(a)(23), protects from required public disclosure the identities of all candidates being considered for the position of university president. Public notice of the names of all finalists must be given at least 21 days before the meeting at which final action or vote is taken in selecting the individual.

TRD-9001860

◆ ◆ ◆



Name: Stephanie Conrad
Grade: 12
School: Plano High School, Plano

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 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 13. Financial Planning

Subchapter D. Procedures and Criteria for Funding of Family Practice Residency Programs

• 19 TAC §13.70 and §13.71

The Coordinating Board adopts on an emergency basis new §13.70 and §13.71, concerning procedures and criteria for funding of family practice residency programs. The new sections are necessary because the Coordinating Board received special funds to support the rural rotations for family practice residents mandated by House Bill 18. These funds are to be kept separate from regular program funds, and have been given a different cost center from program funds. The Coordinating Board will have a procedure in place to reimburse programs for allowable expenditures for rural rotations.

The emergency sections are necessary so that the rural rotations family reimbursement can begin as soon as possible without over financially burdening the family practice residency programs.

The new sections are adopted on an emergency basis under the Texas Education Code, Chapter 51, Subchapter Z, §51.917, which provide the Coordinating Board with the authority to adopt rules regarding procedures and criteria for funding of family practice residency programs.

§13.70. Rural Rotations Reimbursement Grant. All family practice residency programs receiving Phase II Operational Grant Funds may apply for a Rural Rotations Grant.

(1) A Rural Rotations Grant is a grant to reimburse Phase II Operational Family Practice Residency Programs for the costs of providing residents with optional one-month rotations in a rural setting. Such costs may include a stipend to the resident, reimbursement to the resident for travel and living expenses incurred during the time of the rotation, and reimbursement to the resident's family practice residency program for the loss of the resident's services during the time of the rural rotation.

(2) A Rural Rotations Grant will be awarded only on a reimbursement basis.

(3) A Rural Rotations Grant will be awarded no more than once for each resident participating in a one-month rotation in a rural setting.

§13.71. Procedures for Requesting a Rural Rotations Grant. A Phase II Operational Family Practice Residency Program requesting a Rural Rotations Grant must:

(1) submit a request for reimbursement giving evidence that the program sponsored a resident in a rural rotation that at the time of the rotation conformed to Coordinating Board guidelines concerning family practice residency rural rotations;

(2) document expenditures for rural rotations to substantiate requests for reimbursement for rural rotations in accordance with Coordinating Board guidelines; and

(3) submit progress reports and financial reports on Rural Rotations Grants to the Coordinating Board on an annual basis, to be reviewed by the Family Practice Residency Advisory Committee.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001821

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: February 20, 1990

Expiration date: June 20, 1990

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 281. Application Processing

• 31 TAC §281.21, §281.25

The Texas Water Commission adopts on an emergency basis new §281.25 and amended §281.21, concerning technical summaries, fact sheets, and additional facilities and

projects for which National Pollutant Discharge Elimination System (NPDES) permits are required. The new and amended sections incorporate rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the federal Clean Water Act, concerning the NPDES Program.

New §281.25 relates to additional facilities and projects for which NPDES permits are required. Section 281.25 adopts by reference 40 Code of Federal Regulations §§122.23, 122.24, 122.25, and 122.27. This section requires permits for concentrated animal feeding operations, concentrated aquatic animal production facilities, discharges into aquaculture projects, and silvicultural activities.

Amended §281.21 requires additional information in technical summaries and fact sheets. Section 281.21(e) adopts by reference 40 Code of Federal Regulations §124.6(c)-(e) and §124.56.

The new and amended sections are adopted on an emergency basis under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§281.21. Draft Permit, Technical Summary, Fact Sheet, and Compliance Summary.

(a)-(d) (No change.)

(e) Additional conditions for NPDES draft permits and fact sheets are as follows.

(1) NPDES draft permits shall include the information required by 40 Code of Federal Regulations §124.6(c)-(e), as in effect on January 17, 1990, which is adopted by reference.

(2) A fact sheet shall be prepared for an NPDES permit and shall include the information required by 40 Code of Federal Regulations §124.56, as in effect on January 17, 1990, which is adopted by reference.

§281.25. Additional Facilities and Projects for Which NPDES Permits Are Required. The following regulations contained in 40 Code of Federal Regulations Part 122, which are in effect as of January 17, 1990, are adopted by reference.

(1) Part 122, Subpart B—Permit Applications and Special NPDES Program Requirements, §122.23, requiring permits for concentrated animal feeding operations.

(2) Part 122, Subpart B—Permit Applications and Special NPDES Program Requirements, §122.24, requiring permits for concentrated aquatic animal production facilities.

(3) Part 122, Subpart B—Permit Applications and Special NPDES Program Requirements, §122.25, requiring permits for discharges into aquaculture projects.

(4) Part 122, Subpart B—Permit Applications and Special NPDES Program Requirements, §122.27, requiring permits for silvicultural activities.

Issued in Austin, Texas on February 16, 1990.

TRD-901805

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

Chapter 305. Consolidated Permits

The Texas Water Commission (commission) adopts on an emergency basis amendments to §§305.1, 305.2, 305.24, 305.43, 305.44, 305.46, 305.48, 305.50, 305.62, 305.63, 305.96, 305.100, 305.106, 305.122, 305.125, 305.127, 305.128, and new 305.129, 305.531-305.534, and 305.541, concerning the requirements for water quality permits, including applications, permit conditions, schedules of compliance, monitoring requirements, permit amendment, public notice, public comment, and requests for hearings. The new and amended sections incorporate rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the federal Clean Water Act, concerning EPA administered permit programs (national pollutant discharge elimination system—NPDES), procedures for decision-making, secondary treatment regulation, and effluent guidelines and standards.

Amendments to Subchapter A describe the scope of the NPDES program, define certain point sources requiring NPDES permits for discharges, and define other terms used in NPDES-related rules.

Amendments to Subchapter B create new notice requirements for temporary orders in the nature of permitting actions.

Amendments to Subchapter C provide new requirements for signatories to applications and designation of material as confidential, and require additional contents of applications for NPDES permits. Such additional contents include information required for manufacturing, commercial, mining, and silvicultural facilities, and concentrated animal feeding operations and aquatic animal production facilities.

Amendments to Subchapter D provide a new definition for NPDES permit minor amendment. New requirements for permit renewal application submissions are described.

Amendments to Subchapter E add provisions for action on applications for NPDES permit major amendments and NPDES permit minor amendments. A person asserting standing in an action on an NPDES permit major amendment which traditionally would have been characterized as a minor amendment under commission rules must appear before the commission to demonstrate a justiciable interest to the commissioners. The commissioners shall then determine whether a justiciable interest exists and whether the matter should be remanded to the Office of Hearings Examiners for an evidentiary hearing on the merits of the amendment. New notice requirements are created for requests for discharges with a thermal component. Specific regulations for response to comments on all commission permits are described.

Amendments to Subchapter F provide additional characteristics and conditions of water quality permits. Such characteristics and conditions include the effect of compliance with an NPDES permit, specification of a term for NPDES permits, and incorporation of federal regulations regarding reporting requirements. Criteria for signatories to reports required by permits are changed. Variance procedures are adopted, including variance requests by publicly owned treatment works (POTWs) and nonpublicly owned treatment works, decision-making procedures, and requests for expedited processing or time extensions.

Amendments to Subchapter O include other additional conditions for NPDES permits. Specifically affected are certain manufacturing, commercial, mining, and silvicultural dischargers, and POTWs. Other conditions relate to assuring compliance with all applicable requirements of the Clean Water Act and federal regulations. Criteria are included for technology-based effluent limitations and standards, other effluent limitations and standards, reopening clauses, water quality standards and state requirements, toxic pollutants, notification levels, 24-hour reporting, durations of permits, monitoring requirements, pretreatment programs for POTWs, best management practices, reissued permits, privately owned treatment works, grants, sewage sludge, Coast Guard, and navigation. Additional regulations relate to outfalls and discharge points, production-based limitations, metals, continuous discharges, noncontinuous discharges, mass limitations, pollutants in intake water, internal waste streams, and disposal of pollutants into wells, into POTWs, or by land application. This subchapter also provides protocol for handling conditions requested by the United States Corps of Engineers and other government agencies. Various appendices contained in 40 Code of Federal Regulations Part 122 are adopted by reference. Criteria for new sources and new dischargers are discussed, as well as the effect of compliance with new source performance standards. Finally, provision is made for adoption of EPA-issued permits and pretreatment programs.

Amendments to Subchapter P adopt, by reference from the Code of Federal Regulations, effluent guidelines and standards for NPDES permits.

Subchapter A. General Provisions

• 31 TAC §305.1, §305.2

The amendments are adopted on an emergency basis under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§305.1. Scope and Applicability.

(a) The provisions of this chapter set the standards and requirements for applications, permits, and actions by the commission to carry out the responsibilities for management of waste disposal activities under the Texas Water Code, Chapters 26, 27, and 28, and the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7.

(b) The national pollutant discharge elimination system (NPDES) program, as delegated to the State of Texas, requires permits for the discharge of pollutants from any point source to waters in the state. The terms "NPDES", "pollutant," "point source," and "waters in the state" are defined in the Texas Water Code, §26.001.

(1) The following are point sources requiring NPDES permits for discharges:

(A) concentrated animal feeding operations as defined in §321.32 of this title (relating to Livestock and Poultry Production Operations);

(B) concentrated aquatic animal production facilities as defined in 40 Code of Federal Regulations §122.24;

(C) discharges into aquaculture projects as set forth in 40 Code of Federal Regulations §122.25;

(D) discharges from separate storm sewers as set forth in 40 Code of Federal Regulations §122.26; and

(E) silvicultural point sources as defined in 40 Code of Federal Regulations §122.27.

(2) The NPDES permit program also applies to owners or operators of any treatment works treating domestic sewage, unless all

requirements implementing the Clean Water Act (CWA), §405(d), applicable to the treatment works treating domestic sewage are included in a permit issued under the appropriate provisions of Subtitle C, the Federal Solid Waste Disposal Act, the Safe Drinking Water Act, Part C, the Marine Protection, Research, and Sanctuaries Act of 1972, or the Clean Air Act, or under state permit programs approved by the regional administrator as adequate to assure compliance with the Clean Water Act, §405.

(3) The executive director may designate any person subject to the standards for sewage sludge use and disposal as a "treatment works treating domestic sewage" as defined in §305.2 of this title (relating to Definitions and Abbreviations), where the executive director finds that a permit is necessary to protect public health and the environment from the adverse effects of sewage sludge or to ensure compliance with the technical standards for sludge use and disposal developed under the Clean Water Act, §405(d). Any person designated as a treatment works treating domestic sewage shall submit an application for a permit within 120 days of being notified by the executive director that a permit is required. The executive director's decisions to designate a person as a treatment works treating domestic sewage shall be stated in the fact sheet or statement of basis for the permit.

§305.2. Definitions and Abbreviations. The definitions contained in the Texas Water Code, §§26.001, 27.002, and 28.001, and the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §2, shall apply to this chapter. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Act of God—An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations due to factors beyond the reasonable control of the permittee. An act of God does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Class I sludge management facility—Any publicly owned treatment works (POTW) identified under 40 Code of Federal Regulations, §403.10(a) as being required to have an approved pretreatment program and any other treatment works treating domestic sewage classified as a Class I sludge management facility by the regional administrator in conjunction with the executive director because of the potential for its sludge use or disposal

practices to adversely affect public health and the environment.

Continuous discharge—A discharge which occurs without interruption throughout the operating hours of the facility except for infrequent shutdowns for maintenance, process changes, or other similar activities.

CWA—Clean Water Act (formerly referred to as the Federal Water Pollution and Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 United States Code 1251 et seq.

Daily average concentration—The arithmetic average of all effluent samples, composite, or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.

(A) For domestic wastewater treatment plants—When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

(B) For all other wastewater treatment plants—When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.

Daily average flow—The arithmetic average of all determinations of the daily discharge within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily discharge, the determination shall be the average of all instantaneous measurements taken during a 24-hour period or during the period of daily discharge if less than 24-hours. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.

Direct discharge—The discharge of a pollutant.

Discharge monitoring report (DMR)—The Environmental Protection Agency uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees.

Effluent limitation—Any restriction imposed on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters in the state.

Environmental Protection Agency (EPA)—The United States Environmental Protection Agency.

New discharger—

(A) Any building, structure, facility, or installation:

(i) from which there is or may be a discharge of pollutants;

(ii) that did not commence the discharge of pollutants at a particular site prior to August 13, 1979;

(iii) which is not a new source; and

(iv) which has never received a finally effective national pollutant discharge elimination system permit for discharges at that site.

(B) This definition includes an indirect discharger which commences discharging into water of the United States after August 13, 1979. It also includes any existing mobile point source (other than an offshore or coastal oil and gas exploratory drilling rig or a coastal oil and gas developmental drilling rig) such as a seafood processing rig, seafood processing vessel, or aggregate plant, that begins discharging at a site for which it does not have a permit.

New source—Any building structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(A) after promulgation of standards of performance under the Clean Water Act, (CWA) §306; or

(B) after proposal of standards of performance in accordance with the CWA §306, which are applicable to such source, but only if the standards are promulgated in accordance with §306 within 120 days of their proposal.

POTW—Publicly owned treatment works.

Primary industry category—Any industry category listed in 40 Code of Federal Regulations Part 122 Appendix A, adopted by reference by §305.532(d) of this title (relating to Adoption of Appendices by Reference).

Process wastewater—Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works (POTW)—Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by the state or a municipality.

This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Regional administrator—Except when used in conjunction with the words "state director," or when referring to EPA approval of a state program, where there is a reference in the EPA regulations adopted by reference in this chapter to the "regional administrator" or to the "director," the reference is more properly made, for purposes of state law, to the executive director of the Texas Water Commission, or to the Texas Water Commission, consistent with the organization of the agency as set forth in the Texas Water Code, Chapter 5, Subchapter B. When used in conjunction with the words "state director" in such regulations, regional administrator means the regional administrator for the Region VI office of the EPA or his or her authorized representative. A copy of 40 Code of Federal Regulations Part 122 is available for inspection at the library of the Texas Water Commission, located on the fifth floor of the Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin.

Schedule of compliance—A schedule or remedial measures included in a permit, including an enforceable sequence of interim requirements (e.g., actions, operations, or milestone events) leading to compliance with the CWA and regulations.

Sewage sludge—The solids, residues, and precipitate separated from or created in sewage or municipal waste by the unit processes of a treatment works.

Toxic pollutant—Any pollutant listed as toxic under the CWA, §307(a), or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing the CWA, §405(d).

Treatment works treating domestic sewage—A POTW or any other sewage sludge or wastewater treatment devices or systems, regardless of ownership (including federal facilities), used in the storage, treatment, recycling, and reclamation of sewage or municipal waste, including land dedicated for the disposal of sewage sludge. This definition does not include septic tanks or similar devices.

Variance—Any mechanism or provision under the CWA, §301 or §316, or under Chapter 308 of this title (relating to Criteria and Standards For the National Pollutant Discharge Elimination System) which allows modification to or waiver of the generally applicable effluent limitation requirements or time deadlines of the CWA or this title.

Wetlands—Those areas that are inundated or saturated by surface or

groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas and constitute water in the state.

Issued in Austin, Texas on February 16, 1990.

TRD-9001804 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
**Subchapter B. Emergency
Orders, Temporary Orders,
and Executive Director
Authorizations**

• 31 TAC §305.24

The amendment is adopted on an emergency basis under the Texas Water Code, §5.103, and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.24. *Notice.*

(a) (No change.)

(b) Temporary orders require a hearing before issuance of the order. The commission shall give notice of not less than 20 days before the date set for the hearing on the temporary order to all affected persons, and to all persons as may be required by law. Notice requirements for hearings are as follows.

(1) A temporary order issued for enforcement purposes shall be issued with notice of not less than 20 days before the date set for the hearing.

(2) A temporary order in the nature of a permitting action shall be issued with notice of not less than 30 days before the date set for hearing.

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

Issued in Austin, Texas, on February 16, 1990.

TRD-9001803 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

**Subchapter C. Application for
Permit**

• 31 TAC §§305.43, 305.44, 305.46,
305.48, 305.50

The amendments are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.43. *Who Applies.*

(a) It is the duty of the owner of a facility to submit an application for a permit[.]; however, if the facility is owned by one person and operated by another and the executive director determines that special circumstances exist where the operator or the operator and the owner should both apply for a permit, then it is the duty of the operator and the owner to submit an application for a permit.

(b) (No change.)

§305.44. *Signatories to Applications.*

(a) [Except as provided in §305.50(9), all] All applications shall be signed as follows.

[(1) for a corporation: by a principal executive officer of at least the level of vice-president or a duly authorized representative if such representative is responsible for the overall operation of the facility. A representative shall submit in writing proof of the authorization;

[(2) for a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

[(3) for a municipality, state, federal, or other public agency: by either a principal executive officer or a ranking official.]

(1) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit applications may provide for

assignment or delegation to applicable corporate positions rather than to specific individuals.

(2) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

(3) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. regional administrator of the United States Environmental Protection Agency).

(b) [Except as provided in §305.50(10) of this title (relating to Additional Requirements for an Application for a Solid Waste Permit), a] A person signing an application shall make the following certification: ["I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of civil penalty and criminal fine."] "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(c) (No change.)

§305.46. *Designation of Material as Confidential.*

(a)-(g) (No change.)

(h) For national pollutant discharge elimination system applications, information required by §305.45 of this title (relating to Contents of Application for Permit) will not be considered confidential. This includes information submitted on the forms themselves and any attachments used to

supply information required by the forms.

§305.48. *Additional Contents of Applications for Wastewater Discharge Permits.*

(a) The following shall be included in an application for a wastewater discharge permit.

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

(3) The applicant shall submit any other information reasonably required by the executive director to ascertain whether the facility will be constructed and operated in compliance with all pertinent state and federal statutes [.] ,including, but not limited to, the following:

(A) the operator's name, address, and telephone number;

(B) whether the facility is located on Indian lands;

(C) up to four standard industrial classification codes which best reflect the principal products or services provided by the facility.

(b) The following regulations contained in 40 Code of Federal Regulations Part 122, which are in effect as of January 17, 1990, are adopted by reference:

(1) Subpart B-Permit Applications and Special National Pollutant Discharge Elimination System (NPDES) Program Requirements, §122.21(g) , providing application requirements for existing manufacturing, commercial, mining, and silvicultural dischargers;

(2) Subpart B-Permit Applications and Social NPDES Program Requirements, §122.21(h), providing application requirements for manufacturing, commercial, mining, and silvicultural facilities which discharge only non-process wastewater, except 40 Code of Federal Regulations, §122.21(h)(4)(III);

(3) Subpart B-Permit Applications and Special NPDES Program Requirements, §122.21(i), providing application requirements for new and existing concentrated animal feeding operations and aquatic animal production facilities.

§305.50. *Additional Requirements for an Application for a Solid Waste Permit.* Unless otherwise stated, an application for a permit to store, process, or dispose of solid waste shall meet the following requirements.

(1)-(8) (No change.)

[(9) All applications for hazardous waste permits shall be signed as follows.

[(A) For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

[(B) For a partnership or sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively.

[(C) For a municipality, state, federal, or other public agency, the application shall be signed by either a principal executive officer or a ranking elected official. For purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer of the agency, or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g. regional administrator of the United States Environmental Protection Agency).]

[(10) For hazardous waste permit applications, the person signing an application shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."]

Issued in Austin, Texas, on February 16, 1990.

TRD-9001802

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Subchapter D. Amendments,
Renewals, Transfers,
Corrections, Revocations and
Suspension of Permits

• 31 TAC §305.62, §305.63

The amendments are adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.62. Amendment.

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

(c) Types of amendments.

(1) (No change.)

(2) A minor amendment is an amendment to improve or maintain the permitted quality or method of disposal of waste, or injection of fluid if there is neither a significant increase of the quantity of waste or fluid to be discharged or injected nor a material change in the pattern or place of discharge or injection [..], except a minor amendment to a national pollutant discharge elimination system (NPDES) permit, which is defined in Subparagraph D of this paragraph. A minor amendment includes any other change to a permit issued under this chapter that will not cause a potential deterioration of quality of water in the state nor relax a standard or criterion which may result in a potential deterioration of quality of water in the state. A minor amendment also includes, but is not limited to, the following:

(A) -(C) (No change.)

(D) for NPDES permits, only the following changes:

(i) correct typographical errors;

(ii) require more frequent monitoring or reporting by the permittee;

(iii) change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(iv) change a new source construction schedule or delete a point source outfall as follows:

(I) change the construction schedule for a discharger which is a new source. No such change shall affect a discharger's obligation to have all pollution control equipment installed and in operation prior to discharge under 40 Code of Federal Regulations §122.29;

(II) delete a point source outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits;

(v) when the permit becomes final and effective on or after March 9, 1982, conform to changes respecting 40 Code of Federal Regulations §§122.41(e), 122.41(1), 122.41(m)(4)(i)(B), 122.41(n)(3)(i), and 122.42(a) issued September 26, 1984; or

(vi) incorporate conditions of a publicly owned treatment works (POTW) pretreatment program that has been approved in accordance with the procedures in 40 Code of Federal Regulations §403.11, adopted by reference by §305.541 of this title (relating to Effluent Guidelines and Standards for NPDES Permits) as enforceable conditions of the POTW's permit.

§305.63. Renewal. The permittee or the executive director may file an application for renewal of a permit. The application shall be filed with the executive director before the permit expiration date. [For permits involving hazardous waste under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-4, any hazardous waste management facility] Any permittee with an effective permit shall submit a new application at least 180 days before the expiration date of the effective permit, unless permission for a later date has been granted by the executive director. The executive director shall not grant permission for applications to be submitted later than the expiration date of the existing permit.

(1)-(6) (No change.)

(7) The executive director may grant permission for permittees of non-publicly owned treatment works to submit the information required by 40 Code of Federal Regulations, §122.21(g)(7), (9), and (10) after the permit expiration date.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001801

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Subchapter E. Actions, Notice,
and Hearing

• 31 TAC §§305.96, 305.100,
305.106

The amendments are adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.96. Action on Application for Amendment.

(a) Except as provided in subsection (c) of this section, the commission may take action on an application for a major amendment of a non-national pollutant discharge elimination system (NPDES) permit or an NPDES permit amendment in the manner prescribed by §305.93 of this title (relating to Action on Application for Permit).

(b) The commission may take action on an application for minor amendment of a non-NPDES permit or an NPDES minor amendment, at a regular meeting of the commission without holding a public hearing, provided notice of the application is given to persons as required by law by first-class mail at least 10 days prior to the meeting.

(c) (No change.)

§305.100. Notice of Application.

(a) A notice of application shall fairly set forth the substance of the application and proposed action, including, but not limited to, the location and nature of any proposed or existing facility, the location of any point of injection, discharge, or place of disposal, the rate of discharge or injection, the method for obtaining additional information about the application, the method for submitting a response or protest to the application and request for a hearing, and such other information necessary to give a fair appraisal of the application. The notice shall state whether a draft permit or a draft solid waste compliance plan has been prepared by the executive director.

(b) For requests for a discharge with a thermal component filed pursuant to the Clean Water Act, §316(a), 40 Code of Federal Regulations Part 124, Subpart D, §124.57(a), public notice, as in effect on January 17, 1990, is adopted by reference.

(c) A copy of 40 Code of Federal Regulations Part 124 is available for inspection at the library of the Texas Water Commission, located on the Fifth Floor of the Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin.

§305.106. Response to Comments. This section [shall apply only to applications for hazardous waste permits under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, and] is adopted for the purposes of conforming commission procedures to 40 Code of Federal Regulations, §124.17. The commission, through the executive director or the office of hearings examiners, shall prepare and make available to the public a brief description and response to all significant comments on the draft permit which are filed with the commission during the 45-day comment period in accordance with the provisions of §305.93 of this title (relating to Action on Application for Permit), or which are made during the public comment session of a hearing held pursuant to §305.105 of this title (relating to Request for Public Hearing) and the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a. The response to comments shall include a specification of which provisions of the draft permit, if any, have been changed in response to comments, and the reasons for the change. If a hearing is held and a hearing examiner's proposal for decision is issued, the response to comments may be incorporated into the proposal for decision.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001800

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
**Subchapter F. Permit
Characteristics and
Conditions**

• **31 TAC §§305.122, 305.125,
305.127, 305.128, 305.129**

The amendments and new section are adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.122. Characteristics of Permits.

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

(c) Except for any toxic effluent standards and prohibitions imposed under the Clean Water Act, §307, compliance with national pollutant discharge elimination system (NPDES) permit during its term constitutes compliance, for purposes of enforcement, with the CWA, §§301, 302, 306, 307, 318, 403, and 405; however, an NPDES permit may be modified or revoked during its term for cause as set forth in §305.62 and §305.66 of this title (relating to Amendment, and Revocation and Suspension).

§305.125. Standard Permit

Conditions. The following conditions are applicable to all permits issued within the scope of this chapter, and shall be incorporated into each permit expressly or by reference to this chapter.

(1)-(9) (No change.)

(10) Inspection and entry shall be allowed as prescribed in the Texas Water Code, Chapters 26-28, and the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §7. The statement in the Texas Water Code, §26.014, that commission entry of a facility shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.

(11)-(19) (No change.)

(20) An act of God constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations, pursuant to Chapter 337 of this title (relating to Enforcement Generally), if the commission finds the following to be true:

(A) the discharge was unavoidable to prevent loss of life, serious bodily injury, or severe property damage;

(B) there were no feasible alternatives to the discharge, including anticipation of the need for an installation of auxiliary treatment facilities, or retention of untreated wastes; and

(C) the permittee has submitted notice of the noncompliance in conformance with paragraph (9) of this section.

§305.127. Conditions to be Determined for Individual Permits. The following conditions are to be determined on a case-by-case basis according to the criteria set forth herein, and when applicable, shall be incorporated into the permit expressly or by reference.

(1) Duration.

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

(C) Waste discharge permits.

(i) Permits which authorize a direct discharge of wastewater into a surface drainageway, including all national pollutant discharge elimination system (NPDES) permits, shall be effective for a term not to exceed five years.

(ii) Confined animal feeding operation permits may be effective for the life of the project, except for those issued NPDES permits.

(iii) (No change.)

(D)-(F) (No change.)

(2) Monitoring, recording, and reporting.

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

(C) Applicable reporting requirements based upon the impact of the regulated activity shall be set as specified in 40 Code of Federal Regulations, §122.44, as in effect on January 17, 1990.

(D)[C] Other requirements for monitoring and reporting shall be set at a minimum as specified in commission rules for monitoring and reporting.

(3)-(6) (No change.)

§305.128. Signatories to Reports.

(a) All reports requested by permits and other information requested by the executive director shall be signed by a person described in §305.44(a) of this title (relating to Signatories to Applications) [or by a person described in §305.50(9) of this title (relating to Additional Requirements for an Application for a Solid Waste Permit),] or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) the authorization is made in writing by a person described in §305.44(a) of this title (relating to Signatories to Applications) [or described in §305.50(9) of this title (relating to Additional Requirements for an Application for a Solid Waste Permit)];

(2)-(3) (No change.)

(b) (No change.)

(c) [For matters involving hazardous waste, any] Any person signing a report required by a permit shall make the certification set forth in [§305.50(10) of this title (relating to Additional Requirements for an Application for a Solid Waste Permit)] §305.44(b) of this title (relating to Signatories to Applications).

§305.129. *Variance Procedures.* The following regulations contained in 40 Code of Federal Regulations, which are in effect as of January 17, 1990, are adopted by reference:

(a) Part 122, Subpart B—Permit Applications and Special National Pollutant Discharge Elimination System (NPDES) Program Requirements, §122.21(m), providing requirements for variance requests by non-publicly owned treatment works;

(b) Part 122, Subpart B—Permit Applications and Special NPDES Program Requirements, §122.21(n), providing requirements for variance requests by publicly owned treatment works;

(c) Part 122, Subpart C—Permit Applications and Special NPDES Program Requirements, §122.21(o), providing requirements for expedited variance procedures and time extensions;

(d) Part 124, Subpart D—Specific Procedures Applicable to NPDES Permits, §124.62, providing decision-making procedures for variances.

Issued in Austin, Texas on February 16, 1990.

TRD-9001799 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
**Subchapter O. Additional
Conditions for Wastewater
Discharge Permits**

• 31 TAC §§305.531-305.534

The new sections are adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.531. *Establishing and Calculating Additional Conditions and Limitations for National Pollutant Discharge Elimination System Permits.* The following regulations contained in 40 Code of Federal

Regulations Part 122, Subpart C, Permit Conditions, and Part 124, Subpart D, Specific Procedures Applicable to National Pollutant Discharge Elimination System (NPDES) Permits, are adopted by reference:

(1) §122.42—Additional conditions applicable to specified categories of NPDES permits, as in effect on January 17, 1990. Section 122.42 provides additional conditions for existing manufacturing, commercial, mining, and silvicultural dischargers, and for publicly owned treatment works (POTWs);

(2) §122.43(a) and (b)—Establishing permit conditions, as in effect on January 17, 1990. Section 122.43 relates to conditions assuring compliance with all applicable requirements of the Clean Water Act and regulations;

(3) §122.44—Establishing limitations, standards, and other permit conditions applicable to state NPDES programs, as in effect on January 17, 1990. Section 122.44 relates to technology-based effluent limitations and standards, other effluent limitations and standards, reopener clauses, water quality standards and state requirements, toxic pollutants, notification levels, 24-hour reporting, durations for permits, monitoring requirements, pretreatment programs for POTWs, best management practices, reissued permits, privately owned treatment works, grants, sewage sludge, Coast Guard, and navigation;

(4) §122.45—Calculating NPDES permit conditions, as in effect on January 17, 1990. Section 122.45 relates to outfalls and discharge points, production-based limitations, metals, continuous discharges, noncontinuous discharges, mass limitations, pollutants in intake water, internal waste streams, and disposal of pollutants into wells, into POTWs, or by land application;

(5) §122.50—Disposal of pollutants into wells, into POTWs, or by land application, as in effect on January 17, 1990;

(6) §124.59—Conditions requested by the United States Corps of Engineers and other government agencies, as in effect on January 17, 1990.

§305.532. *Adoption of Appendices by Reference.* The following appendices contained in 40 Code of Federal Regulations Part 122, which are in effect as of January 17, 1990, are adopted by reference and apply only to national pollutant discharge elimination system (NPDES) permits:

(1) Appendix A—NPDES Primary Industry Categories;

(2) Appendix B—Criteria for Determining a Concentrated Animal Feeding Operation;

(3) Appendix C—Criteria for Determining a Concentrated Aquatic Animal Production Facility;

(4) Appendix D—NPDES Permit Application Testing Requirements.

§305.533. *New Sources and New Dischargers.*

(a) Criteria for new source determination.

(1) Except as otherwise provided in an applicable new source performance standard, a source is a new source if it meets the definition of new source in §305.2 of this title (relating to General Provisions) and:

(A) it is constructed at a site at which no other source is located;

(B) it totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(C) its processes are substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the director shall consider such factors as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source.

(2) A source meeting the requirements of paragraph (1) of this subsection is a new source only if a new source performance standard is independently applicable to it. If there is no such independently applicable standard, the source is a new discharger.

(3) Construction on a site at which an existing source is located results in an amendment subject to §305.62 of this title (relating to Amendment) rather than a new source (or a new discharger) if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph (1)(B) or (C) of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

(4) Construction of a new source as defined under §305.2 of this title (relating to General Provisions) has commenced if the owner or operator has:

(A) begun, or caused to begin as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(B) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation with a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering and design studies do not constitute a contractual obligation under this paragraph.

(b) Effect of compliance with new source performance standards. The provisions of this subsection do not apply to existing sources which modify their pollution control facilities or construct new pollution control facilities and achieve performance standards, but which are neither new sources or new dischargers or otherwise do not meet the requirements of this subsection.

(1) Except as provided in paragraph (b)(2) of this subsection, any new discharger, the construction of which commenced after October 18, 1972, or new source which meets the applicable promulgated new source performance standards before the commencement of discharge, may not be subject to any more stringent new source performance standards or to any more stringent technology-based standards under the Clean Water Act (CWA), §301(b)(2), for the soonest ending of the following periods:

(A) 10 years from the date that construction is completed;

(B) 10 years from the date the source begins to discharge process or other nonconstruction related wastewater; or

(C) the period of depreciation or amortization of the facility for the purposes of the Internal Revenue Code of 1954, §167 or §169 (or both).

(2) The protection from more stringent standards of performance afforded by paragraph (b)(1) of this subsection does not apply to:

(A) additional or more stringent permit conditions which are not technology based; for example, conditions based on water quality standards, or toxic effluent standards or prohibitions under the CWA, §307(a); or

(B) additional permit conditions in accordance with 40 Code of

Federal Regulations, §125.3, adopted by §308.1 of this title (relating to Criteria and Standards for Imposing Technology-Based Treatment Requirements) controlling toxic pollutants or hazardous substances which are not controlled by new source performance standards. This includes permit conditions controlling pollutants other than those identified as toxic pollutants or hazardous substances when control of these pollutants has been specifically identified as the method to control the toxic pollutants or hazardous substances.

(3) When a national pollutant discharge elimination system permit issued to a source with a protection period under paragraph (1) of this subsection will expire on or after the expiration of the protection period, that permit shall require the owner or operator of the source to comply with the requirements of the CWA, §301, and any other then applicable requirements of the CWA immediately upon the expiration of the protection period. No additional period for achieving compliance with these requirements may be allowed except when necessary to achieve compliance with requirements promulgated less than three years before the expiration of the protection period.

(4) The owner or operator of a new source, a new discharger which commenced after August 13, 1979, or a recommencing discharger shall install and have in operating condition, and shall start-up all pollution control equipment required to meet the conditions of its permits before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), the owner or operator must meet all permit conditions. The requirements of this paragraph do not apply if the owner or operator is issued a permit containing a compliance schedule under 40 Code of Federal Regulations, §122.47(a)(2).

(5) After the effective date of new source performance standards, it shall be unlawful for any owner or operator of any new source to operate the source in violation of those standards applicable to the source.

§305.534. *Adoption of Environmental Protection Agency Issued Permits and Pretreatment Programs.* On the date the Environmental Protection Agency (EPA) approves the state national pollutant discharge elimination system (NPDES) permit program, and issuance of NPDES permits is delegated from the EPA to the state, the state adopts all EPA permits and pretreatment programs. If the requirements of a state permit and an EPA permit issued to the same permittee or for the same facility are not of equal stringency, the more stringent requirements shall apply. issued in Austin, Texas on February 16, 1990.

TRD-9001798

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Subchapter P. Effluent
Guidelines and Standards for
National Pollutant Discharge
Elimination System Permits

• 31 TAC §305.541

The new section is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§305.541. *Effluent Guidelines and Standards for National Pollutant Discharge Elimination System Permits.* Except to the extent that they are clearly inconsistent with the Texas Water Code or the rules of the commission, 40 Code of Federal Regulations Subchapter N, Parts 400-471, which are in effect as of January 17, 1990, are adopted by reference.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001797

Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Chapter 308. Criteria and
Standards for the National
Pollutant Discharge
Elimination System

Subchapter A. Criteria and
Standards for Imposing
Technology-Based Treatment
Requirements

The Texas Water Commission adopts on an emergency basis new §§ 308.1, 308.21, 308.31, 308.41, 308.51, 308.61, 308.71, 308.81, 308.91, 308.101, 308.121, 308.131, and 308.141, concerning criteria and standards for the National Pollutant Discharge Elimination System (NPDES). The new sections adopt by reference rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the federal Clean Water Act (CWA), concerning such NPDES criteria and standards.

New §308.1 provides criteria and standards for imposing technology-based treatment requirements under the CWA, §301(b) and

§402. This section describes the purpose and scope of such criteria and standards, defines terms, and sets out technology-based treatment requirements in permits.

New §308.21 provides criteria for issuance of permits to aquaculture projects, and describes the purpose and scope of such criteria.

New §308.31 provides criteria for extending compliance dates for facilities installing innovative technology under the CWA, §301(k). This section describes the purpose and scope of such criteria, refers to statutory authority, defines terms, regulates requests for and procedures related to compliance extensions and signatories to such requests, establishes certain permit conditions, and requires supplementary information and recordkeeping.

New §308.41 provides criteria and standards for determining fundamentally different factors under the CWA, §301(b)(1)(A), (b)(2)(A), and (E). This section defines terms and the method of application.

New §308.71 provides criteria for modifying the secondary treatment requirements under the CWA, §301(h). This section describes the scope and purpose of such criteria, quotes the sections of the CWA governing issuance of a §301(h) modified permit, defines terms, includes general regulations related to the criteria, requires the existence of and compliance with applicable water quality standards, requires the attainment or maintenance of certain water quality, requires the establishment of a monitoring program, regulates the effect of discharge on other point and nonpoint sources, defines a required toxics control program, regulates increases in effluent volume or the amount of pollutants discharged, provides special conditions for §301(h) modified permits, and contains appendices.

New §301.81 provides criteria for determining alternative effluent limitations under the CWA, §316(a). This section describes the purpose and scope of such criteria, defines terms, requires early screening of applications for §316(a) variances, and describes criteria and standards for the determination of alternative effluent limitations under §316(a).

New §301.101 provides criteria for extending compliance dates under the CWA, §301(i). This section describes the purpose and scope of such criteria, defines terms, regulates requests for and provides criteria for permit modification and issuance under the CWA, §301(i)(1) and (2) and requires certain permit terms and conditions under the CWA, §301(i)(1) and (2).

New §301.121 provides criteria and standards for best management practices (BMP) authorized under the CWA, §304(e). This section describes the purpose and scope of such criteria, defines terms, discusses applicability of BMPs, discusses permit terms and conditions, and otherwise regulates BMP programs.

New §301.141 provides ocean discharge criteria. This section describes the purpose and scope of such criteria, defines terms, requires and regulates a determination of unreasonable degradation of the marine environment, discusses permit requirements, and requires certain information to be submitted by the applicant.

• 31 TAC §308.1

The new section is adopted on an emergency basis under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.1. Criteria and Standards for Imposing Technology-based Treatment Requirements Under the Clean Water Act, §301(b) and §402. 40 Code of Federal Regulations Part 125, Subpart A, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas on February 16, 1990.

TRD-9001796 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆ Subchapter B. Criteria for Issuance of Permits to Aquaculture Projects

• 31 TAC §308.21

The new section is adopted on an emergency basis under the Texas Water Code, §5.103, and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.21. Criteria for Issuance of Permits to Aquaculture Projects. 40 Code of Federal Regulations Part 125, Subpart B, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001795 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆

Subchapter C. Criteria and Extending Compliance Dates for Facilities Installing Innovative Technology Under the Clean Water Act, §301(k).

• 31 TAC §308.31

The new section is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.31. Criteria for Extending Compliance Dates for Facilities Installing Innovative Technology Under the Clean Water Act, §301(k). 40 Code of Federal Regulations Part 125, Subpart C, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001794 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆ Subchapter D. Criteria and Standards for Determining Fundamentally Different Factors Under the Clean Water Act, §301(b)(1)(A), (2) (A), and (E).

• 31 TAC §308.41

The new section is adopted on an emergency basis under the Texas Water Code, §5.103, and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.41. Criteria and Standards for Determining Fundamentally Different Factors Under the Clean Water Act, §301(b)(1)(A), (2)(A), and (E). 40 Code of Federal Regulations Part 125, Subpart D, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001793 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Subchapter H. Criteria for Determining Alternative Effluent Limitations Under the Clean Water Act, §316(a)

• 31 TAC §308.81

The new section is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.81. Criteria for Determining Alternative Effluent Limitations Under the Clean Water Act, §316(a). 40 Code of Federal Regulations Part 125, Subpart H, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas on February 16, 1990.

TRD-9001790 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Subchapter J. Criteria for Extending Compliance Dates Under the Clean Water Act, §301(i)

• 31 TAC §308.101

The new section is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.101. Criteria for Extending Compliance Dates Under the Clean Water Act, §301(i). 40 Code of Federal Regulations Part 125, Subpart J, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas on February 16, 1990.

TRD-9001788 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Subchapter K. Criteria and Standards for Best Management Practices Authorized Under the Clean Water Act, §304(e)

• 31 TAC §308.121

The new section is adopted on an emergency basis under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Texas Water Code and other laws of the State of Texas, and to establish and approve all general policy of the commission.

§308.121. Criteria and Standards for Best Management Practices Authorized Under the Clean Water Act, §304(e). 40 Code of Federal Regulations Part 125, Subpart K, as in effect on February 14, 1990, is adopted by reference.

Issued in Austin, Texas on February 16, 1990.

TRD-9001787 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Chapter 309. Effluent Limitations

• 31 TAC §309.1, §309.5

The Texas Water Commission adopts on an emergency basis new §309.5 and amended §309.1, concerning compliance with the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act, §402. The sections adopt rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the federal Clean Water Act (CWA), concerning such NPDES compliance.

New §309.5 adopts 40 Code of Federal Regulations Part 257 by reference. The section provides criteria for classification of solid waste disposal facilities and practices. This section describes the purpose and scope of such criteria and defines terms. This section also provides classification criteria relating to floodplains, endangered species, surface water, ground water, disease, and other matters, and includes appendices.

Amended §309.1 applies the regulations to disposal of domestic sewage only.

The new and amended sections are adopted on an emergency basis under the Texas Water Code, §5.102 and §5.105, which provides the Texas Water Commission with

the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§309.1. Scope and Applicability.

(a) The purpose of these sections is to promulgate a set of effluent quality limitations for treated domestic sewage which will be required of permittees as appropriate to maintain water quality in accordance with the commission's surface water quality standards. Any incorporation of federal regulations into this chapter shall apply only to disposal of domestic sewage.

(b)-(e) (No change.)

§309.5. Criteria for Classification of Solid Waste Disposal Facilities and Practices. Except to the extent that it is clearly inconsistent with the Texas Water Code or the rules of the commission (including the provisions set forth in this chapter), 40 Code of Federal Regulations Part 257 (including all appendices to Part 257), which is in effect as of January 17, 1990, is adopted by reference. A copy of 40 Code of Federal Regulations Part 257 is available for inspection at the library of the Texas Water Commission, located on the fifth floor of the Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, Texas 78711-3087.

Issued in Austin, Texas on February 16, 1990.

TRD-9001785 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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

◆ ◆ ◆
Chapter 314. Toxic Pollutant Effluent Standards

Subchapter A. Toxic Pollutant Effluent Standards and Prohibitions

• 31 TAC §314.1

The Texas Water Commission adopts on an emergency basis new §314.1, concerning toxic pollutant effluent standards and prohibitions. The new section adopts rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the federal Clean Water Act, concerning the National Pollutant Discharge Elimination System (NPDES) program.

New §314.1 adopts by reference 40 Code of Federal Regulations Part 129, Subpart A. Toxic Pollutant Effluent Standards and Prohibitions. The new section describes the purpose and scope of the section, defines

terms, explains abbreviations, lists toxic pollutants subject to regulation, provides compliance requirements, explains the requirement and procedure for establishing a more stringent effluent limitation, sets a compliance date, and specifically addresses aldrin/dieldrin, DDT, DDD, and DDE, endrin, toxaphene, benzidine, and polychlorinated biphenyls (PCBs).

The new section is adopted on an emergency basis under the Texas Water Code, §5.102, §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the Code and other laws of the State of Texas and the commission.

§314.1. Toxic Pollutant Effluent Standards and Prohibitions. 40 Code of Federal Regulations Part 129, Subpart A, Toxic Pollutant Effluent Standards and Prohibitions, as in effect on January 17, 1990, is adopted by reference.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001784 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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



Chapter 337. Enforcement

• 31 TAC §337.6

The Texas Water Commission adopts on an emergency basis new §337.6, concerning acts of God as they relate to enforcement. The new section incorporates rules promulgated by the Environmental Protection Agency (EPA), pursuant to its authority under the federal Clean Water Act, concerning the National Pollutant Discharge Elimination System (NPDES) program.

New §337.6 creates procedures to be applied when an act of God is claimed as an affirmative defense to an enforcement action brought under commission rules.

The new section is adopted on an emergency basis under the Texas Water Code, §5.102, and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the State of Texas and to establish and approve all general policy of the commission.

The new section is adopted on an emergency basis under the Texas Water Code, §5.102, and §5.105, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out its powers and duties under the code and other laws of the State of Texas and to establish and approve all general policy of the commission.

§337.6. Acts of God. If an act of God is claimed as an affirmative defense, as described in §305.125(20) of this title (relating to Permit Characteristics and Conditions), to an enforcement action brought under these rules, the following procedures shall apply:

(1) the permittee shall submit notice as described in §305.125(20) of this title (relating to Permit Characteristics and Conditions);

(2) the executive director shall respond in writing within 30 days from receipt of the notification with a decision as to whether the event constituted an act of God and an affirmative defense to the enforcement action; and

(3) the burden of proving that the event was an act of God is on the permittee.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001783 Jim Haley
Director, Legal Division
Texas Water Commission

Effective date: February 16, 1990

Expiration date: June 16, 1990

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



TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

Chapter 3. Tax Administration

Subchapter L. Motor Fuels Tax

• 34 TAC §3.173

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended, §3.173, for a 60-day period effective February 20, 1990. The text of amended, §3.173 was originally published in the October 27, 1989, issue of the *Texas Register* (14 TexReg 5709).

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

TRD-9001831 Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: February 20, 1990

Expiration date: April 21, 1990

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



• 34 TAC §3.184

The Comptroller of Public Accounts is renewing the effectiveness of the emergency adoption of amended, §3.184, for a 60-day period effective February 20, 1990. The text of amended, §3.184 was originally published in the October 27, 1989, issue of the *Texas Register* (14 TexReg 5709).

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

TRD-9001830 Wade Anderson
Rules Coordinator
Comptroller of Public
Accounts

Effective date: February 20, 1990

Expiration date: April 21, 1990

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



Proposed Sections

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

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

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

Chapter 13. Financial Planning Subchapter D. Procedures and Criteria for Funding of Family Practice Residency Programs

• 19 TAC §13.70, §13.71

(Editor's Note: The Texas Higher Education Coordinating Board 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 Texas Higher Education Coordinating Board proposes new §13.70 and §13.71, concerning procedures and criteria for funding of family practice residency programs. The new sections are necessary because the Coordinating Board received special funds to support the rural rotations for family practice residents mandated by House Bill 18. These funds are to be kept separate from regular program funds, and have been given a different cost center from program funds. The Coordinating Board will have a procedure in place to reimburse programs for allowable expenditures for rural rotations.

Don Brown, deputy commissioner, 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. Brown, also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be the sections will provide the most cost-effective methods for reimbursing family practice residency programs for rotating family practice residents through rural settings. These rural rotations will help to place family physicians in rural communities that are experiencing difficulties in attracting physicians. 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 Kenneth H. Ashworth, Commissioner of Higher Education, Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

The new sections are proposed under the Education Code, Chapter 51, Subchapter Z, §51.917, which provides the Coordinating Board with the authority to adopt rules regarding procedures and criteria for funding of family practice residency programs.

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

Issued in Austin, Texas, on February 16, 1990.

TRD-9001822

James McWhorter
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Earliest possible date of adoption: March 30, 1990

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 151. Licensure

Court Commitments

• 40 TAC §151.601

The Texas Commission on Alcohol and Drug Abuse proposes an amendment to §151.601, concerning the approval of chemical dependency treatment facilities for involuntary court commitments by civil and criminal state courts having proper jurisdiction. The amendment provides written rules and standards covering procedures and minimum criteria for approval as a result of recent legislation revising the commission's commitment procedures and services for the mentally ill and chemically dependent persons.

Larry Goodman, deputy director, operations, 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. Goodman also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the public, the referring courts, and the chemical

dependency treatment facilities licensed by the commission will be able to determine which facilities may accept court commitments. 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 Denise F. Mosel, Operations Assistant, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214.

The amendment is proposed under the Health and Safety Code, Title 6, Subtitle B, Chapter 462 §462.022, which provides the Texas Commission on Alcohol and Drug Abuse with the authority to approve treatment facilities to accept involuntary court commitments referred by civil and criminal state courts having proper jurisdiction.

§151.601. Approval for Court Commitments. The commission approves licensed **chemical dependency** [alcohol] treatment facilities to receive clients involuntarily committed by the courts pursuant to the Act. The **chemical dependency** [alcohol] treatment facility must apply to the **commission** [licensure department of the commission] for approval to receive court commitments, in addition to maintaining its licensed status.

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

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

TRD-9001812

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption: March 30, 1990

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

• 40 TAC §§151.602-151.606

(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 Commission on Alcohol and Drug Abuse or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Commission on Alcohol and Drug Abuse proposes the repeal of §§151.602-151.606, concerning the approval of chemical dependency treatment facilities for involuntary court commitments by civil and criminal state courts having proper jurisdiction. The repeals are necessary to comply with recent legislation.

Larry Goodman, deputy director, operations, has determined that for the first five-year period the repeals will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Goodman also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the public, the referring courts, and the chemical dependency treatment facilities licensed by the commission will be able to determine which facilities may accept court commitments. There will be no effect on small businesses as a result of enforcing the repeals. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Denise F. Mosel, Assistant, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214.

The repeals are proposed under the Health and Safety Code, Title 6, Subtitle B, Chapter 462, §462.022, which provides the Texas Commission on Alcohol and Drug Abuse with the authority to approve treatment facilities to accept involuntary court commitments referred by civil and criminal state courts having proper jurisdiction.

§151.602. Ineligible Facilities.

§151.603. Emergency Detention.

§151.604. Involuntary Commitments.

§151.605. Juvenile Commitments.

§151.606. Reporting.

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

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

TRD-9001814 Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption: March 30, 1990

For further information, please call: (512) 463-3594

◆ ◆ ◆
Court Commitments

• **40 TAC §151.602**

The Texas Commission on Alcohol and Drug Abuse proposes new §151.602, concerning

the approval of chemical dependency treatment facilities for involuntary court commitments by civil and criminal state courts having proper jurisdiction. The section provides written rules and standards covering procedures and minimum criteria for approval as a result of recent legislation revising the commission's commitment procedures and services for mentally ill and chemically dependent persons.

Larry Goodman, deputy director, operations, 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. Goodman also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the public, the referring courts, and the chemical dependency treatment facilities licensed by the commission will be able to determine which facilities may accept court commitments. 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 Denise F. Mosel, Operations Assistant, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214.

The new section is proposed under the Health and Safety Code, Title 6, Subtitle B, Chapter 462, §462.022, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to approve treatment facilities to accept involuntary court commitments referred by civil and criminal state courts having proper jurisdiction.

§151.602. Minimum Criteria. To be approved by the Texas Commission on Alcohol and Drug Abuse to receive court commitments, applicants must satisfy the following minimum criteria.

(1) The facility shall be licensed by:

(A) the Texas Commission on Alcohol and Drug Abuse; or

(B) the Texas Department of Mental Health and Mental Retardation and provide chemical dependency services.

(2) The facility shall apply for approval in one or more of the following categories.

(A) Treatment as an alternative to arrest for public intoxication. To be eligible, the facility must be licensed to provide detoxification services.

(B) Emergency detention. To be eligible the facility must be licensed to provide detoxification or intensive residential services or adolescent residential services.

(C) Adult inpatient involuntary civil or criminal commitments. To be eligible, the facility must be licensed to provide intensive residential or residential services.

(D) Adult outpatient involuntary civil or criminal commitments. To be eligible, the facility must be licensed to provide intensive outpatient or outpatient services to adults.

(E) Juvenile inpatient commitments. To be eligible, the facility must be licensed to provide adolescent residential services.

(F) Juvenile outpatient commitments. To be eligible, the facility must be licensed to provide intensive outpatient or outpatient services to adolescents. Facilities licensed by the Texas Department of Mental Health and Mental Retardation must provide services equivalent to those specified for each category for which they apply as determined by the commission.

(3) The facility must have a procedure for reporting unauthorized departures to the referring courts which complies with 42 Code of Federal Regulations, Part 2, confidentiality of alcohol and drug abuse patient records.

(4) Inpatient facilities must have a policy on passes and furloughs. If furloughs are permitted, there must also be a procedure for furloughs and revocation hearings which complies with the following provisions.

(A) The facility director may permit a client admitted to the facility under an order for inpatient services to leave the facility under a pass or furlough. A pass authorizes the client to leave the facility for not more than 72 hours. A furlough authorizes the client to leave for a longer period. The pass or furlough may be subject to specified conditions.

(B) The facility director shall notify the court that issued the commitment order when a client is furloughed.

(C) The facility director may secure the client's detention and return to the facility if:

(i) the client is absent from the facility without permission;

(ii) the client has violated the terms of a pass or furlough;

(iii) the client's condition has deteriorated to the extent that his continued absence is inappropriate.

(D) The facility director may initiate the process by:

(i) signing a certificate authorizing the client's detention and return; or

(ii) filing the certificate with a magistrate and requesting the magistrate to order the client's detention and return.

(E) The reason for the return from furlough shall be documented in the client's record.

(F) The facility director shall designate one or more administrative hearing officers to conduct administrative hearings concerning revocation of furloughs. The hearing officer may be a mental health or chemical dependency professional if that person is not directly involved in treating the client.

(G) An administrative hearing must be held within 72 hours of a client's return to the facility. The hearing shall be informal with both the facility staff and the client given the opportunity to present information and arguments. If the client desires, he or she may have a member of the staff act as advocate.

(H) The hearing officer shall determine within 24 hours of the hearing's conclusion whether the revocation is justified under the provisions listed in this paragraph.

(I) The hearing officer shall document the decision in the client's record, including a written explanation of the reasons for the decision and the information on which the hearing officer replied.

(J) The client shall be permitted to leave the facility under furlough if the hearing officer determines that the furlough should not be revoked.

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

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

TRD-9001813

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption: March 30, 1990

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

Chapter 155. Community Services

• 40 TAC §155.34

The Texas Commission on Alcohol and Drug Abuse proposes an amendment to §155.34, concerning the Texas Commission on Alcohol and Drug Abuse's approval of facilities for the treatment of individuals appearing in a public place under the influence of alcohol or any other substances. The amendment provides written rules and standards covering procedures and minimum criteria for the approval of chemical dependency treatment facilities to receive and treat individuals as an alternative to arrest for public intoxication. This action is necessary to comply with recent legislation revising the commission's commitment procedures and services for mentally ill and chemically dependent persons.

Larry Goodman, deputy-director, operations, 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. Goodman 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 a reduced cost to the public for processing a publicly intoxicated individual who has committed no other crime through the criminal justice system. Intoxicated individuals will receive treatment services in lieu of incarceration. Costs reduced are associated with arrest, booking, incarceration, and court costs. 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 Denise F. Mosel, Operations Assistant, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701-1214.

The amendment is proposed under the Texas Penal Code, 42.08, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to approve facilities for the treatment of individuals appearing in a public place under the influence of alcohol or any other substances.

§155.34. Minimum Criteria. To be approved by the Texas Commission on Alcohol and Drug Abuse as a treatment [rehabilitation] facility, for the purposes of the Texas Penal Code, §42.08, applicants must satisfy the following minimum criteria.

(1) The facility shall be licensed:

(A) [be licensed] by the Texas Commission on Alcohol and Drug Abuse to provide detoxification services [commission under the provisions of Texas Civil Statutes, Article 5561cc, (1985)]; or

(B) by the Texas Department of Mental Health and Mental Retardation and provide detoxification services. [be funded by the commission for drug abuse treatment activities; or

[(C) be accredited by the Joint Commission on the Accreditation of Hospitals.]

(2) The facility shall have written agreements with local law enforcement agencies that specify:

(A) effective period of the agreement;

(B) referral and transportation procedures;

(C) admission hours; and

(D) eligibility criteria for individuals referred by law enforcement officers [specifying at least the following: effective period of the agreement, referral and transportation procedures, admission hours, and eligibility criteria for individuals referred by law enforcement officers. The facility shall send a copy of the current written agreement to the Texas Commission on Alcohol and Drug Abuse, Department of Licensure, 1705 Guadalupe, Austin, Texas 78701].

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

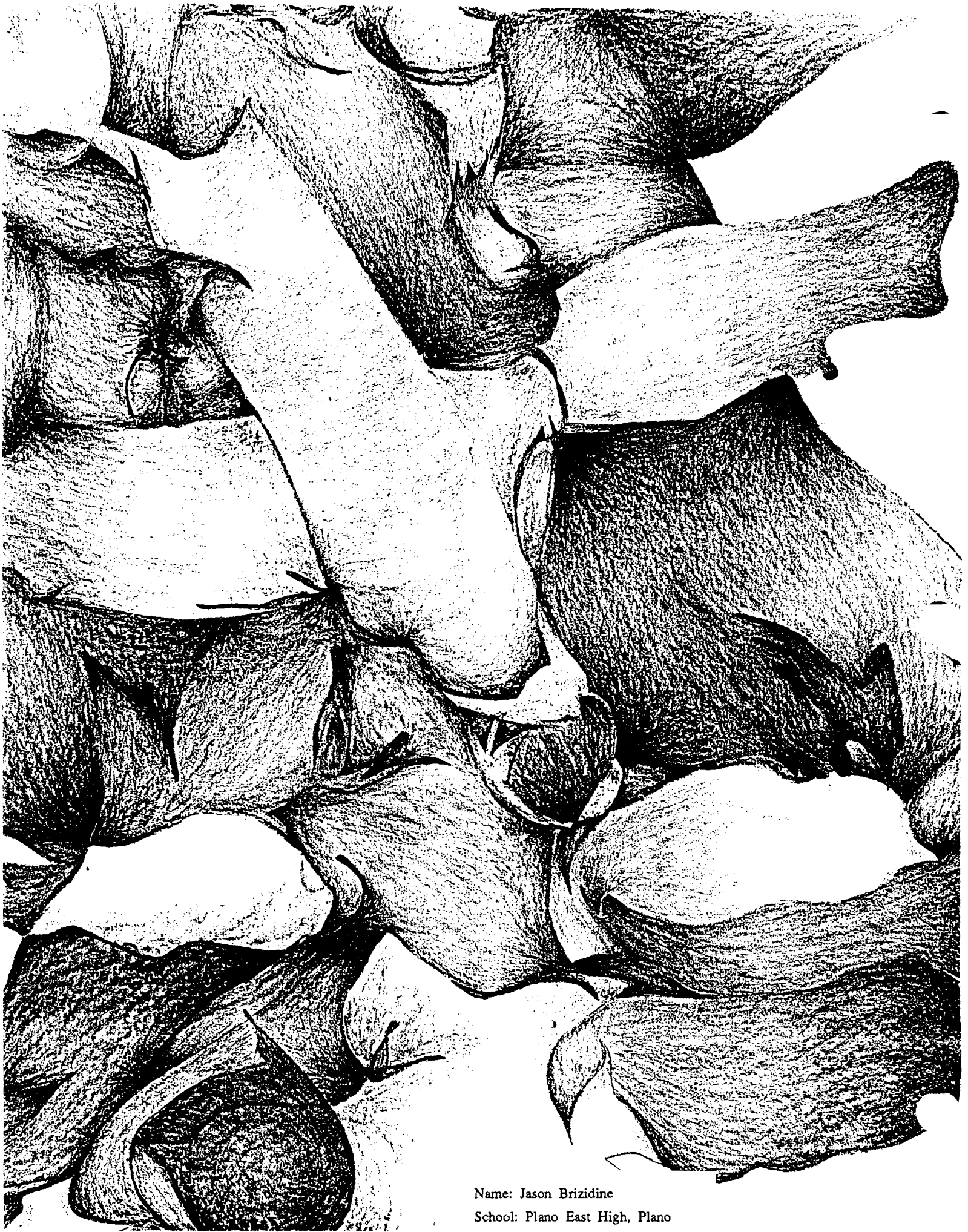
Issued in Austin, Texas, on February 20, 1990.

TRD-9001815

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption: March 30, 1990

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



Name: Jason Brizidine

School: Plano East High, Plano

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 VIII. Texas Racing Commission

Chapter 303. General Provisions

Subchapter B. Powers and Duties of the Commission

• 16 TAC §303.35

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §303.35, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4107).

TRD-9001866



Chapter 305. Licenses for Pari-Mutuel Racing

Subchapter A. General Provisions

• 16 TAC §305.12

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §305.12, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4107).

TRD-9001867



Subchapter B. Individual Licenses

• 16 TAC §305.34

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §305.34, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4107).

TRD-9001868



Chapter 307. Practice and Procedure

Subchapter C. Proceeding by Stewards and Racing Judges Objectives and Protests

• 16 TAC §307.221

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §307.221, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4108).

TRD-9001869



• 16 TAC §307.241

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §307.241, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4108).

TRD-9001870



• 16 TAC §307.247

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §307.247, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4108).

TRD-9001871



Chapter 309. Operation of Racetracks

Subchapter B. Horse Racetracks

Racetracks

• 16 TAC §309.108

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §309.108, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4109).

TRD-9001872



• 16 TAC §309.112

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §309.112, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4110).

TRD-9001873



• 16 TAC §309.115

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §309.115, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4110).

TRD-9001874



Operations

• 16 TAC §309.195

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §309.195, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4110).

TRD-9001875



Chapter 311. Conduct and Duties of Individual Licensees

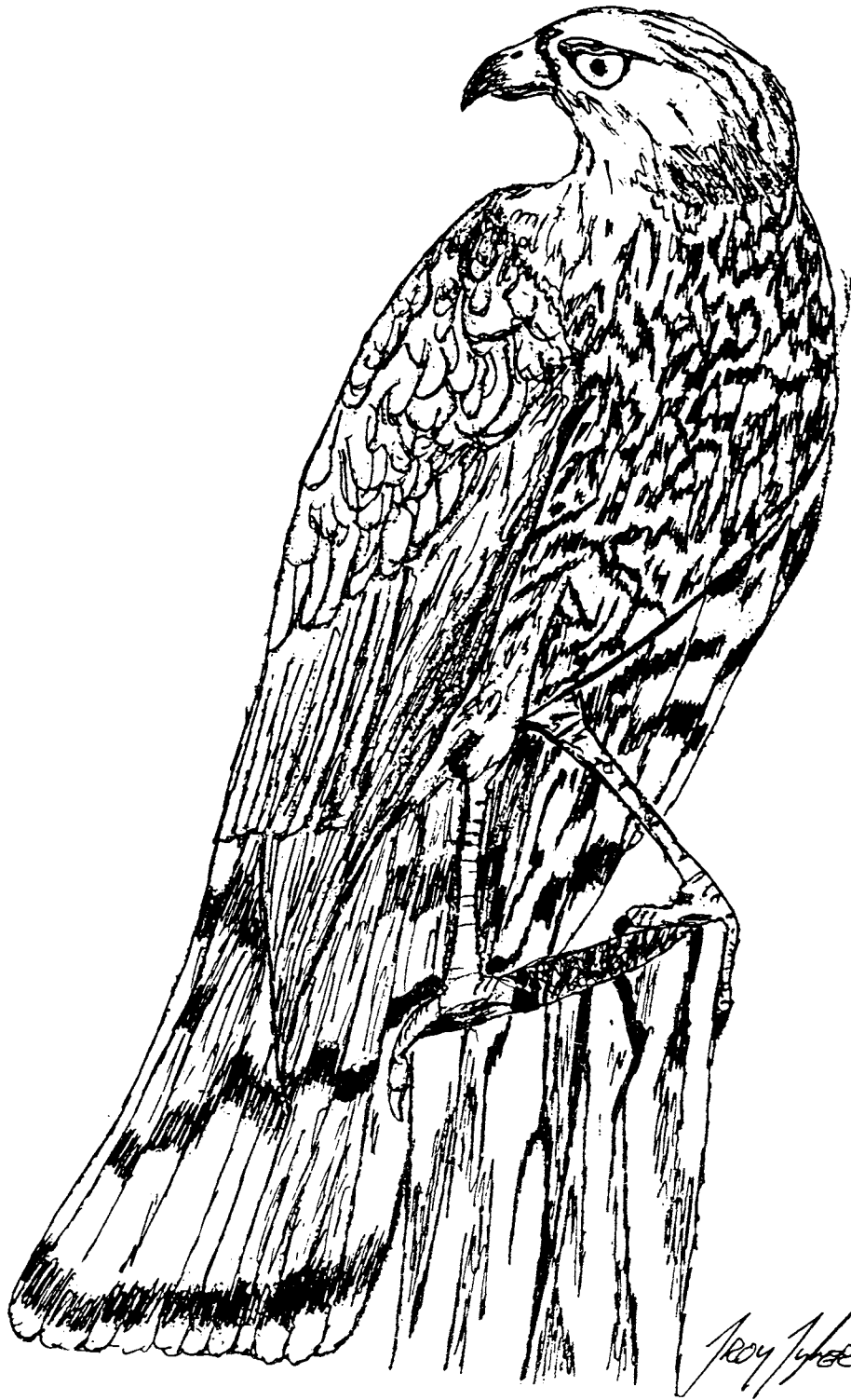
Subchapter A. General Provisions

• 16 TAC §311.14

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed amendment to §311.14, submitted by the Texas Racing Commission has been automatically withdrawn, effective February 21, 1990. The amendment as proposed appeared in the August 18, 1989, issue of the *Texas Register* (14 TexReg 4111).

TRD-9001876





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 31. NATURAL RESOURCES AND CONSERVATION

Part H. Texas Parks and Wildlife Department

Chapter 55. Law Enforcement

Restricted Wild Animals

• 31 TAC §§55.201-55.211

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing on January 25, 1990, adopts new §§55.201-55.211, without changes to the proposed text as published in the December 22, 1989, issue of the *Texas Register* (14 TexReg 6731). New legislation, House Bill 1687 Acts of the 71st Legislature, added certain wild animals to the agency's regulatory authority which necessitates these rules.

The new sections are designed to provide a degree of safety from injury by wild animals listed by statute and held in captivity for breeding, exhibition, or personal use.

The new sections will require a permit and cage construction specifications for the holding of restricted wild animals.

Two telephone comments were received. One suggested the sections prohibit holding animals in low areas subject to flooding. The other suggested a requirement for double entry in cages and that animals not be permitted closer than 300'-400' from any residence other than the owner's.

Five letters were received expressing various concerns about the sections. The Exotic Wildlife Association asked if the sections provided for adequate animal welfare and if out-of-state or United States Department of Agriculture permits would exempt persons from these new sections. The Y. O. Ranch commented on the difficulty of lumping different species into one set of rules. Forest Exotics expressed concerns over holding elephants behind steel bars and masonry construction and suggested that transportation of rhinoceros in crates be authorized. Gladys Porter Zoo in Brownsville suggested requirement for barriers 48" from cages holding large carnivores and apes and a double entry system for cages holding large carnivores. The Humane Society of the United States expressed concerns that the sections were vague and suggested: prohibition of private ownership of wild and exotic animals as pets; restriction of breeding to certain qualified programs; restriction of exhibition to certain accredited zoological parks and aquaria; placement of animals in captivity only for purpose of professional breeding, educational programs, and

rehabilitation with eventual release into the wild; specific guidelines for welfare of animals; and annual inspections of facilities and condition of animals.

Comments concerning animal welfare are addressed in the Texas Penal Code (cruelty to animals). Comments related to prohibiting private ownership, breeding, exhibition, and holding animals in low lying areas are not in the purview of the agency's authority. The new sections as adopted provide for cage barriers to prevent contact with animals by visitors, adequate locking mechanisms on cages for security, and transportation of rhinoceros in crates if they are of equivalent strength to primary facilities.

The new sections are adopted under the Parks and Wildlife Code, Chapter 12, Subchapter G, which provides the Texas Parks and Wildlife Commission with the authority to prescribe requirements under which a person may safely possess the named wild animals, and Texas Civil Statute, Article 6252-13a.

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

Issued in Austin, Texas, on February 16, 1990.

TRD-9001736

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: March 9, 1990

Proposal publication date: December 22, 1989

For further information, please call: (512) 389-4641

Boat Speed Limit and Buoy Standards

• 31 TAC §§55.301-55.305

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing January 25, 1990, adopts amendments §§55.301-55.305, without changes to the proposed text as published in the December 26, 1989, issue of the *Texas Register* (14 TexReg 6861).

The amendments are necessary because boat speed limits have been regulated by local governing bodies authorized under Parks and Wildlife Code, §31.092, by various rules, some inconsistent with the Water Safety Act. These inconsistencies create confusion and misunderstandings which are unnecessary burdens on the boating public.

There is no standardized buoy making system in Texas. Numerous types of buoys,

signs, pilings, etc. are currently used to mark regulated areas throughout the public waters of this state. The proposed standardized system of buoys will aid boaters by removing confusion that now exists.

The adopted amendments will provide standards for boat speeds and a buoy marking system that will be consistent statewide.

Comments by the public concerning the proposed amendments were presented to the Parks and Wildlife Commission in summarized form from public meetings, letters, and telephone calls.

Comments made by the public concerned elimination of numerical speed limits on public waters of the State of Texas.

All comments are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

Representative of Texas Black Bass Unlimited, Texas Association of Bass Club, Boating Trades Association of Texas, Boat Trades Association Metropolitan Houston, all testified in support of the proposed sections. Representatives of Harris County Sheriff's Office Reserves, and Harris County Sheriff's Office, spoke against removing numerical speed limits on boats in Harris County.

Numerical speed limits on boats on public waters are not feasible at this time due to the inaccuracy of boat speedometers, inability to properly post speed limits on applicable areas, and variations of speed limits from lake to lake and area to area. Numerical speed limits do not take into consideration condition, equipment, and density of traffic.

The amendments are adopted under the Parks and Wildlife Code, §31.095 and §31.142, which authorized the Parks and Wildlife Commission to standardize boat speeds and implement a statewide buoy marking system respectively.

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

Issued in Austin, Texas on February 16, 1990.

TRD-9001737

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: March 9, 1990

Proposal publication date: December 26, 1989

For further information, please call: 1-800-792-1112, ext. 4641 or (512) 389-4641

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 15. Medicaid Eligibility

Subchapter F. Budget and Payment Plans;

• 40 TAC §15.506

The Texas Department of Human Services adopts new §15.506, without changes to the proposed text as published in the December 19, 1989, issue of the *Texas Register* (14 TexReg 6638).

The new section is justified because it allows for some clients to be able to keep their full personal needs allowances.

The new section will function by excluding mandatory payroll deductions from earned income when determining what the client pays to a long-term care facility.

The department received no comments regarding adoption of the new section.

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

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

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

TRD-9001818 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: April 2, 1990

Proposal publication date: December 19, 1989

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

Eligibility

• 40 TAC §48.2920

The Texas Department of Human Services (DHS) adopts an amendment to §48.2920, without changes to the proposed text as published in the January 12, 1990, issue of the *Texas Register* (15 TexReg 205).

The amendment is justified to adjust monthly allowances for Qualified Medicare Beneficiary (QMB), Medicaid, and non-Medicaid/QMB clients; and also to permit a client to reserve space in a residential care facility for up to 30 days while he is temporarily being treated in a nursing home or institutional facility other than a hospital and pays his copayment or bedhold charge, whichever is less.

The amendment will function by allowing Medicare and Medicaid clients to keep more of their money for personal and medical expenses. Also, residential care clients will be able to receive therapeutic treatment without losing their spaces in the residential care facility.

The department received no comments regarding adoption of the amendment.

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

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

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

TRD-9001818 Cathy Rossberg
Agency liaison, Policy
Communication
Services
Texas Department of
Human Services

Effective date: April 15, 1990

Proposal publication date: January 12, 1990

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

Chapter 48. Community Care for Aged and Disabled

Case Management

• 40 TAC §48.3902, §48.3903

The Texas Department of Human Services (DHS) adopts amendments to §48.3902 and §48.3903, with changes to the proposed text as published in the January 12, 1990, issue of the *Texas Register* (15 Tex Reg 205).

The amendments are justified to allow the department to terminate Community Care for Aged and Disabled (CCAD) purchased services when someone in the client's home threatens the health or safety of the provider agency staff or the DHS staff, or when the client refuses to pay fees for services. The amendments also are justified to clarify eligibility criteria to reinstate services terminated within the past 12 months, when the termination was due to one or more of the

If Termination or reduction is because client lost his eligibility as an income-eligible, failed to meet the client needs assessment score or medical criteria for the service, repeatedly refused to follow the

following: the client failed to comply with his service plan, or the client—or someone in the client's home—threatened the health or safety of the client, or a member of the department staff or provider agency staff.

The amendments will function by establishing consistent case management and clarifying eligibility criteria for CCAD purchased services.

The department received no comments regarding adoption of the amendments. The department, however, made one minor editorial change.

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

§48.3902. Recertification.

(a) To continue receiving services, the client must meet the Community Care for Aged and Disabled (CCAD) eligibility requirements at the time of recertification of financial eligibility and reassessment of needs.

(b) An applicant whose services were terminated in the last 12 months because he or someone in his home threatened the health or safety of the client, department staff, or provider agency staff may be authorized services if the applicant/person in the home signs a form authorizing release of information, and:

(1) the applicant/person in the home who posed the threat has been treated or is receiving treatment by a licensed or certified physician, psychiatrist, or psychologist and can furnish a letter saying that he is no longer a threat to the client, department staff, or provider agency staff;

(2) the applicant/person in the home allows a collateral contact with his physician, psychiatrist, or psychologist, and the contact indicates that the applicant is no longer a threat to the client, department staff, or provider agency staff; or

(3) the person in the home who posed the threat no longer resides in the home.

§48.3903. Denial, Reduction, and Termination of Benefits.

(a) An applicant or client may request an appeal of any decision that denies, reduces, or terminates his benefits. The effective date of the action depends on the situation, as shown in the following table:

Then
The action is effective 10 days (or 12 days if mailed) from the date of the notice unless the action is appealed. In the event of appeal, services continue until the hearing officer gives a decision. The cost

service plan, or experienced a change in his need for the specific service, or failed to pay fees for services,

Termination is because client AFDC, SSI, Medicaid or food stamp eligibility,

Termination is because client lacks physician's orders for the service,

Termination or reduction is because of budgetary constraints or changes in federal law or state regulations, and services are reduced or terminated for an entire categorical client group,

Termination is because client failed to qualify as an income-eligible after the 30-day period of expedited CCAD purchased services,

Termination is because the client or someone in his home threatens the health or safety of others, or because the client threatens his own health or safety.

of providing services during this period is subject to recovery by the department from the client. Services to clients in residential care facilities are terminated five days after the hearing officer gives his decision.

Services continue only to the end of month that the client is determined ineligible, even if the action is appealed.

Services continue only through the date the previous orders end, even if the action is appealed.

Services continue only through the date of termination of a categorical client group, even if appealed.

Services continue only through the 30th day, even if the action is appealed.

Services may be terminated immediately under the following conditions:

A client receiving residential care, adult foster care, day activity and health services, congregate meals, or special services to handicapped threatens his own health or safety or that of others; or

Someone in the client's home or a client receiving emergency response services, home-delivered meals, family care, or primary home care threatens the provider's health or safety.

(b)-(e) (No change.)

(f) If a client refuses to comply with his service plan, the caseworker and the client may adjust it within the Community Care for Aged and Disabled (CCAD) service requirement limitations. If the client repeatedly refuses to comply with his service plan, the caseworker may terminate services. Refusal to comply with a service plan includes actions by the client that prevent carrying out the service plan. Before services are terminated, the client is entitled to receive written notification that his services will be terminated if he does not comply with his service plan. If an applicant's services were terminated in the past 12 months because of his failure to comply with his service plan, the applicant must agree to the proposed service plan developed when he reapplies.

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

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

TRD-9001817

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

Effective date: April 15, 1990

Proposal publication date: January 12, 1990

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

◆ ◆ ◆
**Part X. Texas
Employment
Commission**

Chapter 303. Child Labor

• **40 TAC §§303.1-303.8**

The Texas Employment Commission adopts new §§303.1-303.8, without changes to the

proposed text as published in the January 12, 1990, issue of the *Texas Register* (15 TexReg 206).

Under authority of the Texas Child Labor Law, Article 5181.1, Texas Civil Statutes, as amended by House Bill 863, Chapter 1038, Acts of the 71st Legislature, effective September 1, 1989, the Texas Employment Commission may adopt rules necessary to promote the stated legislative purpose of ensuring that no child under 18 years of age is employed in Texas in an occupation or in a manner that is detrimental to the child's safety, health, or well-being. The Texas Employment Commission may, under this law, make determinations concerning hazardous occupations for children and restrict employment of 14-17 year olds in such occupations; it may also authorize the employment of child actors under 14 years of age, provide for the issuance of certificates of age, grant hardship exemptions to the hours of work limitations for 14 and 15 year old children, and define nonhazardous casual employment as part of a statutory exemption.

The new sections adopt by reference particular federal child labor rules that set out both prohibited and authorized occupations. It provides a process by which the commission may issue certificates of age and hardship waivers, upon proper application. The employment of actors under the age of 14 is regulated by an application process, with special provision for the self-reporting of the employment of child actors as extras.

No comments were received regarding adoption of the new sections.

The new sections are adopted under Texas Civil Statutes, Article 5181.1, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind rules as it deems necessary for the effective 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 February 20, 1990.

TRD-9001827

C. Ed Davis
Special Counsel
Texas Employment
Commission

Effective date: March 13, 1990

Proposal publication date: January 12, 1990

For further information, please call: (512) 463-2291

◆ ◆ ◆

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 CUMIS Insurance Society, Inc. of revised rates and rules for the Credit Union Discovery Bond Program.

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

a public hearing was not requested by any party.

The State Board of Insurance has approved an overall average increase of 6.9% in the rates for the basic bond. Additional rate changes approved for the optional coverages available with the bond program are as follows: a rate reduction of 10% for the IRA coverage endorsement; a rate increase of 10% for the share draft coverage endorsement; a rate increase of 10% for the litigation coverage endorsement; and a rate decrease of 10% for the consumer legislation endorsement.

The rates and minimum premiums for plastic cards coverage have been increased and the risk control rating plan (Rules and Rates Manual pages RC-1-7) has been discontinued.

The Rules and Rates Manual has been revised to incorporate the changes indicated in the preceding paragraph. Additional changes have been made to the rate tables and rating rules. The table of increased limits factors has been deleted and a table of rating factors has been added. The rating factors represent a combination of the increased limits factors and the deductible rates used in the current manual. The factors were combined into a

single number to facilitate computerized rating of risks. Various rules have been revised to clarify existing rating procedures, including the amendment of the audit expense rating rules to specify the maximum limit for the coverage.

The revised rates and rules for the Credit Union Discovery Bond Program become effective April 1, 1990.

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

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

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

TRD-9001741

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 1, 1990

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

◆ ◆ ◆

Open Meetings

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

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

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

Texas Department of Agriculture

Wednesday, February 28, 1990, 8 a.m. The Texas Wheat Producers Board of the Texas Department of Agriculture will meet at the Kingston Hotel, I-40 at Lakeside, Amarillo. According to the complete agenda, the board will discuss the extension education program report; directors and staff travel requests; 1989-1990 budget adjustments; 1990-1991 budget preplanning.

Contact: Bill Nelson, Suite 803, Texas Commerce Bank, 2201 Civic Circle, Amarillo, Texas, (806) 352-2191.

Filed: February 20, 1990, 4:03 p.m.

TRD-9001847

Wednesday, February 28, 1990, 10 a.m. The Texas Department of Agriculture will meet at the Collingsworth County Courthouse, Third Floor, Wellington. According to the complete agenda, the department will conduct a public hearing to receive comments regarding: proposed special exemptions to the Texas Herbicide Law, concerning the spraying of hormone type herbicides for Collingsworth County.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: February 20, 1990, 4:03 p.m.

TRD-9001845

Wednesday, February 28, 1990, 10 a.m. The Texas Department of Agriculture will meet at the Hudspeth County Courthouse, Sierra Blanca. According to the complete agenda, the department will conduct a public hearing to receive public comment regarding proposed special exemptions to the Texas Herbicide Law for Hudspeth County.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: February 20, 1990, 4:03 p.m.

TRD-9001848

Tuesday, March 6, 1990, 10 a.m. The Texas Department of Agriculture will meet

at the Texas Department of Agriculture District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code §103.001 et seq. by Charles Lonnie Roberts doing business as Roberts and Associates as petitioned by Adams Farms.

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

Filed: February 21, 1990, 2:21 p.m.

TRD-9001898

Tuesday, March 6, 1990, at 1 p.m. The Texas Department of Agriculture will meet in the Texas Department of Agriculture District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code §103.001 et seq. by Richard C. Shelton doing business as Mid Valley Brokerage Co. as petitioned by J. S. McManus Produce.

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

Filed: February 21, 1990, 2:22 p.m.

TRD-9001897

Tuesday, March 6, 1990, 3 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, Expressway 83, two blocks west of Morningside Road, San Juan. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Section 103.001 et seq. by Richard C. Shelton doing business as Mid Valley Brokerage Company as petitioned by Charles Westgrove Co., Inc.

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

Filed: February 21, 1990, 2:22 p.m.

TRD-9001896

Tuesday, March 13, 1990, 10 a.m. The Texas Department of Agriculture will meet

at the Texas Department of Agriculture District Office, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Section 103.001 et seq. by Mexico Produce Corporation doing business as Dall-Mex Produce, Inc. as petitioned by Rogers Sales, Inc.

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

Filed: February 21, 1990, 2:23 p.m.

TRD-9001895

◆ ◆ ◆
Tuesday, March 13, 1990, 1 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Section 103.001 et seq. by Houston Produce Company as petitioned by Rogers Sales, Inc.

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

Filed: February 21, 1990, 2:24 p.m.

TRD-9001894

Tuesday, March 13, 1990, 2 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Section 103.001 et seq. by Houston Produce Company as petitioned by Rogers Sales, Inc.

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

Filed: February 21, 1990, 2:24 p.m.

TRD-9001893

Tuesday, March 13, 1990, 3 p.m. The Texas Department of Agriculture will meet

at the Texas Department of Agriculture District Office, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Section 103.001 et seq. by Houston Produce Company as petitioned by Rogers Sales, Inc.

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

Filed: February 21, 1990, 2:25 p.m.

TRD-9001892

Tuesday, March 13, 1990, 4 p.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 2626 South Loop West, Suite 130, Houston. According to the complete agenda, the department will conduct an administrative hearing to review: alleged violation of Texas Agriculture Code Section 103.001 et seq. by Houston Produce Company as petitioned by Rogers Sales, Inc.

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

Filed: February 21, 1990, 2:26 p.m.

TRD-9001891

Texas Commission on the Arts

Wednesday, March 14, 1990, 1:30 p.m. The Public/Private Partnerships Committee of the Texas Commission on the Arts will meet at the Sheraton Texarkana, Stephen F. Austin Ballroom, 5301 State Line Boulevard, Texarkana. According to the complete agenda, the committee will conduct public hearing; discuss arts congress; education task force; and other business.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: February 22, 1990, 9:46 a.m.

TRD-9001918

Wednesday, March 14, 1990, 2:30 p.m. The Minority Involvement Committee of the Texas Commission on the Arts will meet at the Sheraton Texarkana, Stephen F. Austin Ballroom, 5301 State Line Boulevard, Texarkana. According to the complete agenda, the committee will conduct a public hearing; discuss approval of minutes for December 13, 1989 minority involvement committee meeting; committee name change; committee goals; cultural diversity committee meeting report; open dialogue IV update; and other business.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: February 22, 1990, 9:46 a.m.

TRD-9001919

Wednesday, March 14, 1990, 4:15 p.m. The Administrative Committee of the Texas Commission on the Arts will meet at the Sheraton Texarkana, Stephen F. Austin Ballroom, 5301 State Line Boulevard, Texarkana. According to the complete agenda, the committee will conduct a public hearing; discuss approval of minutes for December 14, 1989 administrative committee meeting; financial report through December 31, 1989; Wortham donation for arts education initiative; appropriation request fiscal year 1992-1993; Texas Arts Project Board; and other business.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: February 22, 1990, 9:45 a.m.

TRD-9001921

Thursday, March 15, 1990, 8:30 a.m. The Full Commission of the Texas Commission on the Arts will meet at the Sheraton Texarkana, Stephen F. Austin Ballroom, 5301 State Line Boulevard, Texarkana. According to the agenda summary, the commission will conduct a public hearing; discuss items for commission consent; items for individual consideration; items for information only; and executive session.

Contact: Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

Filed: February 22, 1990, 9:45 a.m.

TRD-9001920

Texas Department of Community Affairs

Tuesday, March 6, 1990, 9 a.m. The Interagency Council for Services for the Homeless of the Texas Department of Community Affairs will meet at 8317 Cross Park Drive, Room 1-96, Austin. According to the complete agenda, the council will discuss the minutes of previous meeting; discussion of "homeless" definition; services survey committee report; services monitoring committee report; and other business.

Contact: Lucio Varela, 8317 Cross Park Drive, Suite 3-28, Austin, Texas 78754, (512) 834-6006.

Filed: February 21, 1990, 11 a.m.

TRD-9001881

Texas Department of Criminal Justice

Thursday, February 22, 1990, 9 a.m. The Board of the Texas Department of Criminal Justice met (via conference call), 720 Brazos, Suite 1112, Austin. According to the complete emergency revised agenda, the board discussed and adopted rule for allocation formula, and discussed and adopted four year plan. The emergency

status was necessary because Article 6166a-4 required timely (February 1, 1990) adoption and enforcement of allocation formula, which must have been clarified for continued orderly admissions.

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

Filed: February 21, 1990, 4:47 p.m.

TRD-9001907

East Texas State University

Thursday, March 1, 1990, 9:30 a.m. The Board of Regents, Academic Affairs Committee of the East Texas State University will meet at ETSU, McDowell Administration Building, Commerce. According to the complete agenda, the committee will discuss faculty workload reports; undersized class reports; report on doctoral program reviews.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75428, (214) 886-5030.

Filed: February 21, 1990, 1:58 p.m.

TRD-9001911

Thursday, March 1, 1990, 10:30 a.m. The Board of Regents, Ad Hoc Planning Committee of the East Texas State University will meet at ETSU, McDowell Administration Building, Commerce. According to the agenda summary, the committee will consider information and reports presented.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75428, (214) 886-5030.

Filed: February 21, 1990, 1:59 p.m.

TRD-9001912

Thursday, March 1, 1990, 1 p.m. The Board of Regents, Student and University Advancement Committee of the East Texas State University will meet at ETSU, McDowell Administration Building, Commerce. According to the complete agenda, the committee will discuss report of division activities.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75428, (214) 886-5030.

Filed: February 21, 1990, 2 p.m.

TRD-9001913

Thursday, March 1, 1990, 2 p.m. The Board of Regents, Campus Planning, Finance and Auditing Committee of East Texas State University will meet at ETSU, McDowell Administration Building, Commerce. According to the complete agenda, the committee will consider construction contract for additions to instructional printing facility; preliminary plans and budget, renovation of education north and art buildings; adjustments to

fiscal year 1990 operating budget; tuition and fee rates; summer faculty salary budget; 1990-1991 housing fee schedule; institutional depositories; investment policy; university sick leave pool policy; president's old home as a national historical site.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75428, (214) 886-5030.

Filed: February 21, 1990, 2:01 p.m.

TRD-9001916

Thursday, March 1, 1990, 3 p.m. The Board of Regents, Executive Committee of East Texas State University will meet at ETSU, McDowell Administration Building, Commerce. According to the complete agenda, the committee will discuss student information system; intercollegiate athletics; affirmative action report; voluntary modification of employment policy; appointment of president and chief executive officer, fiscal year 1990; honorary degree; conferring of Golden Lion Award; rescheduling summer board meeting; policy concerning naming of university buildings; and executive session to consult with university attorney and to discuss personnel matters.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75428, (214) 886-5030.

Filed: February 21, 1990, 2:02 p.m.

TRD-9001904

Friday, March 2, 1990, 9 a.m. The Board of Regents of East Texas State University will meet at ETSU, McDowell Administration Building, Commerce. According to the agenda summary, the board will approve its agenda and minutes of the October 13, 1989 meeting; receive a report from the president; receive reports and consider motions from the student and university advancement committee, academic affairs committee, campus planning, finance and auditing committee, and executive committee. The board will also meet in executive session to consult with the university attorney concerning pending litigation and to discuss personnel matters.

Contact: Charles Turner, East Texas State University, Commerce, Texas 75428, (214) 886-5030.

Filed: February 21, 1990, 2 p.m.

TRD-9001915

Texas Education Agency

Tuesday, March 6, 1990, 10 a.m. The Cost of Education Index Advisory Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 8-101, Austin. According to the complete agenda,

the committee will discuss approval of minutes for January 31, 1990 meeting; price effects, scale effects, and research design implications; and determination of future meeting date(s).

Contact: Joe Wisnoski, 1701 North Congress Avenue, Room 3-101, Austin, Texas 78711, (512) 463-9704.

Filed: February 21, 1990, at 2:52 p.m.

TRD-9001885

Wednesday, March 7, 1990, 9 a.m. The School Facilities Advisory Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the committee will discuss approval of minutes of the February 5, 1990 meeting; alternative costs for school facilities inventory; review of foundation school program and guaranteed yield financing structures; discussion of policy options: \$100 million grant program and long-term financing for facilities. Determination of future meeting date(s).

Contact: Joe Wisnoski, 1701 North Congress Avenue, Room 3-101, Austin, Texas 78711, (512) 463-9704.

Filed: February 21, 1990, 2:52 p.m.

TRD-9001884

General Land Office

Wednesday, February 28, 1990, 9 a.m. The Coastal Management Public Meeting of the General Land Office will meet at the Ball High School Auditorium, 4115 Avenue O, Galveston. According to the agenda summary, the office will discuss formulation of a coastal management plan as authorized by Senate Bill 1571 during the 71st Legislative Session. Coastal issues are: beach access, coastal erosion and shoreline preservation, dune protection, freshwater inflow, habitat and wetland loss, hazardous waste generation and disposal, marine debris, nonpoint source pollution, and oil spills (slide presentation).

Contact: Sally S. Davenport, 1700 North Congress Avenue, Room 735, Austin, Texas 78711, (512) 463-5059.

Filed: February 20, 1990, 4:47 p.m.

TRD-9001854

Texas Health and Human Services Coordinating Council

Monday, February 26, 1990, 10 a.m. The Community Resources Workgroup Commission on Children, Youth, and Family Services of the Texas Health and Human Services Coordinating Council met at 2015 South IH-35, Austin. According to

the complete agenda, the commission reviewed and approved minutes; discussed field reports on effectiveness of pilots-members; report on pilot evaluation; statewide expansion of pilots formation of recommendations and funding strategies.

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

Filed: February 21, 1990, 2:20 p.m.

TRD-9001887

Texas Historical Commission

Thursday, March 8, 1990, 10 a.m. The Texas Preservation Trust Fund Committee of the Texas Historical Commission will meet at the Carrington-Covert House Library (THC Administration Building), 1511 North Colorado Street, Austin. According to the complete agenda, the committee will discuss the administration and operation of the Texas Preservation Trust Fund.

Contact: Curtis Tunnell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: February 20, 1990, 3:27 p.m.

TRD-9001844

House of Representatives

Wednesday, February 28, 1990, 9 a.m. The House Committee on Redistricting of the House of Representatives will meet in the Senate Chamber, State Capitol Building, Austin. According to the agenda summary, the committee will take testimony, written or oral on congressional, legislative, and State Board of Education redistricting topics of general or statewide interest to provide an overview of issues before the Senate and House committees start the regional hearings. It will also be an organizational meeting to finalize plans for joint activities of the Senate Select Committee on Legislative Redistricting and the House Redistricting Committee.

Contact: Brian Jammer, P.O. Box 2910, Austin, Texas 78769, (512) 463-0900.

Filed: February 20, 1990, 2:14 p.m.

TRD-9001836

Texas Housing Agency

Tuesday, February 20, 1990, 3 p.m. The Personnel and Programs Committee of the Texas Housing Agency met in the THA Conference Room, 811 Barton Springs Road, Suite 300, Austin. According to the emergency revised agenda summary, the committee considered and acted on staffing/consultant options for management of low income tax credit program;

extension of 1989A GNMA single family bond program; and successor trustee on South Texas Project. 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: February 20, 1990, 12:43 p.m.

TRD-9001829

Wednesday, February 21, 1990, 9:30 a.m. The Ad Hoc Low Income Tax Credit Committee of the Texas Housing Agency met in the THA Conference Room, 811 Barton Springs Road, Suite 300, Austin. According to the emergency revised agenda summary, the committee considered and acted on staffing/consultant options for management of Low Income Tax Credit Program and on Texas Housing Agency draft of Low Income Tax Credit State Allocation Plan and Texas Housing Agency draft of Low Income Tax Credit Rules. 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 Gonzales, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: February 20, 1990, 12:43 p.m.

TRD-9001828

Wednesday, February 21, 1990, 11 a.m. The Audit Committee of the Texas Housing Agency met in the THA Conference Room, 811 Barton Springs Road, Suite 300, Austin. According to the emergency revised agenda summary, the committee considered reports from staff on the following working groups: repurchase, archival, collections and foreclosure. 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 Gonzales, P.O. Box 13941, Austin, Texas 78711, (512) 474-2974.

Filed: February 21, 1990, 8:55 a.m.

TRD-9001858

Wednesday, February 21, 1990, 1 p.m. The Board of Directors of the Texas Housing Agency met in the THA Conference Room, 811 Barton Springs Road, Suite 300, Austin. According to the emergency revised agenda summary, the board considered the Texas Housing Agency (THA) draft of the low income tax credit (LITC) state allocation plan and the THA draft of the LITC rules and successor trustee on the South Texas project. 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: February 21, 1990, 10:45 a.m.

TRD-9001879

State Board of Insurance

Monday, March 5, 1990, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Room 353, Austin. According to the complete agenda, the section will conduct a public hearing to consider the application for amendment to Articles of Incorporation of Enterprise Life Insurance Company, Arlington, increasing the authorized capital. Docket Number 10738.

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

Filed: February 21, 1990, 2:37 p.m.

TRD-9001888

Texas Board of Irrigators

Friday, March 2, 1990, 9 a.m. The Texas Board of Irrigators will meet at the Holiday Inn, DFW Airport South, 4440 West Airport Freeway, Irving. According to the agenda summary, the board will hear and consider 11 outstanding complaints; the dismissal of six outstanding complaints; the adoption of an amendment to 31 TAC §429.7; review a proposal from the national Assessment Institute; designate the site and dates for the next exam; the chairman will report on various items of interest to the board.

Contact: Joyce Watson, 1700 North Congress Avenue, Austin, Texas 78711, (512) 463-7990.

Filed: February 20, 1990, 4:14 p.m.

TRD-9001850

Texas Council on Offenders with Mental Impairments

Thursday, March 1, 1990, 8:30 a.m. The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the Texas Juvenile Probation Commission, 2015 South IH-35, Austin. According to the agenda summary, the committee will approve the minutes, hear committee reports, discuss fiscal issues, receive a report from the executive director and discuss old and new business.

Contact: Dee Kifowit, P.O. Box 12546, Austin, Texas 78711, (512) 463-9988.

Filed: February 21, 1990, 4:48 p.m.

TRD-9001909

Thursday, March 1, 1990, 10 a.m. The Texas Council on Offenders with Mental Impairments will meet at the Texas Juvenile Probation Commission, 2015 South IH-35, Austin. According to the agenda summary, the council will approve the minutes, hear committee reports, discuss fiscal issues, receive a report from the executive director, and discuss old and new business.

Contact: Dee Kifowit, P.O. Box 12546, Austin, Texas 78711, (512) 463-9988.

Filed: February 21, 1990, 4:48 p.m.

TRD-9001908

Texas State Board of Public Accountancy

Thursday, March 1, 1990, 9 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee will discuss the report on the status of the sunset report; review of the board's financial matters; review of the status of computer conversion; review of personnel matters; report of the status of the GAO referrals; discussion of board distribution of NASBA's CPA candidate performance on the uniform CPA examination; review of possible litigation (Fulcher, TAPA); requests for attorney general opinions; CPA firms' involvement in litigation (substantive rules 513.47, affidavit of firm; 513.22, application for registration of a partnership; 513.42, application for registration for a corporation; 513.61, general rule); citizenship as a requirement for licensure; report on the NASBA administrators conference; discussion of acquisition of additional office space; discussion of subscription to clipping service; and other matters coming before the committee.

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

Filed: February 20, 1990, 1:47 p.m.

TRD-9001832

Thursday, March 1, 1990, 11 a.m. The Ad Hoc Committee on the Search for a New Executive Director of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee will discuss procedures for search for employment of new executive director.

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

Filed: February 20, 1990, 4:20 p.m.

TRD-9001839

Thursday-Friday, March 1-2, 1990, 1 p.m. and 9 a.m. respectively. The Full Board of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary, the board will review minutes of the January 25-26, 1990, board meeting; report of the executive committee; report of the behavioral enforcement committee; report of the report review committee; action on substantive rules; ratification of board orders, consent orders, and proposals for decision; report of the ad hoc committee on the search for a new executive director; appointment of board committees; review of certain board communications; review of future meeting/hearing schedules.

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

Filed: February 20, 1990, 1:48 p.m.

TRD-9001840

Wednesday, March 7, 1990, 9:30 a.m. The Public Hearing of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will conduct a hearing on complaint number 90-02-01R.

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

Filed: February 20, 1990, 1:49 p.m.

TRD-9001841

Wednesday, March 7, 1990, 1 p.m. The Public Hearing of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the board will conduct a hearing on complaint number 89-11-01R.

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

Filed: February 20, 1990, 1:49 p.m.

TRD-9001838

Texas Public Finance Authority

Thursday, March 1, 1990, 9:30 a.m. The Texas Public Finance Authority will hold an emergency meeting in Room 205, State Library Building, 1201 Brazos Street, Austin. According to the complete agenda, the authority will discuss approval of minutes; consider re-sizing the Texas Public Finance Authority State of Texas General Obligation Bonds Series 1990 A; consider resolution requiring the prior approval of documents used in connection with the offer and sale of bonds and resolving related matters; consider dates for future board meetings. The emergency status was necessary to permit immediate development of bond documents.

Contact: Julie Jones, 1201 Brazos Street, Room 313, Austin, Texas (512) 463-5544.

Filed: February 21, 1990, 4:03 p.m.

TRD-9001903

Public Utility Commission of Texas

Wednesday, February 21, 1990, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the commission will add to the previously submitted agenda, the commissioners will also consider the appeal of examiner's oral ruling of February 12, 1990 in Docket Number 8646-application of Central Power and Light Company for authority to change rates; Docket Number 6668-inquiry of the commission into the prudence and efficiency of the planning and management of the construction of the South Texas Nuclear Project; Docket Number 6753-inquiry of the commission into the treatment of the proceeds from the South Texas Project settlement; Docket Number 9141-petition of Central Power and Light Company to continue deferred accounting for unit 1 of the South Texas Project beyond February 15, 1990. The emergency status was necessary because prompt commission action is necessary to preserve jurisdiction over the subject matter of the appeal.

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

Filed: February 20, 1990, 2:02 p.m.

TRD-9001834

Monday, March 19, 1990, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will conduct a hearing on the stipulation in Docket Numbers 8585 and 8218-Inquiry of the general counsel into the reasonableness of the rates and services of Southwestern Bell Telephone Company; and inquiry of the general counsel into the WATS prorate credit.

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

Filed: February 21, 1990, 3:21 p.m.

TRD-9001914

Texas Racing Commission

Thursday, February 22, 1990, 2:30 p.m. The Horse Racing Section of the Texas Racing Commission held an emergency meeting at the First State Bank Building,

Third Floor Auditorium, 400 West 15th Street, Austin. According to the agenda summary, the section will meet at 2:30 p.m. at the First State Bank Building, 3rd Floor Auditorium, 400 West 15th, Austin. The meeting had originally been scheduled to meet in the John H. Reagan Building, Room 101, 105 West 15th Street, Austin. The emergency status was necessary to accommodate an unexpected rescheduling.

Contact: Paula Cochran Carter, P.O. Box 12080, Austin, Texas 78701 (512) 476-7223.

Filed: February 21, 1990, at 1 p.m.

TRD-9001883

Texas Southern University

Monday, February 26, 1990, 4:30 p.m. The Finance Committee of the Texas Southern University met at 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the considered a report from an auditing firm.

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

Filed: February 20, 1990, 10:49 a.m.

TRD-9001819

Friday, March 2, 1990, at 8:30 a.m. The Board of Regents of the Texas Southern University will meet at the University Library, 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, reports 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: February 20, 1990, 10:49 a.m.

TRD-9001820

University of Texas Health Center at Tyler

Thursday, March 1, 1990, noon. The Animal Research Committee of the University of Texas Health Center at Tyler will meet in the Chaplain's Conference Room, U.T. Health Center, Highways 155 South and 271 North, Tyler. According to the complete agenda, the committee will discuss approval of minutes; chairman's report; continuing review of protocols-Dr. Carraway; old business; new business; and protocol review: use of sheep and guinea

pigs in studies of lung edema.

Contact: Dr. Barry Peterson, P.O. Box 2003, Tyler, Texas 75710, (214) 877-7012.

Filed: February 21, 1990, 4:33 p.m.

TRD-9001905

◆ ◆ ◆
University Interscholastic League

Monday, February 26, 1990, 8:30 a.m. The State Executive Committee of the University Interscholastic League met at the Red Lion Hotel, Salon A, IH-35 North at Highway 290, Austin. According to the agenda summary, the committee heard the appeal of district executive committee decisions.

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

Filed: February 21, 1990, 4:02 p.m.

TRD-9001902

◆ ◆ ◆
Texas Water Commission

Wednesday, February 28, 1990, 9 a.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the 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 the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: February 20, 1990, 3:31 p.m.

TRD-9001851

Monday, March 5, 1990, 10 a.m. The Texas Water Commission will meet in Room 1028, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on rate increase by City of Lewisville. This increase is being appealed by the City of Highland Village. Docket Number 8338-A.

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

Filed: February 20, 1990, 3:29 p.m.

TRD-9001880

Monday, March 5, 1990, 10 a.m. The Texas Water Commission will meet in

Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on rate increase of COE Utilities, Inc., Docket Number 8229-G.

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

Filed: February 20, 1990, 3:30 p.m.

TRD-9001857

Wednesday, March 7, 1990, 2 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the 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 the entirety or for particular action at a future date or time.

Contact: Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 475-2161.

Filed: February 20, 1990, 3:32 p.m.

TRD-9001849

Friday, March 9, 1990, 10 a.m. The Texas Water Commission will meet in Room 1028, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on rate increases of Lake Palestine Water Company, Blue Water Key Water Company and Carrizo Water Company, Docket Number 8299-R.

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

Filed: February 20, 1990, 3:31 p.m.

TRD-9001853

Friday, March 9, 1990, 10 a.m. The Texas Water Commission will meet in Room 214, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on application for a certificate of convenience and necessity by Forest Grove, Inc. doing business as Southern Oaks Water Supply, Docket Number 8252-C.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 20, 1990, 3:30 p.m.

TRD-9001856

Monday, March 12, 1990, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on rate increase of RAM CUR, Inc. and FER ED,

Inc. and C. T. Water, Inc.-Docket Number 8185-G and 8196-G.

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

Filed: February 20, 1990, 3:31 p.m.

TRD-9001852

Wednesday, April 4, 1990, 3 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing for approval to levy impact fees for Cibolo Creek Municipal Water Authority

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 21, 1990, 4:02 p.m.

TRD-9001901

Wednesday, April 4, 1990, 3 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on adoption of standby fees for Harris County Municipal Utility District Number 1.

Contact: Brenda W. Foster, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: February 21, 1990, 4:02 p.m.

TRD-9001900

◆ ◆ ◆
West Texas State University

Wednesday, February 28, 1990, 11 a.m. The Board of Regents of the West Texas State University will meet at Old Main 317, West Texas State University, Canyon. According to the agenda summary, the board will discuss reports; approval of minutes; finance and administrative services items; Panhandle-Plains Historical Museum items; executive session; academic affairs items; and external affairs items.

Contact: Sylvia F. Emerick, West Texas State University, Canyon, Texas 79016, (806) 656-2100.

Filed: February 20, 1990, 1:50 p.m.

TRD-9001842

◆ ◆ ◆
Regional Meetings

Meetings Filed February 20, 1990

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, February 27, 1990, at 4 p.m.

Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Panhandle Regional Planning Commission Board of Directors held an emergency meeting at 2736 West Tenth, PRPC Board Room, Amarillo, February 22, 1990, at 1:30 p.m. The emergency status was necessary because of Regional 9-1-1 Network Interim Funding Contract. Information may be obtained from Pamela Nielsen, P.O. Box 9257, Amarillo, Texas 79105-9257, (806) 372-3381.

The Region V Education Service Center Board of Directors met at 2295 Delaware Street, Beaumont, February 22, 1990, at 1 p.m. Information may be obtained from John Applebach, 2295 Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

The Region V Education Service Center Board of Directors met at 2295 Delaware Street, Beaumont, February 23, 1990, at 3 p.m. Information may be obtained from John Applebach, 2295, Delaware Street, Beaumont, Texas 77703, (409) 835-5212.

TRD-9001837

◆ ◆ ◆
**Meetings Filed February 21,
1990**

The Alamo Area Council of Governments Budget and Workplan Committee will meet at 118 Broadway, Suite 400, San Antonio, February 28, 1990, at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Alamo Area Council of Governments Area Judges of the Alamo Service Delivery Area will meet at 118 Broadway, Suite 420, San Antonio, February 28, 1990, at noon. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Austin-Travis County Mental Health Mental Retardation Center Board of Trustees, Personnel Committee met at 1430 Collier Street, Austin, February 26, 1990, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031.

The Bastrop County Appraisal District Board of Directors will meet at 1200 Cedar Street, Bastrop, February 28, 1990, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Box 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District Board of Directors met at 535 South Main, San Antonio, February 26, 1990, at 5 p.m. Information may be obtained from Walter Stoneham, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Brazos Valley Development Council Regional Advisory Committee on Aging will meet in the Council Offices, 3006 East 29th Street, Bryan, March 1, 1990, at 2 p.m. Information may be obtained from Roberta Lindquist, 3006 East 29th Street, Bryan, Texas 77805, (409) 776-2277.

The Brazos Valley Development Council The Regional Health Planning Advisory Committee will meet in the Council Offices #2, 3006 East 29th Street, Bryan, March 5, 1990, at 5:30 p.m. Information may be obtained from Jill Hyde, P. O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277.

The Callahan County Central Appraisal District Board of Directors met at the District Office, 130 West 4th Street, Baird, February 26, 1990, at 7 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79594, (915) 854-1165.

The Comal Appraisal District Board of Directors met at 430 West Mill Street, New Braunfels, February 26, 1990, at 5:30 p.m. Information may be obtained from R. Richard Rhodes, Jr., P.O. Box 311222, New

Braunfels, Texas 78131-1222, (512) 625-8597.

The Heart of Texas Region Mental Health Mental Retardation Board of Trustees will meet at 110 South 12th Street, Waco, February 27, 1990, at 11:45 a.m. Information may be obtained from Helen Jasso, 110 South 12th Street, Waco, Texas 76701, (817) 752-3451.

The Mason County Appraisal District held an emergency meeting at 206 Ft. McKavitt Street, Mason, February 21, 1990, at 5 p.m. The emergency status was necessary because of a rescheduled time change. Information may be obtained from Neal Little, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.

The San Jacinto River Authority Board of Directors will meet in the Bluebonnet Room, Houston Club, Ninth Floor, 811 Rusk, Houston, February 28, 1990, at 1 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas, (409) 588-1111.

The West Central Texas Council of Governments Private Industry Council will meet at 1101 E. N. 10th Street, Abilene, February 27, 1990, at 10 a. m. Information may be obtained from Tom K. Smith, 1025 E. N. 10th Street, Abilene, Texas 79604, (915) 672-8544.

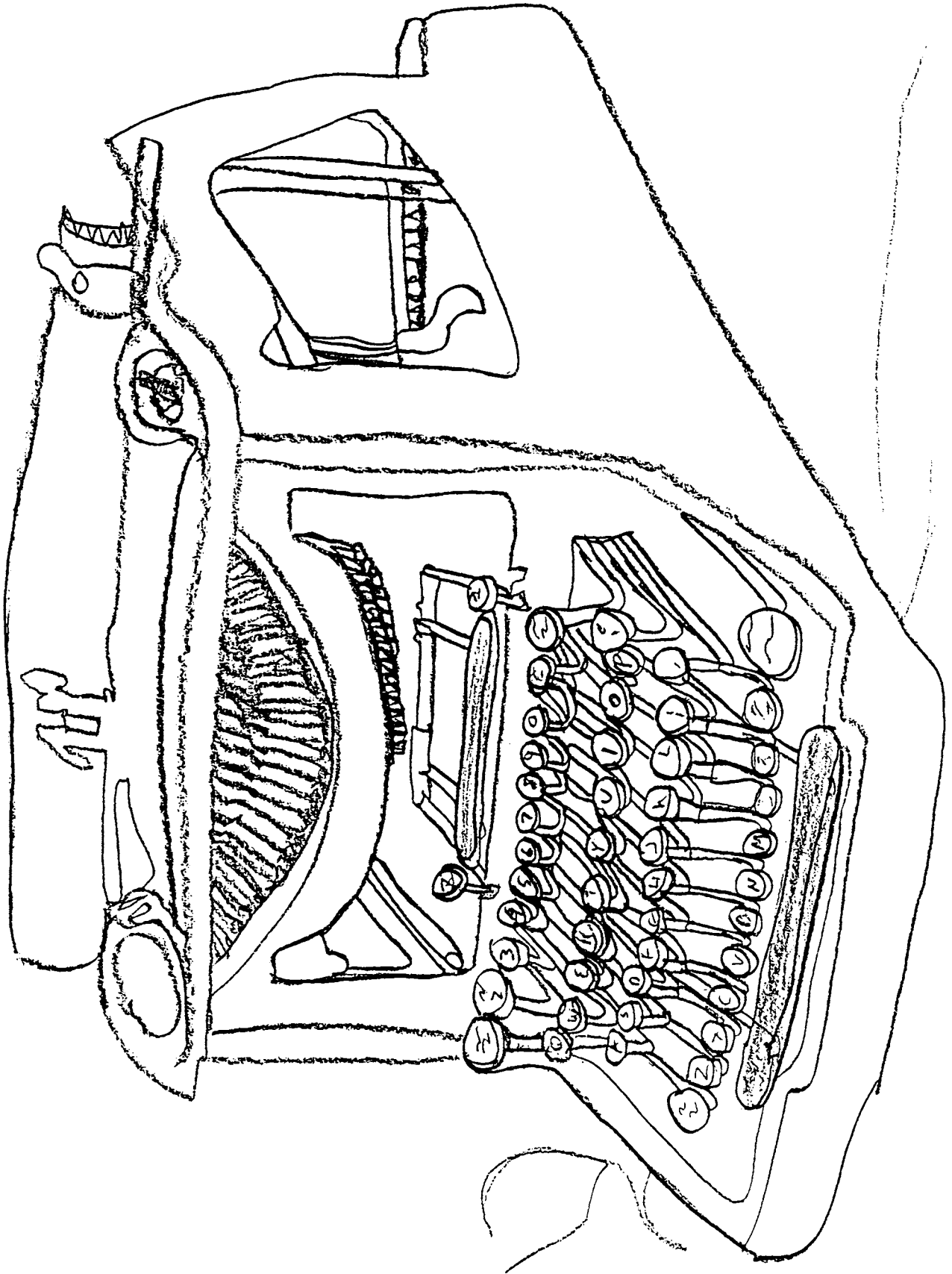
TRD-9001855

◆ ◆ ◆
**Meetings Filed February 22,
1990**

The Trinity River Authority of Texas Board of Directors will meet at 5300 South Collins, Arlington, February 28, 1990, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343.

TRD-9001917

◆ ◆ ◆



In Addition

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

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

Texas Department of Banking Notice of Application

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

On February 14, 1990, the banking commissioner received an application to acquire control of Security Bank, Flower Mound, by W. H. Ellis, Lewisville; Ralph Fellers, Lewisville; Janet Fellers, Lewisville; David A. Hickerson, Argyle; and Jack R. Brandenburger, Flower Mound.

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

Issued in Austin, Texas on February 14, 1990.

TRD-9001725 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 16, 1990

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



State Banking Board Notice of Hearing

The date of the hearing for the change of domicile application for Bank of the West (In Organization), El Paso, previously scheduled for February 21, 1990, has been rescheduled. The hearing is hereby rescheduled to begin on March 7, 1990, at 9 a.m. in the hearing room of the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

The rescheduling of the hearing in this matter shall not alter the deadline for the filing of a petition in intervention by any party under State Banking Board rules. Any such petition shall be considered timely filed if received by February 9, 1990.

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

Issued in Austin, Texas, on February 16, 1990.

TRD-9001843 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: February 20, 1990

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



Court Reporters Certification Board Certification of Court Reporters

Following examination of applicants on January 26, 1990, the Court Reporters Certification Board has certified to the Supreme Court that the following individuals are qualified in the method indicated to practice shorthand reporting pursuant to Chapter 52 of the Government Code, Texas Civil Statutes.

Machine Shorthand. Lesia Julie Pizyckj-Houston; Janalyn Reeves-Abilene; Amanda J. Leigh-Dallas; Dorothy Anne Rull-Mandeville, Louisiana; Rebecca Ann Mikes-San Antonio; Linda Ann Hammond-Pasadena; Sandra K. Graf-Austin; Stephanie Ann Guinn-Robstown; Bessie Jeanette Martinez-Corpus Christi; Donna Ruth Gehl-Forney; Angela Sue Johnson-Amarillo; Lily Jendry-San Antonio; LaSonya LaTrece Burton-Austin; Sherril Lyn Braun-Glenwood Springs, Colorado; Valerie Dolores Jones-Cincinnati, Ohio; Carey Wendell Durham-Colmesneil; Margaret A. Mulholland-Klamath Falls, Oregon; Linda Jean Lester-Charleston, South Carolina.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001787 Peg Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: February 16, 1990

For further information, please call: (512) 463-1630



Revocation of Certification

The Court Reporters Certification Board, under the authority of the Texas Government Code, §52.029, Texas Civil Statutes, has revoked the certifications of the following shorthand reporters: Donna Creel, Suite 909, Dallas, and Ronald Strickland, Suite 506, Houston.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001742 Peg Liedtke
Executive Secretary
Court Reporters Certification Board

Filed: February 16, 1990

For further information, please call: (512) 463-1630



Employees Retirement System of Texas Employees Retirement System of Texas Fiscal Report

The Texas Government Code Annotated (Vernon Supplement 1990), §815.108, Senate Bill 1105, 71st Legislature, requires that the Employees Retirement System of Texas (system) publish a report in the *Texas Register* containing the balance sheet of the system as of

August 31 of the preceding fiscal year and an actuarial valuation of the system's assets and liabilities.

The report consists of combining balance sheets by fund type, an explanation of fund structure, and an actuarial valuation of the system's pension funds.

Questions about the reports should be directed to Darrel J. Leslie, Director of Accounting, Employees Retirement System of Texas, P.O. Box 13207, Austin, Texas 78711, (512) 476-6431, extension 224, Wats number 1-800-238-5355.

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

Unaudited
Schedule 1

COMBINING BALANCE SHEET - PENSION TRUST FUNDS
August 31, 1989

	Employee Retirement Fund (955)	Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)	Judicial Retirement System Plan One (001)	Judicial Retirement System Plan Two (993)	Totals August 31, 1989
ASSETS					
Current Assets					
Cash and Temporary Investments:					
Cash in State Treasury	3,600,687	106,717	269,060	294,104	4,270,668
Cash in Bank	10,500				10,500
Cash on Hand	229,234				229,234
Short Term Investments	137,530,000	670,000		2,090,737	140,290,737
Receivables:					
Accounts Receivable	14,975,262	1,632,002	1,829	33,798	18,682,891
Due From Other Funds	178,911	201,741		4,958	385,608
Interest and Dividends Receivable	85,611,953	2,557,080		8,523	88,077,556
Prepaid Expenses	79,068				79,068
Total Current Assets	242,115,623	5,187,540	270,889	2,432,208	250,006,260
Long-Term Investments At Cost (Total Market, 1989 \$6,030,029,404; 1988 \$4,982,603,676)	5,244,648,678	175,838,589	-	-	5,420,487,167
Fixed Assets	8,385	-	-	-	8,385
Motor Vehicle	874,889				874,889
Land and Land Improvements	6,383,609				6,383,609
Building	1,674,374				1,674,374
Office Furniture and Equipment					
Subtotal Fixed Assets	8,961,257				8,961,257
Less Accumulated Depreciation	(2,208,467)				(2,208,467)
Net Fixed Assets	6,742,790	-	-	-	6,742,790
Total Assets	5,493,506,991	191,026,129	270,889	2,432,208	5,677,236,217

- to next page

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

Unaudited
Schedule 1

COMBINING BALANCE SHEET - PENSION TRUST FUNDS
August 31, 1989
(concluded)

	Employees Retirement Fund (955)	Law Enforcement and Custodial Officer Supplemental Retirement Fund (977)	Judicial Retirement System Plan One (001)	Judicial Retirement System Plan Two (993)	Totals August 31, 1989
LIABILITIES AND FUND BALANCES					
Current Liabilities					
Payables:					
Accounts Payable	6,760,861	1,467	270,869	1,326	6,024,563
Due To Other Funds	254,063	9,692		15,865	279,550
Interest and Dividends Received-Not Due	1,750				1,750
Compensable Leave Payable	308,315				308,315
Deferred Revenue	11,211				11,211
Total Current Liabilities	6,326,200	11,079	270,869	17,221	6,625,369
Long-Term Liabilities					
Leases Payable					
Total Long-Term Liabilities					
Total Liabilities	6,326,200	11,079	270,869	17,221	6,625,369
Fund Balances					
Reserved:					
For Annuity Reserves	1,672,764,093	23,886,230			1,696,640,323
For Encumbrances	180,422				180,422
Retirement Trust Funds	3,814,246,276	157,128,820		2,414,987	3,973,790,083
Total Fund Balances	5,487,180,791	181,015,060		2,414,987	5,670,610,828
Total Liabilities and Fund Balances	6,493,506,991	181,026,129	270,869	2,432,208	6,677,236,217

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

Unaudited
Schedule 2

COMBINING BALANCE SHEET - EXPENDABLE TRUST FUNDS
August 31, 1989

	Employee Life, Accident, and Health Insurance and Benefits Fund (973)	State Employees Cafeteria Plan Trust Fund (943)	Totals August 31, 1989
	\$	\$	\$
ASSETS			
Current Assets			
Cash and Temporary Investments:			
Cash in State Treasury	3,227,970	1,027,164	4,255,134
Cash on Hand	18,179		18,179
Short Term Investments	104,304,940	1,200,000	105,504,940
Receivables:			
Accounts Receivable	9,397,668	580,887	9,978,555
Due From Other Funds	26,619		26,619
Interest Receivable	189,012	10,347	200,359
Consumable Inventories	7,479	62	7,541
Total Assets	117,165,665	2,818,470	119,984,135
LIABILITIES AND FUND BALANCES			
Current Liabilities			
Payables:			
Accounts Payable	64,452,349	1,406,885	65,859,234
Due To Other Funds	118,805	12,398	131,203
Deferred Revenue	311,055	1,122	312,177
Total Liabilities	64,882,209	1,419,403	66,301,612
Fund Balances			
Reserved:			
For Encumbrances	6,000		6,000
For Consumable Inventories	7,479	62	7,541
For Permanent Contingency for the Group Insurance Program	45,977,051		45,977,051
For Supplemental Benefits for State Employees and Retirees Insurance Premiums and Administration	6,292,928		6,292,928
For State Employees Cafeteria Plan	1,399,005	1,399,005	2,798,010
Total Fund Balances	52,283,456	1,399,067	53,682,523
Total Liabilities and Fund Balances	117,165,665	2,818,470	119,984,135

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

Unaudited

Schedule 3

COMBINING BALANCE SHEET - SPECIAL REVENUE FUNDS
August 31, 1989

	Social Security Administration Fund (829)	Death Benefits Program for Commissioned Peace Officers, Firemen, etc. (001)	Judicial Return To Work Program (001)	Totals August 31, 1989
Current Assets				
Cash and Temporary Investments:				
Cash in State Treasury	385,358	1,344	346,911	385,358
Legislative Appropriations				348,255
Receivables:				
Accounts Receivable	344	58,656	94,825	153,681
Due From Other Funds				344
Consumable Inventories				
Total Assets	385,702	60,000	441,836	887,538
LIABILITIES AND FUND BALANCES				
Current Liabilities				
Payables:				
Accounts Payable	4,613	60,000	441,836	606,349
Due To Other Funds	3,105			3,105
Total Liabilities	7,618	60,000	441,836	509,454
Fund Balances				
Reserved:				
For Consumable Inventories	344			344
Unreserved:				
Available for Subsequent Years' Expenditures	377,740			377,740
Total Fund Balances	378,084			378,084
Total Liabilities and Fund Balances	385,702	60,000	441,836	887,538

ASSETS

Current Assets
Cash and Temporary Investments:
 Cash in State Treasury
 Legislative Appropriations
Receivables:
 Accounts Receivable
 Due From Other Funds
 Consumable Inventories
Total Assets

LIABILITIES AND FUND BALANCES

Current Liabilities
Payables:
 Accounts Payable
 Due To Other Funds
Total Liabilities
Fund Balances
Reserved:
 For Consumable Inventories
Unreserved:
 Available for Subsequent Years' Expenditures
Total Fund Balances
Total Liabilities and Fund Balances

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

Unaudited

Schedule 4

COMBINING BALANCE SHEET - AGENCY FUNDS

August 31, 1989

	Unappropriated Receipts General Revenue Fund (001)	Social Security Trust Fund (013)	Employee Savings Bond Fund (901)	Totals August 31, 1989
ASSETS				
Current Assets				
Cash in State Treasury		180,833	150	181,083
Cash on Hand	1,087		925	2,012
Accounts Receivable	122,895	608,876		729,771
Due From Other Funds	6,585			6,585
Total Assets	130,567	787,809	1,075	929,451
LIABILITIES				
Current Liabilities				
Accounts Payable	126,611	707,809	1,075	924,495
Due To Other Funds	4,956			4,956
Total Liabilities	130,567	787,809	1,075	929,451

FUND STRUCTURE

The financial statements presented herein are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts. These accounts are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with applicable statutory guidelines or restrictions. The System's accounts fall under two basic fund types: Governmental Funds and Fiduciary Funds. The following is a brief description of the primary activity of each fund.

1. Governmental Funds

Special Revenue Funds

Special Revenue Funds are used to account for the System's proceeds from specific revenue sources that are legally restricted to expenditures for specified purposes.

(i) **Social Security Administration Fund**

The Social Security Administration Fund is the operating fund from which the expenses of administration and maintenance of the Social Security Program are paid.

(ii) **Death Benefits Program for Commissioned Peace Officers, Firemen, etc. Fund**

The Death Benefits Program for Commissioned Peace Officers, Firemen, etc., Fund is used to account for payments of death benefits and administrative fees funded by an appropriation from the State's General Revenue Fund.

(iii) **Judicial Return to Work Fund**

The Judicial Return to Work Fund is used to account for salaries and salary related costs for retired judges and justices called to service which are funded by an appropriation from the State's General Revenue Fund.

2. Fiduciary Funds

(a) Pension Trust Funds

The fund type, Pension Trust Fund, is used to account for public employee retirement system funds.

(i) **Employees Retirement Fund and Judicial Retirement System Plan Two Fund**

The following accounts of the Employees Retirement Fund and the Judicial Retirement System Plan Two Fund hold the reserves for future and current benefit payments. These reserves are included in the fund balance reserved for retirement trust funds.

o Employees Savings Account

The Employees Savings Account is the account in which members' contributions and interest credited to those contributions are accumulated.

o State Accumulation Account

The State Accumulation Account is the account in which retirement and death benefits contributions made by the State are accumulated.

o Retirement Annuity Reserve Account

The Retirement Annuity Reserve Account is the account in which reserves for annuities granted and in force are held, and from which annuities are paid.

o Interest Account

The Interest Account is the account in which interest, dividends, and gains and losses derived from investments of the Retirement System's funds are accumulated. At the close of each fiscal year, the annual investment revenues are transferred from the Interest Account to the other accounts as provided by statute.

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

o Investment Account

The Investment Account is the account through which available assets and monies of the Retirement Systems are invested.

o Benefit Increase Reserve Account

The Benefit Increase Reserve Account is the account in which reserves are held for post-retirement increases in annuities for appointive officer and employee members and their survivors.

o Expense Account

The Expense Account is the account from which the expenses of administration and maintenance of the Retirement System Programs are paid.

(ii) Law Enforcement and Custodial Officer Supplemental Retirement Fund

The Law Enforcement and Custodial Officer Supplemental Retirement Fund was created for the purpose of receiving funds collected as part of the motor vehicle inspection fee and facilitating the payment of benefits as provided by the Commissioned Law Enforcement and Custodial Officer Supplemental Retirement Benefit Act. Available assets and monies of the fund are invested, and revenues accruing from the investments are deposited to the fund.

An annuity reserve fund balance account has been established to reserve the benefits payable for annuities granted and currently in force as determined by the System's actuarial consultants, Rudd and Wisdom, Inc.

(iii) Judicial Retirement System Plan One Fund

The Judicial Retirement System Plan One Fund receives appropriations from the State's General Revenue Fund for annuity and refund payments to judges who are members of this program.

(b) Expendable Trust Funds

An Expendable Trust Fund is used to account for assets held by the System in a trustee capacity related to the State's Uniform Group Insurance Program and Cafeteria Benefit Plan Program.

(i) Employees Life, Accident and Health Insurance and Benefits Fund (Group Insurance Fund)

The fund balance of this fund is reserved for future and current benefit payments and administrative costs. Two accounts have been established within this fund.

o Group Insurance Benefits Account

The Group Insurance Benefits Account receives contributions of participating employees, participating annuitants and the State of Texas. The account is also utilized to make payments to insurance carriers under the Group Insurance Program.

o Group Insurance Administration Account

The Group Insurance Administration Account functions as an operating account from which the expenses for administration and maintenance of the Group Insurance Program are paid. Supplemental payments for employee insurance premiums are also paid from the Administration Account.

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

(ii) State Employees Cafeteria Plan Trust Fund (Flexible Benefits Fund)

The fund balance of this fund is reserved for future administrative costs. Two accounts have been established within this fund.

o Cafeteria Plan Benefits Account

The Cafeteria Plan Benefits Account receives salary reduction payments for benefits included in the Cafeteria Plan. This account is also utilized to make benefit reimbursement payments.

o Cafeteria Plan Administration Account

The Cafeteria Plan Administration Account functions as an operating account from which the expenses for administration of the Program are paid.

(c) Agency Funds

Agency Funds are used to account for assets held by a governmental unit in an agency capacity for individuals, other governmental entities, other funds, etc. Agency Funds are custodial in nature (assets equal liabilities) and do not measure results of operations.

(i) Unappropriated Receipts (General Revenue Fund)

Member contributions from members of the Judicial Retirement System Plan One are deposited directly into the General Revenue Fund as unappropriated receipts.

(ii) Social Security Trust Fund

The Social Security Trust Fund received employee and employer contributions from participating local governmental entities for wages paid before January 1, 1987 and transmitted those funds to the Federal Social Security Administration. This fund also received employee and employer contributions from participating state agencies and universities for wages paid before April 1, 1987 and transmitted those funds to the Federal Social Security Administration.

(iii) Employees Savings Bond Fund

The Employees Savings Bond Fund is used to accumulate payroll deductions for U. S. Savings Bonds. Bonds are purchased for each participating employee when the employee's account balance equals the purchase price of the specified bond.

Rudd and Wisdom, Inc.

CONSULTING ACTUARIES

Philip S. Dial, F.S.A.
Charles V. Faerber, F.S.A.
Mark R. Ferlaw, F.S.A.
Mark S. France, F.S.A.
David Huff, F.S.A.
Robert M. May, F.S.A.
J. Christopher McCaul, F.S.A.
Michael J. Muth, F.S.A.
Ronald W. Tobleman, F.S.A.

7718 Wood Hollow Drive, Suite 200
Austin, Texas 78731-1601

512/346-1590

Mailing Address:
Post Office Box 26008
Austin, Texas 78755-0008

FAX 512/345-7437

Eugene Wisdom, F.S.A.—Consultant

December 22, 1989

Board of Trustees Employees Retirement System of Texas

The actuarial valuation of the Employees Retirement Fund as of August 31, 1989 revealed the normal cost to be 13.226% of payroll. Since the members are contributing 6% of pay and the state is contributing 7.4% of payroll, a total of 13.4% of payroll is available to finance the benefits of the fund. The excess of the 13.4% of payroll over the normal cost, or 0.174% of payroll, is available to amortize the unfunded actuarial accrued liability. As this 0.174% of payroll is applied each year in the future against the unfunded actuarial accrued liability, it will be fully amortized in 14.7 years if contribution rates remain the same and actual economic and demographic experience of the fund exactly follows the actuarial assumptions.

When a pension plan has tangible assets almost equal to the actuarial accrued liability and a normal cost that is very close to the total contribution rate, the amortization period is very sensitive and is likely to vary widely from one valuation to the next, even when experience is only slightly different from the actuarial assumptions. The ratio of tangible assets to the actuarial accrued liability for the fund as of August 31, 1989 is 98.9%, a very high ratio, and the normal cost is 98.7% of the total contribution rate.

This valuation reveals that total contributions of 13.4% of pay to the fund are sufficient to pay the normal cost and to amortize the unfunded actuarial accrued liability over a reasonable period of time. In addition, we believe that it is reasonable to assume that the state and the members will be able to maintain the commitment in future years to contribute 7.4% and 6%, respectively, of compensation to the fund. Consequently, we are of the opinion that the Employees Retirement Fund has an adequate financing arrangement and, therefore, is actuarially sound.

A separate valuation of the Benefit Increase Reserve Account was also made. As of August 31, 1989, the assets exceed the actuarial liabilities by \$8.7 million. Because of this excess and because we anticipate future investment earnings to be slightly greater than assumed, it is our opinion that the Benefit Increase Reserve Account has an adequate financing arrangement.

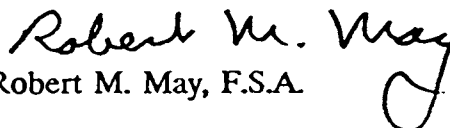
A separate valuation was also made for the Law Enforcement and Custodial Officer Supplemental Retirement Fund as of August 31, 1989. The normal cost is 2.94% of payroll, and this fund has an overfunded actuarial accrued liability. The present financing arrangement of the Law Enforcement and Custodial Officer Supplemental Retirement Fund, \$2.25 for each annual renewal motor vehicle inspection and \$3.75 for each two-year motor vehicle inspection for new cars or trucks, will be adequate through fiscal year 2005. After that date, the financing will remain adequate only if additional financing is provided.


The actuarial valuation of the Judicial Retirement System of Texas Plan Two as of August 31, 1989 reveals that the normal cost is 14.56%, and that the plan has a small overfunded actuarial accrued liability. The financing is provided by the members and by the state, with the members contributing 6% of their state judicial salary and the state contributing a predetermined percentage of the salaries of the members. The state contribution rate is determined each even-numbered year for the next state biennium and is based upon an actuarial valuation. This rate was 11% for the biennium ending August 31, 1989, and is 8.5% for the biennium ending August 31, 1991.

This valuation reveals that the plan's total contributions plus a small part of the overfunded actuarial accrued liability are sufficient to pay the normal cost, and there will still be no unfunded actuarial accrued liability. In addition, it is reasonable to assume that there will be compliance with the statutes governing the plan so that the members will continue to contribute 6% and the state will continue to contribute the actuarially determined rate each biennium necessary to finance fully the benefits. Consequently, we are of the opinion that the Judicial Retirement System of Texas Plan Two has an adequate financing arrangement and, therefore, is actuarially sound.

No actuarial valuation was made for the Judicial Retirement System of Texas Plan One because it is not advance funded. The members contribute 6% of their state judicial salaries into the state general revenue fund, and the pay-as-you-go requirements are paid from the state general revenue fund.

Respectfully submitted,


Robert M. May, F.S.A.


Mark R. Fenlaw, F.S.A.

RMM;MRF:ph

Actuarial Valuation Balance Sheets

EMPLOYEES RETIREMENT FUND

	<u>August 31, 1989</u>	<u>August 31, 1988</u>
Actuarial Assets and Unfunded Actuarial Accrued Liability		
1. Actuarial Value of Tangible Assets*	\$5,560,640,236	\$4,978,820,397
2. Actuarial Present Value of Future Normal Cost Contributions		
a. By present members	2,027,418,411	1,826,501,770
b. By the state	2,429,069,223	2,083,204,665
3. Unfunded Actuarial Accrued Liability (UAAL)	<u>64,377,334</u>	<u>0</u>
4. Total	<u>\$10,081,505,204</u>	<u>\$8,888,526,832</u>
Actuarial Present Value of Benefits and Overfunded Actuarial Accrued Liability		
5. Actuarial Present Value of Future Benefits Payable on Account of Retired Members and Others Now Receiving Benefits	\$1,692,346,063	\$1,555,876,329
6. Actuarial Present Value of Future Benefits Payable on Account of Active Members		
a. Service retirement, to member	7,208,183,912	6,183,873,319
b. Service retirement, to nominee (Death Benefit Plan)	387,579,451	340,586,081
c. Disability, nonoccupational	335,327,947	302,309,326
d. Disability, occupational	36,777,785	32,986,705
e. Death, nonoccupational	38,029,287	34,230,264
f. Death, occupational	2,531,635	2,310,662
g. Withdrawal	316,383,108	290,527,078
7. Actuarial Present Value of Future Benefits Payable on Account of Inactive Members Not Retired	57,945,358	51,535,170
8. Expense Account	6,400,658	6,400,658
9. Overfunded Actuarial Accrued Liability	<u>0</u>	<u>87,891,240</u>
10. Total	<u>\$10,081,505,204</u>	<u>\$8,888,526,832</u>
11. Normal cost (percent of payroll)	13.226%	12.838%
12. Percent of payroll available to amortize the UAAL	0.174%	0.562 (0.162%)
13. Total contribution rate	13.400%	13.400%
14. Amortization period in years	14.7	0.0
15. Assumed payroll for next year	\$2,686,930,943	\$2,425,306,153
16. Actuarial Accrued Liability	\$5,625,017,570	\$4,890,929,157
17. Funded ratio	.989	1.018

*Actuarial value of assets held by the System in the Employees Retirement Fund, reduced by the amount of current liabilities and by the amount of the Benefit Increase Reserve Account.

Rudd and Wisdom, Inc.

EMPLOYEES RETIREMENT FUND

Notes To The Actuarial Valuation Balance Sheet

Item 1 - This item is the actuarial value of the assets held by the System in the Employees Retirement Fund, reduced by the amount of the current liabilities and the amount in the Benefit Increase Reserve Account as of the valuation date, as shown in the annual report for the year ending with the valuation date, which was sent to the State Auditor. Schedule 1 shows the distribution of the tangible assets of the System in the Employees Retirement Fund by type, and it includes the Benefit Increase Reserve Account. The actuarial value of assets is adjusted market value for corporate stocks, cost for commercial notes, and adjusted cost for bonds (original cost adjusted for amortization of premium or accrual of discount).

Item 2(a) - This item is equal to the actuarial present value of future contributions (6% of pay) to be made by present members of the System and represents the value of future normal cost contributions to be borne by present members. Actuarial present value is the value of an amount or series of amounts payable or receivable at various times in the future, determined as of a given date (the valuation date) by the application of the actuarial assumptions.

Item 2(b) - This item is equal to the actuarial present value of that portion of the future normal cost contributions to be made by the State of Texas on behalf of present members of the System. The sum of 2(a) and 2(b) is the total actuarial present value of future normal cost contributions for present members.

Item 3 - The unfunded actuarial accrued liability is equal to the excess of the total actuarial present value of benefits (Item 10) over the sum of the tangible assets (Item 1) and the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)].

Item 5 - This item represents the actuarial present value of future benefit payments on account of retirees, survivors of a retiree, and survivors of a deceased member. The actuarial present value of annuities in effect as of August 31, 1989 is \$1,676,637,016. The actuarial present value of the 5% increase in certain annuities which is payable beginning January 31, 1990, \$15,709,047, is included in the amount shown for Item 5 for August 31, 1989.

Item 6 - This item represents the actuarial present value of future benefits to be paid to present contributing members who will become beneficiaries in the future. The actuarial present values are shown for each of seven types of benefits.

Item 7 - This item represents the actuarial present value of future benefits to be paid to members who were inactive as of the valuation date and who will become beneficiaries in the future. The liability for vested inactive members includes prospective service retirement and death benefits. The liability for nonvested inactive members is equal to the members' accumulated contributions.

Item 8 - The Expense Account is the account from which the expenses of administration and maintenance of the Employees Retirement System are paid. It is included because its assets are included in Item 1.

Item 9 - The overfunded actuarial accrued liability is equal to the excess of the sum of the tangible assets (Item 1) and the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)] over the sum of the actuarial present value of benefits in Items 5, 6, 7, and 8.

- to next page

EMPLOYEES RETIREMENT FUND

Notes To The Actuarial Valuation Balance Sheet
(continued)

Item 11 - The table below shows the distribution of the normal cost by type of benefit expressed as a percent of pay. Normal cost is that portion of the actuarial present value of benefits which is allocated to a valuation year by the Entry Age Actuarial Cost Method. It is expressed as a percent of compensation, and it is equal to the actuarial present value at hire of projected benefits divided by the actuarial present value at hire of anticipated future compensation. It is calculated for each entry age group, and the average is determined for all members, weighted by compensation.

<u>Benefit</u>	<u>Normal Cost</u>
Service retirement, to member	10.554%
Service retirement, to nominee (Death Benefit Plan)	.556
Disability retirement, nonoccupational	.546
Disability retirement, occupational	.076
Death, nonoccupational	.095
Death, occupational	.007
Withdrawal	<u>1.392</u>
 Total	 13.226%

Item 12 - The difference between the total contribution rate, Item 13, and the normal cost, Item 11, goes toward the amortization of the unfunded actuarial accrued liability when there is one. The number in parenthesis was applicable for the biennium ending August 31, 1989, when the state contribution rate was temporarily reduced from 7.4% to 7.0%

Item 13 - The total contribution rate consists of an employee contribution rate of 6% of compensation and a state contribution rate of 7.4% of the compensation of all members, as called for in the state law governing the System. The state contribution rate was temporarily reduced to 7.0% for the biennium ending August 31, 1989.

Item 14 - As the percent of payroll in Item 12 is applied against the unfunded actuarial accrued liability each year in the future, it will be fully amortized in the number of years indicated, beginning from the valuation date, if contribution rates remain the same and the actuarial assumptions prove to be reasonable in the aggregate over the period of years required to amortize the unfunded actuarial accrued liability. The annual payroll is assumed to increase at a rate of 8.25% per year. When the fund has an overfunded actuarial accrued liability, there is no amortization period.

Item 15 - The payroll of the members for the year after the valuation date is estimated from (1) the actual payroll for the year preceding the valuation date, (2) the legislated across-the-board salary increase effective the day after the valuation date, and (3) an estimated aggregate increase expected to result from changes in the size and salary distribution of the group and from merit, promotion, and longevity salary increases during the year. The payroll is involved only in the determination of the period required to amortize the unfunded actuarial accrued liability.

- to next page

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

EMPLOYEES RETIREMENT FUND

Notes To The Actuarial Valuation Balance Sheet
(concluded)

Item 16 - The actuarial accrued liability is the total actuarial present value of future benefits (Items 5, 6, 7, and 8) minus the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)]. Actuarial accrued liability is that portion, as determined by the Entry Age Actuarial Cost Method, of the actuarial present value of benefits which is not provided for by future normal cost contributions.

Item 17 - The funded ratio is the ratio of tangible assets (Item 1) to the actuarial accrued liability (Item 16).

LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND

	August 31, <u>1989</u>	August 31, <u>1988</u>
Actuarial Assets		
1. Actuarial Value of Tangible Assets	\$181,015,050	\$151,032,510
2. Actuarial Present Value of Future Normal Costs	<u>218,998,290</u>	<u>161,611,938</u>
3. Total	<u>\$400,013,340</u>	<u>\$312,644,448</u>
Actuarial Present Value of Benefits and Overfunded Actuarial Accrued Liability		
4. Actuarial Present Value of Future Benefits Payable on Account of Retired Members and Others Now Receiving Benefits	\$ 23,886,230	\$ 23,300,910
5. Actuarial Present Value of Future Benefits Payable on Account of Active CPO/CO Members	345,196,533	247,384,640
6. Actuarial Present Value of Future Benefits Payable on Account of Inactive CPO/CO Members Not Retired	348,113	160,806
7. Overfunded Actuarial Accrued Liability	<u>30,582,464</u>	<u>41,798,092</u>
8. Total	<u>\$400,013,340</u>	<u>\$312,644,448</u>
9. Normal cost (percent of payroll)	2.94%	2.53%
10. Normal cost	\$ 15,465,381	\$ 11,905,371
11. Actuarial accrued liability	\$150,432,586	\$109,234,418
12. Funded ratio	1.203	1.383

BENEFIT INCREASE RESERVE ACCOUNT

	August 31, <u>1989</u>	August 31, <u>1988</u>
Actuarial Assets		
1. Amounts Remaining from Four Appropriations to Fund Increases	<u>\$ 52,777,988</u>	<u>\$ 54,761,725</u>
Actuarial Present Value of Benefits and Overfunded Actuarial Accrued Liability		
2. Actuarial Present Value of Future Benefits Payable on Account of Retired Members and Others Now Receiving Benefits	\$ 44,098,795	\$ 47,505,070
3. Overfunded Actuarial Accrued Liability	<u>8,679,193</u>	<u>7,256,655</u>
4. Total	<u>\$ 52,777,988</u>	<u>\$ 54,761,725</u>

Rudd and Wisdom, Inc.

LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND

Notes to the Actuarial Valuation Balance Sheet

Item 1 - The tangible assets are those held by the System on the valuation date in the Law Enforcement and Custodial Officer Supplemental Retirement Fund (supplemental fund). This amount agrees with the total assets reduced by the amount of the current liabilities as shown in the annual report for the year ending on the valuation date, which was sent to the State Auditor. Schedule 1 shows the distribution of the assets by type. The actuarial value of assets is cost for commercial notes and adjusted cost for bonds (amortization of premiums and discounts on the effective interest basis).

Item 2 - This item represents the actuarial present value of the future normal costs on behalf of the present active CPO/CO members of the System included in the valuation.

Item 4 - This item represents the actuarial present value of future benefit payments from the supplemental fund on account of retirees, survivors of a retiree, and survivors of a deceased member.

Item 5 - This item represents the actuarial present value of future benefits to be paid from the supplemental fund to present active CPO/CO members who will retire or die in the future with 20 or more years of service as a CPO/CO or who will become occupationally disabled while working as a CPO/CO.

Item 6 - This item represents the actuarial present value of future benefits to be paid from the supplemental fund to members who had 20 or more years of service as a CPO/CO but who were no longer active CPO/CO's as of the valuation date. These members are either no longer employed by the state or employed by the state in a non-CPO/CO position. There were three such members as of August 31, 1988 and six as of August 31, 1989. It was assumed that the actuarial present value of future benefits to be paid from the supplemental fund is equal to zero for inactive members with less than 20 years of service as a CPO/CO.

Item 7 - The overfunded actuarial accrued liability is equal to the excess of the sum of the tangible assets (Item 1) and the actuarial present value of future normal costs (Item 2) over the total actuarial present value of future benefits in Items 4, 5 and 6.

Item 9 - The table below shows the distribution of the normal cost by type of benefit expressed as a percent of pay. Normal cost is that portion of the actuarial present value of benefits which is allocated to a valuation year by the Entry Age Actuarial Cost Method. It is expressed as a percentage of compensation, and it is equal to the actuarial present value at hire of projected benefits divided by the actuarial present value at hire of anticipated future compensation. It is calculated for each entry age group, and the average is determined for all of the CPO/CO's included in the valuation.

<u>Benefit</u>	<u>Normal Cost</u>
Service retirement, to member	2.81%
Service retirement, to nominee (Death Benefit Plan)	.10
Disability retirement, occupational	<u>.03</u>
Total	2.94%

- to next page

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

LAW ENFORCEMENT AND CUSTODIAL OFFICER SUPPLEMENTAL RETIREMENT FUND

Notes to the Actuarial Valuation Balance Sheet
(concluded)

Item 10 - The amount of the normal cost is the normal cost as a percent of payroll (Item 9) multiplied by the estimated payroll for the year after the valuation date. Estimated payroll for the year after the valuation date of August 31, 1989 is \$526,033,378. Estimated payroll for the year after the valuation date of August 31, 1988 is \$470,568,040.

Item 11 - The actuarial accrued liability is the total actuarial present value of future benefits (Items 4, 5, and 6) minus the actuarial present value of future normal costs (Item 2). Actuarial accrued liability is that portion, as determined by the Entry Age Actuarial Cost Method, of the actuarial present value of benefits which is not provided for by future normal cost contributions.

Item 12 - The funded ratio is the ratio of tangible assets (Item 1) to the actuarial accrued liability (Item 11).

JUDICIAL RETIREMENT SYSTEM OF TEXAS PLAN TWO

	<u>August 31,</u> <u>1989</u>	<u>August 31,</u> <u>1988</u>
Actuarial Assets		
1. Actuarial Value of Tangible Assets	\$ 2,414,987	\$1,257,364
2. Actuarial Present Value of Future Normal Cost Contributions		
a. By present members	8,394,906	3,718,536
b. By the state	<u>10,100,471</u>	<u>4,676,059</u>
3. Total	<u>\$20,910,364</u>	<u>\$9,651,959</u>
Actuarial Present Value of Benefits and Overfunded Actuarial Accrued Liability		
4. Actuarial Present Value of Future Benefits Payable on Account of Retired Members and Others Now Receiving Benefits	\$ 0	\$ 0
5. Actuarial Present Value of Future Benefits Payable on Account of Active Members		
a. Service retirement, to member	18,059,883	8,139,040
b. Service retirement, to nominee (Death Benefit Plan)	1,629,285	735,000
c. Disability retirement	545,082	245,050
d. Death	108,761	53,156
e. Withdrawal	483,237	225,731
6. Actuarial Present Value of Future Benefits Payable on Account of Inactive Members Not Retired	18,240	10,353
7. Overfunded Actuarial Accrued Liability	<u>65,876</u>	<u>243,629</u>
8. Total	<u>\$20,910,364</u>	<u>\$9,651,959</u>
9. Normal cost (percent of payroll)	14.56%	14.56%
10. Total contribution rate for the next fiscal year	14.50%	17.00%
11. Actuarial Accrued Liability	\$ 2,349,111	\$1,013,735
12. Funded ratio	1.03	1.24
13. Number of contributing members	126	75

Rudd and Wisdom, Inc.

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

JUDICIAL RETIREMENT SYSTEM PLAN TWO FUND

Notes To The Actuarial Valuation Balance Sheet

Item 1 - This item is the actuarial value of the assets in JRS Plan Two on the valuation date. This amount reflects the reduction of the amount of the current liabilities as of the valuation date, as shown in the annual report for the year ending with the valuation date, which was sent to the State Auditor. Schedule 1 shows the distribution of the tangible assets. The actuarial value of assets is adjusted market value for corporate stocks, cost for commercial notes, and adjusted cost for bonds (original cost adjusted for amortization of premium or accrual of discount).

Item 2(a) - This item is equal to the actuarial present value of future contributions (6% of pay) to be made by present members of JRS Plan Two and represents the value of future normal cost contributions to be borne by present members. Actuarial present value is the value of an amount or series of amounts payable or receivable at various times in the future, determined as of a given date (the valuation date) by the application of the actuarial assumptions.

Item 2(b) - This item is equal to the actuarial present value of that portion of the future normal cost contributions to be made by the State of Texas on behalf of present members of the System. The sum of 2(a) and 2(b) is the total actuarial present value of future normal cost contributions for present members.

Item 4 - This item represents the actuarial present value of future benefit payments on account of retirees, survivors of a retiree, and survivors of a deceased member. There were no retirees as of the valuation date.

Item 5 - This item represents the actuarial present value of future benefits to be paid to present contributing members who will become beneficiaries of the plan in the future. The actuarial present values are shown for each of five types of benefits.

Item 6 - This item represents the actuarial present value of future benefits to be paid to members who were inactive as of the valuation date and who will become beneficiaries of the plan in the future. The liability for vested inactive members includes prospective service retirement and death benefits. The liability for nonvested inactive members is equal to the members' accumulated contributions. There were eight nonvested inactive members as of the valuation date.

Item 7 - The overfunded actuarial accrued liability is equal to the excess of the sum of the tangible assets (Item 1) and the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)] over the total actuarial present value of future benefits (Item 4 plus Item 5 plus Item 6.)

- to next page

EMPLOYEES RETIREMENT AND JUDICIAL RETIREMENT SYSTEMS OF TEXAS

JUDICIAL RETIREMENT SYSTEM PLAN TWO FUND

Notes To The Actuarial Valuation Balance Sheet
(concluded)

Item 9 - The table below shows the distribution of the normal cost by type of benefit expressed as a percent of pay. Normal cost is that portion of the actuarial present value of benefits which is allocated to a valuation year by the Entry Age Actuarial Cost Method. It is expressed as a percent of compensation, and it is equal to the actuarial present value at entry of projected benefits divided by the actuarial present value at entry of anticipated future compensation. It is calculated for each entry age group, and the average is determined for future member, weighted by compensation with an assumed distribution of compensation by entry age group and sex.

<u>Benefit</u>	<u>Normal Cost</u>
Service retirement, to member	12.74%
Service retirement, to nominee (Death Benefit Plan)	1.01
Disability retirement	0.33
Death	0.13
Withdrawal	<u>0.35</u>
Total	14.56%

Item 10 - The total contribution rate consists of a member contribution rate of 6% of compensation and a state contribution rate that is actuarially redetermined for each biennium. For the biennium ending August 31, 1991, the state's contribution rate is 8.5%.

Item 11 - The actuarial accrued liability is the total actuarial present value of future benefits (Item 4 plus Item 5 plus Item 6) minus the actuarial present value of future normal cost contributions [Items 2(a) and 2(b)]. Actuarial accrued liability is that portion, as determined by the Entry Age Actuarial Cost Method, of the actuarial present value of benefits which is not provided for by future normal cost contributions.

Item 12 - The funded ratio is the ratio of tangible assets (Item 1) to the actuarial accrued liability (Item 11).

Actuarial Cost Method and Assumptions

I. Employees Retirement Fund

The actuarial cost method used was the Entry Age Actuarial Cost Method. The calculation of the years required to amortize the unfunded actuarial accrued liability was made on the assumption that the unfunded actuarial accrued liability is to be amortized with a level percent of payroll which is the total contribution rate minus the normal cost contribution rate. The total contribution rate is set by statute at 13.4% (7.4% for the state and 6% for the member); so the variable from year to year is the amortization period. Actuarial gains and losses are recognized as they occur each year, and they decrease or increase the unfunded actuarial accrued liability. The payroll is assumed to increase 8.25% annually. When the fund has an overfunded actuarial accrued liability, there is no amortization period.

Included in the actuarial assumptions are an assumed rate of investment return of 8.5% per year and assumed rates of salary increase which average 9.15% per year over a member's career. The salary increase assumption is for individual members and includes across-the-board increases of 6.25% per year plus merit, promotion, and longevity increases which average 2.90% per year over a member's career. This assumption differs from the payroll increase assumption of 8.25% per year, which is for the aggregate payroll of all contributing members and which consists of 6.25% for across-the-board salary increases plus 0.5% for growth in number of members plus 1.5% for the aggregate effect of changes in salary distribution and of merit, promotion, and longevity increases. The actuarial value of assets is cost for commercial notes, adjusted cost for bonds (original cost adjusted for amortization of premium or accrual of discount), and adjusted market value for corporate stocks. The assumptions were developed on the basis of an investigation of the experience of the System over fiscal years 1982-1985. Rudd and Wisdom, Inc. recommended the assumptions, and the ERS Board of Trustees adopted them as recommended.

Several changes were made to the state statutes governing the Employees Retirement Fund (ERF) by the 71st Legislature which were included in the August 31, 1989 actuarial valuation of the fund. S.B. 58 increased the standard service retirement annuity formula from 1.8% to 2.0% of final average compensation for each of the first 10 years of service credit in the employee class of membership. S.B. 58 also increased annuities for employee class service by 5%. S.B. 46 established a postretirement death benefit for all service retirements equal to the excess, if any, of accumulated contributions at retirement over the monthly annuity benefits paid before the annuity terminates. H.B. 101 set the state compensation of a state district court judge at 95% of the compensation of a justice of the Courts of Appeal, thereby increasing it by 27%. Since the retirement benefit for all active, inactive, and retired members of the elected class is based on the state pay of a district judge, this bill resulted in a significant increase in benefits for these members and retirees. H.B. 1494 made commissioned peace officers and custodial officers (CPO/CO's) eligible to begin receiving an unreduced service retirement benefit at age 50 instead of age 55 from the Law Enforcement and Custodial Officer Supplemental Retirement Fund. The first age at which a CPO/CO can begin

receiving his regular benefit from the ERF continues to be age 55. H.B. 1494 will result in a smaller regular benefit being paid from the ERF to those CPO/CO's who elect to retire sooner than they otherwise would have because they will have less service credit and a lower final average compensation than they otherwise would have had. The combined effect of these changes increased the normal cost from 12.838% to 13.226% of payroll, an increase of 0.388% of payroll, and increased the actuarial accrued liability by \$230 million.

The employee data, retiree data, and asset data used in all four of the valuations for ERS were all prepared and furnished by the staff of ERS. Rudd and Wisdom, Inc. reviewed all the data for reasonableness.

II. Benefit Increase Reserve Account

This account holds all the assets appropriated to finance increases in pre-existing annuities authorized by the legislature. Four increases have been authorized since this account was created, with each one completely financed by a single sum appropriation. The four increases were enacted in 1977, 1979, and 1981 (two). Since then, there have been four other annuity increases enacted, a 6% increase effective September 1, 1984, a 5% increase effective September 1, 1985, a 5% increase effective September 1, 1987, and a 5% increase effective September 1, 1989 (January 1, 1990 for certain retirees). These four were enacted without an appropriation so they are not being paid out of the Benefit Increase Reserve Account.

The mortality assumptions are the same as those used for the valuation of the regular benefits of the System. There are four different investment return assumptions, one for each of the four appropriations. They are 7.5%, 9%, 13%, and 15%. Each one is approximately the same rate that the invested funds are earning. The assets are all bonds, and the actuarial value is adjusted cost.

III. Law Enforcement and Custodial Officer Supplemental Retirement Fund

The actuarial cost method used was the Entry Age Actuarial Cost Method. The unfunded actuarial accrued liability is to be amortized over a period of not more than the 36 years which began September 1, 1979. As of the valuation date, the fund had no unfunded actuarial accrued liability. Actuarial gains and losses are recognized as they occur each year, and they increase or decrease the overfunded actuarial accrued liability. Under existing law, there are two sources of financing: (1) an amount per motor vehicle inspection and (2) state appropriations as needed. The amount per motor vehicle inspection has been increased three times. In addition, the 68th Legislature appropriated \$320,000 as of September 1, 1983, and \$1,470,000 as of September 1, 1984. The current financing for the supplemental fund is \$2.25 for each annual renewal motor vehicle inspection and \$3.75 for each two-year motor vehicle inspection for new cars or trucks.

The actuarial assumptions are the same as the ones used for the commissioned peace officers and custodial officers (CPO/CO's) in the actuarial valuation of the ERF. They include an assumed rate of investment return of 8.5% per year and

assumed rates of salary increase which average 9.29% per year over a member's career and include across-the-board increases of 6.25% per year plus merit, promotion, and longevity increases which average 3.04% per year over a member's career. The actuarial value of assets is cost for commercial notes and adjusted cost for bonds. Corporate stocks are not a permissible investment. The assumptions for salary increases, withdrawal rates, and retirement rates were developed from separate data for CPO/CO's over the 1982-1985 period. The other demographic assumptions were developed from the system-wide experience in the 1982-1985 experience investigation.

This valuation reflects changes in the law governing the System passed by the 71st Legislature and signed by the Governor to be effective September 1, 1989. H.B. 1494 made CPO/CO's eligible to begin receiving an unreduced service retirement benefit at age 50 instead of age 55 from the supplemental fund. This change will result in larger benefits from the supplemental fund for CPO/CO's retiring before age 55. H.B. 1494 also increased the financing for the supplemental fund from \$1.50 to \$2.25 for each annual renewal motor vehicle inspection and from \$3.00 to \$3.75 for each two-year motor vehicle inspection for new cars or trucks. S.B. 58 increased the standard service retirement annuity formula from 1.8% to 2.0% of final average compensation for each of the first 10 years of service credit. This change will cause a decrease in the benefits to be paid from the supplemental fund since larger benefits will now be paid under the regular retirement benefit provisions of the System. The combined effect of these changes increased the actuarial accrued liability of the supplemental fund by \$19.2 million and increased the normal cost by 0.41% of payroll as of August 31, 1989.

IV. Judicial Retirement System of Texas Plan Two

The actuarial cost method used was the Entry Age Actuarial Cost Method. Since the plan has a small overfunded actuarial accrued liability, there is no amortization period. Actuarial gains and losses are recognized as they occur each year, and they increase or decrease the overfunded actuarial accrued liability.

Included in the actuarial assumptions are an assumed rate of investment return of 8.5% per year and assumed rates of salary increase of 7% per year over a member's career. The actuarial value of assets is cost for commercial notes, adjusted cost for bonds (original cost adjusted for amortization of premium or accrual of discount), and adjusted market value for corporate stocks. The demographic assumptions were developed from two experience studies. The rates of withdrawal, vested termination, retirement, and disability were based upon the experience of members of the Judicial Retirement System of Texas during fiscal years 1972-1981. The remaining demographic assumptions were based upon the experience of members of the Employees Retirement System of Texas (ERS) over the four fiscal years 1982-1985. Rudd and Wisdom, Inc. recommended the assumptions, and the ERS Board of Trustees adopted them as recommended.

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

TRD-9001882 Clayton T. Garrison
Executive Director
Employees Retirement System of Texas

Filed: February 21, 1990

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

Texas Employment Commission Request for Proposals

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Employment Commission (TEC) announces a request for proposals for consulting services.

Project Description. The purpose of this project is to review, assess, and evaluate the design, proposed conversion and implementation strategy of the current Tax System redesign effort. This will entail evaluating the current tax system and the tax redesign project effort; confirming information needs, user requirements, changes, or any other appropriate actions that will result in a comprehensive plan for system implementation.

The primary objective of the project is to assist the TEC's Administrative staff and program staffs in ensuring the design, conversion, and implementation strategy regarding the Tax System Redesign is still valid and functional in light of changes in both legislative requirements and systems technology.

Contact Person. Proposal packets and/or additional information may be obtained by contacting Steve Goodman, Program Director, Application Development and Maintenance, Texas Employment Commission, 15th and Congress Avenue, Austin, Texas 78778, (512) 463-2532.

Proposal Evaluation Criteria. Proposals will be evaluated on the basis of the following criteria: demonstrated experience and familiarity with Unemployment Insurance Tax System, including system development projects involving state and federal agencies; software design and installation in a DB2 (IBM Product) environment using CASE (Texas Instruments-Information Engineering Facility), and a knowledge of relevant agency confidentiality issues; proposed project design; management plan; and time and cost of completing the project.

Consultant Information. In order to implement the Unemployment Insurance Tax System at the earliest possible date, and based on similar services performed for other State Employment Security Agencies in the design and implementation of Unemployment Insurance Tax Systems, it is the intent of the TEC to award this contract to Andersen Consulting unless a better offer is received.

Closing Date. The deadline for receipt of proposals is March 20, 1990, at 5 p.m. Submit proposals to: Steve Goodman, Program Director, Application Development and Maintenance, Room 0303, Texas Employment Commission, 15th and Congress Avenue, Austin, Texas 78778.

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

TRD-9001859 C. Ed Davis
Special Counsel
Texas Employment Commission

Filed: February 21, 1990

For further information, please call: (512) 463-2291

Texas Department of Health Intent to Revoke a Certificate of Registration

The Bureau of Radiation Control, Texas Department of Health, is seeking the revocation of Certificate of Registration Number R15578, issued to Morris Medical Systems, because the agency determined that the registrant is no longer located at 10903 Sageorchard, Houston, Texas 77089. The registrant has not notified the agency of a change of address and no forwarding address is available.

All attempts by the agency to contact the registrant by telephone, by certified mail, and by inspection have been unsuccessful. Therefore, the Texas Department of Health, Bureau of Radiation Control, recommends that the certificate of registration be revoked immediately.

In accordance with *Texas Regulations for Control of Radiation* 13.8, this notice affords the opportunity for a hearing to show cause why the certificate of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of publication of this notice to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the certificate of registration will be revoked at the end of the 30-day period of notice.

Issued in Austin, Texas, on February 16, 1990.

TRD-9001743 Robert A. MacLean, M.D.
Deputy Commissioner for Professional
Services
Texas Department of Health

Filed: February 16, 1990

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

Texas Higher Education Coordinating Board Notices of Hearings

The Nursing Study Committee will hold a public hearing to take public comment on issues and concerns relating to the nursing shortage in Texas; career mobility among the various nursing programs; and regional collaboration among schools. The hearing will be held on March 6, 1990, at Texas Woman's University, Dallas Center-Parkland, 1810 Inwood Road, Room 112 in Dallas. The hearing is scheduled to begin at 9:30 a.m. and end at 12 p.m. For further information please contact Yvonne Newman, Director of Health Affairs at (512) 462-6466.

Please submit written comments to Yvonne Newman, Director of Health Affairs Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

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

TRD-9001826 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: February 20, 1990

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



The Nursing Study Committee will hold a public hearing to take public comment on issues and concerns relating to the nursing shortage in Texas; career mobility among the various nursing programs; and regional collaboration among schools. The hearing will be held on March 6, 1990, at Del Mar College, West Campus Library Meeting Room in Corpus Christi. The hearing is scheduled to begin at 1:30 p.m. and end at 3 p.m. For further information please contact Yvonne Newman, Director of Health Affairs at (512) 462-6466.

Please submit written comments to Yvonne Newman, Director of Health Affairs Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

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

TRD-9001825 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: February 20, 1990

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



The Nursing Study Committee will hold a public hearing to take public comment on issues and concerns relating to the nursing shortage in Texas; career mobility among the various nursing programs; and regional collaboration among schools. The hearing will be held on February 26, 1990, at Odessa Regional Academic Health Center-Auditorium; 800 West Fourth Street in Odessa. The hearing is scheduled to begin at 9 a.m. and end at 12 p.m. For further information please contact Yvonne Newman, Director of Health Affairs at (512) 462-6466.

Please submit written comments to Yvonne Newman, Director of Health Affairs Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

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

TRD-9001824 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: February 20, 1990

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



The Nursing Study Committee will hold a public hearing to take public comment on issues and concerns relating to the nursing shortage in Texas; career mobility among the various nursing programs; and regional collaboration among schools. The hearing will be held on February 20, 1990, at El Paso Community College-Transmountain Campus,, Lecture Forum in El Paso. The hearing is scheduled to begin at 9 a.m. and end at 12 p.m. For further information please contact Yvonne Newman, Director of Health Affairs at (512) 462-6466.

Please submit written comments to Yvonne Newman, Director of Health Affairs Texas Higher Education Coordinating Board, P.O. Box 12788, Austin, Texas 78711.

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

TRD-9001823 Suzanne Ortiz
Special Projects Director
Texas Higher Education Coordinating Board

Filed: February 20, 1990

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



Middle Rio Grande Development Council

Request for Proposals

Pursuant to the Texas Civil Statutes, Article 6252-11c, the Middle Rio Grande Development Council (MRGDC) is in the process of selecting a consultant to upgrade hardware and software of our Local Plato Delivery System 2 file servers located at eight education centers within the Middle Rio Grande region.

The request for proposal require the courseware management system to run under a DOS operating system. The MRGDC intends to award the contract for these necessary upgrades to our existing system to Plato Education Services Control Data, unless a better offer is submitted.

Those firms interested in receiving a request for proposal should contact Ramon Johnston, Deputy Director, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. The deadline for requesting the above mentioned proposals is March 2, 1990, 5 p.m. In order to be considered for selection, proposals must be received by MRGDC on/or before March 30, 1990, 5 p.m.

The contract will be awarded based on the applicant's abilities, experience, and qualifications as defined in detail in the request for proposal. Selection will be made by the Middle Rio Grande Development Council. Middle Rio Grande Development Council reserves the right to accept or reject any and all proposals and waive all formalities.

Issued in Carrizo Springs, Texas, on February 13, 1990.

TRD-9001772 Ramon S. Johnston
Deputy Director
Middle Rio Grande Development Council

Filed: February 16, 1990

For further information, please call: (512) 876-3533



Pursuant to the Texas Civil Statutes, Article 6252-11c, the Middle Rio Grande Development Council (MRGDC) is in the process of selecting a computer administered training system for use in programs to remediate deficiencies in pre-employment and work maturity skills. The training system for pre-employment and work maturity must be responsive to regulations and standards of the United States Department of Labor for Youth Competency Training Programs funded by the Job Training Partnership Act.

The request for proposal requires the courseware management system to run under a DOS operating system.

Those firms interested in receiving a request for proposal should contact Ramon Johnston, Deputy Director, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533. The deadline for requesting the above mentioned proposals is March 2, 1990, 5 p.m. In order to be considered for selection, proposals must be received by MRGDC on/or before March 30, 1990, 5 p.m.

The contract will be awarded based on the applicant's abilities, experience, and qualifications as defined in detail in the request for proposal. Selection will be made by the Middle Rio Grande Development Council. The Middle

Rio Grande Development Council reserves the right to accept or reject any and all proposals and waive all formalities.

Issued in Carrizo Springs, Texas, on February 13, 1990.

TRD-9001774 Ramon S. Johnston
Deputy Director
Middle Rio Grande Development Council

Filed: February 16, 1990

For further information, please call: (512) 876-3533

◆ ◆ ◆

North Central Texas Council of Governments

Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the November 21, 1989, issue of the *Texas Register* (14 TexReg 6145). The consultant is to develop a travel demand management awareness campaign for the Dallas-Fort Worth metropolitan area.

The consultant selected to perform this study is TARWATER/Southwest, Incorporated, P.O. Box 1569, Fort Worth, Texas 76101. The maximum amount of this contract is \$55,000. The contract began on January 25, 1990, and will terminate in approximately four months.

Issued in Arlington, Texas, on February 14, 1990.

TRD-9001771 William J. Pitstick
Executive Director
North Central Texas Council of Governments

Filed: February 16, 1990

For further information, please call: (817) 640-3300

◆ ◆ ◆

Texas Rehabilitation Commission

Requests for Applications

The Texas Rehabilitation Commission (TRC) announces the opportunity to apply jointly with the TRC for Federal Revenue Funds in the amount of \$200,000 for the establishment of an independent living center. This opportunity will be given to a not-for-profit, cross-disability consumer organization for the conduct of an independent living service project which is directed and managed to a substantial degree by qualified individuals with severe disabilities. The organization which is given the opportunity to apply for federal funds will submit a joint application with the TRC to the United States Department of Education, Rehabilitation Services Administration (RSA). The proposed independent living center can be established only in Texas counties that are not currently being served by an independent living center. Those counties that are being served are: Bexar, Cameron, Dallas, El Paso, Harris, Hidalgo, Houston, Leon, Lubbock, Potter, Randall, Starr, Tarrant, Travis, Trinity, and Willacy. Applications from the preceding list of counties will not be accepted.

The project is to establish an independent living center which provides comprehensive services to individuals or groups of individuals with severe disabilities. These individuals or groups of individuals may benefit from these services in terms of living and functioning more independently. These federal funds are provided to the

state under Title VII Part B of the 1973 Rehabilitation Act as amended.

General Information. Application packets will be available February 27, 1990. Completed proposals must be received by or postmarked and mailed first class to: Sarah D. Bolz, Program Specialist, the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas, 78751 no later than 5 p.m. on March 27, 1990.

Funding Period. The deadline for applying for funds to RSA is May 7, 1990. If federal funds are awarded, the funding period will begin on October 1, 1990, and all funds must be expended by September 30, 1991.

Grant Award and Requirements. Determination of the opportunity to apply for federal funding for the establishment of an independent living will be based on the accepted application(s) and may be subject to reduction if budgeting limitations exist. The applicant whose application is accepted for the opportunity to apply, hereinafter referred to as provider, will be notified no later than April 9, 1990. If federal funds are awarded, the subgrant to the selected provider will include but is not limited to the following: provider workplan; evaluation/monitoring processes to be performed by both parties; provider reporting requirements; payment/reimbursement schedule; compliance with applicable laws and regulations; procedures for maintenance of financial records and program files; auditing procedures; insurance liability/bonding requirements, if applicable; and termination process.

Qualifications of Applicant. Potential providers must ensure that they have the capability, facilities, and all special resources readily available within the selected geographic area to meet and to satisfactorily perform the services identified in their proposal. The TRC will have proprietary rights to all files generated. The potential provider must have submitted: documentation of ability to perform the work specified; documentation of ability to provide acceptable accounting and financial reporting systems; evaluation mechanisms to measure quality of services provided; and assurances that confidentiality of client information is protected.

Application Procedure. More detailed information on the application, the review process and the appeals process may be obtained from Sarah D. Bolz, Program Specialist, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4117.

Review of Applications. The commission reserves the right to accept or reject any or all applications submitted. The commission is under no legal obligation to award a resulting subgrant on the basis of this advertisement. This request does not commit the commission to pay any costs incurred prior to the award of a subgrant. Each application will be evaluated according to selection criteria which will be included in the application packet.

Results of Application Review. The application selection results will be published in the *Texas Register* on April 27, 1990, and may be obtained by sending a written request and a stamped self-addressed envelope to: Texas Rehabilitation Commission, Programs, 4900 North Lamar Boulevard, Austin, Texas 78751.

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

TRD-9001862 Charles W. Schiesser
Assistant Deputy Commissioner
Texas Rehabilitation Commission

Filed: February 21, 1990

For further information, please call: (512) 483-4117

The Texas Rehabilitation Commission (TRC) announces the availability of State and Federal Revenue Funds for the provisions of independent living services for persons with severe disabilities. These funds will be granted to not-for-profit organizations for the conduct of independent living service programs which are directed and managed to a substantial degree (at least 51%) by qualified individuals with severe handicaps. The total amount of funding available is \$120,000. The commission anticipates awarding five to 10 grants, in the range of \$12,000-\$24,000. Services may be provided only in one or more of the following Counties in Texas: Bexar, Cameron, Dallas, El Paso, Harris, Hidalgo, Houston, Leon, Lubbock, Potter, Randall, Starr, Tarrant, Travis, Trinity, and Willacy.

The project is to provide comprehensive services for independent living to individuals whose disabilities are so severe that they presently do not have the potential for employment. However, these individuals may benefit from these services in terms of living and functioning more independently. These federal funds are provided to the state under Title VII, Part A of the 1973 Rehabilitation Act as amended. Title VII, Part A funds may not be used to supplant funds designated for current programs or projects. Funds will be granted to organizations that are governed to a substantial degree (at least 51%) by individuals with severe disabilities. These individuals must be involved in the planning, policy direction, and management of the organization. Also, to the greatest extent possible individuals with severe disabilities are and will be employed by the organization.

These funds are to provide case services to individuals with severe disabilities who do not qualify for the Vocational Rehabilitation Services Program of the Texas Rehabilitation Commission. Client eligibility will be determined by the TRC. A plan of services will be developed by TRC in consultation with the grant agency.

General Information. Application packets will be available February 27, 1990. Completed proposals must be received by or postmarked and mailed first class to; Sarah D. Bolz, Program Specialist, the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas, 78751 no later than 5 p.m. on March 27, 1990.

Funding Period. The funding period will begin on May 1, 1990, and all funds must be expended by September 30, 1990.

Grant Award and Requirements. Determination of funding for independent living center will be based on the accepted application(s) and may be subject to reduction if budgeting limitations exist. The applicant whose application is accepted for funding, hereinafter referred to as provider, will be notified no later than April 20, 1990. The grant to the selected provider will include but is not limited to the following: provider workplan; evaluation/monitoring processes to be performed by both parties; provider reporting requirements; payment/reimbursement schedule; compliance with applicable laws and regulations; procedures for maintenance of financial records and program files; auditing procedures; insurance liability/bonding requirements, if applicable; and termination process.

Qualifications of Applicant. Potential providers must ensure that they have the capability, facilities, and all special resources readily available within the selected geographic area to meet and to satisfactorily perform the services identified in their proposal. The TRC will have proprietary rights to all files generated. The potential provider must have submitted: documentation of ability to perform the work specified; documentation of ability to

provide acceptable accounting and financial reporting systems; evaluation mechanisms to measure quality of services provided; and assurances that confidentiality of client information is protected.

Application Procedure. More detailed information on the application, the review process and the appeals process may be obtained from Sarah D. Bolz, Program Specialist, Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4117.

Review of Applications. The commission reserved the right to accept or reject any or all applications submitted. The commission is under no legal obligation to award a resulting grant on the basis of this advertisement. This request does not commit the commission to pay any costs incurred prior to the award of a subgrant. Each application will be evaluated according to selection criteria which will be included in the application packet.

Results of Application Review. The application selection results will be published in the *Texas Register* on April 27, 1990, and may be obtained by sending a written request and a stamped self-addressed envelope to: Texas Rehabilitation Commission, Programs, 4900 North Lamar Boulevard, Austin, Texas 78751.

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

TRD-9001861 Charles W. Schiesser
Assistant Deputy Commissioner
Texas Rehabilitation Commission

Filed: February 21, 1990

For further information, please call: (512) 483-4117

◆ ◆ ◆
Teacher Retirement System of Texas
Report of Balance Sheet, Actuarial
Valuation, and Unfunded Liabilities

Section 4, Chapter 929 (Senate Bill 1105), Acts of the 71st Texas Legislature, Regular Session, 1989, requires the Teacher Retirement System of Texas (TRS) to publish a report in the *Texas Register* no later than March 1 of each year. The report must contain the balance sheet of the retirement system as of August 31 of the preceding fiscal year and an actuarial valuation of the system's assets and liabilities, including the extent to which the system's liabilities are unfunded.

TRS is publishing the following report as required by statute.

February 6, 1990

Board of Trustees Teacher Retirement System of Texas
1001 Trinity Street
Austin, Texas 78701

Summary of Actuarial Report Requested by State Auditor

The State Auditor's office has requested that we summarize the results of the actuarial valuation of the Teacher Retirement System of Texas as of August 31, 1989. The actuarial valuation report reveals that the Teacher Retirement System of Texas is an actuarially sound system based on our current actuarial assumptions and that the present actuarial value of assets (\$23.3 billion) plus the contributions required by the law in the future will be sufficient to meet the payments to the present active and retired members and their beneficiaries.

The actuarial assumptions and methods used in this valuation are those adopted by the Board based on the 1985 Experience Study:

1. Mortality for retired members is based on the 1983 Group Annuity Mortality Table for males and the 1983 Group Annuity Mortality Table for females with a one year set-forward in age. An extensive study of actual mortality experience of retired members under the System indicates that this mortality table is appropriate but contains little or no conservatism.

2. Mortality for active members is based on a table constructed from the actual experience of the Teacher Retirement System of Texas.

3. Disability, retirement, and withdrawal rates are based on actual experience of the Teacher Retirement System of Texas. Retirement and withdrawal rates take a select and ultimate form. Retirement rates have been increased at certain age/service combinations to reflect anticipated experience due to the improved retirement provisions passed by the 1989 Legislature.

4. An investment return assumption of 8%, compounded annually, is used with regard to computations for retired persons and for active members. An interest rate of 8.38%, compounded annually, is used with regard to the 1975 Legislative increase for retired members; a rate of 9.56%, compounded annually, is used with regard to the 1977 Legislative increase; a rate of 10.30%, compounded annually, is used with regard to the 1979 Legislative increase; and a rate of 14.32%, compounded annually, is used with regard to that portion of the two 1981 Legislative increases which was not funded by reserves released from the Retired Reserve Account.

5. Salary scale for projecting future salaries: a study of actual experience of the Teacher Retirement System of

Texas has been used as the basis for construction of step-rate/promotional salary scale tables which appear to be reasonable. In addition, a general salary increase assumption of 6-1/2% is used.

6. Actuarial value of assets is determined under a market over book adjusted asset valuation method which recognizes unrealized appreciation in equity market values over a five-year rolling average period.

7. Funding of the Unfunded Actuarial Accrued Liability is based on the excess of assumed future State contributions over the amount of such contributions required to fund the normal cost of benefits provided by the System. Basing the normal cost for the System on a study of all new entrants hired in the period from 1985-1988, the normal cost is 12.05% of payroll (6.40% by members plus 5.65% by the State), which is 2.00% of payroll less than the total contributions being paid by the members and by the State. It is assumed that the excess amount of 2.00% of payroll contributed by the State will be utilized to fund the unfunded actuarial accrued liability of \$3.489 billion (as shown on the actuarial balance sheet) over a period of 20.9 years in the future, assuming that payroll grows at an aggregate compound rate of 6% per year. All funding calculations assume that the State contribution rate will remain at 7.65%.

Based on the above assumptions and the actuarial results shown in the report, it is our opinion that the Teacher Retirement System of Texas is actuarially sound and if the payroll in the future increases at the rate of 6%, compounded annually, the unfunded actuarial accrued liability of \$3.489 billion will be amortized over a period of 20.9 years in the future.

Table 1

TEACHER RETIREMENT SYSTEM OF TEXAS

Actuarial Valuation as of August 31, 1989

Actuarial Balance Sheet Showing
Present and Prospective Assets and Liabilities
After Actuarial Adjustment to Retired Reserve Account

A C T U A R I A L A S S E T S

	<u>August 31,</u>	
	<u>1989</u>	<u>1988</u>
	(1)	(2)
<u>I. Present assets at actuarial value:</u>		
1. Retired Reserve Account (actuarially determined).....	\$ 8,351,144,759	\$ 7,289,502,432
2. 1975 Benefit Increase Reserve Subaccount.....	11,999,733	17,377,827
3. 1977 Benefit Increase Reserve Subaccount.....	68,827,175	70,607,555
4. 1979 Benefit Increase Reserve Subaccount.....	51,208,981	52,346,993
5. 1981 Benefit Increase Reserve Subaccount.....	170,189,175	170,007,535
6. Member Savings Account.....	5,633,976,824	5,057,465,447
7. State Contribution Account.....	5,392,499,046	4,780,010,901
8. Expense Accounts and Miscellaneous.....	33,879,219	27,812,675
9. Total Present Assets.....	<u>\$19,713,724,912</u>	<u>\$17,465,131,365</u>
10. Adjustment to book value due to actuarial asset valuation method...	<u>3,587,907,103</u>	<u>2,630,786,285</u>
11. Total actuarial value of present assets.....	<u>\$23,301,632,015</u>	<u>\$20,095,917,650</u>
 <u>II. Prospective assets:</u>		
12. Present value of future contri- butions by present members.....	\$ 7,591,668,754	\$ 7,414,131,553
13. Present value of future normal costs contributed by the State....	6,702,020,073	5,931,345,242
14. Unfunded actuarial accrued liability.....	3,488,722,355	3,890,216,133
15. Total Prospective Assets.....	<u>\$17,782,411,182</u>	<u>\$17,235,742,928</u>
16. TOTAL ACTUARIAL ASSETS.....	<u><u>\$41,084,043,197</u></u>	<u><u>\$37,331,660,578</u></u>

Table 1
(Continued)

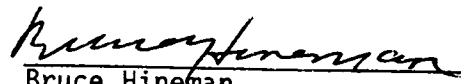
ACTUARIAL LIABILITIES

	August 31,	
	1989	1988
	(1)	(2)
III. <u>Present value of benefits presently being paid:</u>		
17. Benefits other than Legislative Increases for retired members		
a. Service retirement benefits....	\$ 7,724,359,546	\$ 6,734,810,833
b. Disability retirement benefits.	343,068,636	296,564,841
c. Death benefits.....	204,872,952	180,046,867
d. Present survivor benefits.....	78,843,625	78,079,891
e. Total basic reserves.....	8,351,144,759	7,289,502,432
18. Benefits provided retired members by 1975 Legislative Increase		
a. Service retirement benefits....	31,279,056	35,106,996
b. Disability retirement benefits.	764,868	848,844
c. Death benefits.....	1,538,112	1,564,188
d. Total 1975 Increase reserves...	33,582,036	37,520,028
19. Benefits provided retired members by 1977 Legislative Increase		
a. Service retirement benefits....	39,829,980	43,691,064
b. Disability retirement benefits.	1,332,684	1,438,620
c. Death benefits.....	1,782,768	1,813,620
d. Total 1977 Increase reserves...	42,945,432	46,943,304
20. Benefits provided retired members by 1979 Legislative Increase		
a. Service retirement benefits....	28,364,172	31,662,648
b. Disability retirement benefits.	721,104	796,788
c. Death benefits.....	1,316,856	1,335,228
d. Total 1979 Increase reserves...	30,402,132	33,794,664
21. Benefits provided retired members by 1981 Legislative Increases		
a. Service retirement benefits....	123,772,320	86,357,067
b. Disability retirement benefits.	3,777,648	2,517,762
c. Death benefits	3,665,892	2,574,435
d. Total 1981 Increase reserves...	131,215,860	91,449,264
22. Total present value of benefits presently being paid.....	\$ 8,589,290,219	\$ 7,499,209,692

Table 1
(Continued)

	August 31,	
	1989	1988
	(1)	(2)
IV. <u>Present value of benefits payable in the future to present active members:</u>		
23. Service retirement benefits.....	\$28,583,054,143	\$26,006,350,627
24. Disability retirement benefits		
a. Disability prior to vesting....	2,266,196	2,301,166
b. Disability after vesting.....	868,958,261	886,468,107
c. Total disability benefits.....	871,224,457	888,769,273
25. Refunds of contributions on withdrawal.....	1,713,520,499	1,650,880,424
26. Death and survivor benefits		
a. Two times pay.....	196,589,692	195,698,210
b. Refund of contributions.....	3,026,106	3,062,836
c. Five year annuity.....	394,547,186	98,167,191
d. Life annuity.....	96,520,762	388,952,980
e. Survivor benefit.....	11,212,907	11,145,019
f. Total death benefits.....	701,896,653	697,026,236
27. Total active member liabilities....	\$31,869,695,752	\$29,243,026,560
V. <u>Present value of benefits payable in the future to present inactive members:</u>		
28. Terminated vested participants		
a. Retirement benefits.....	\$ 32,975,378	\$ 31,932,263
b. Death benefits.....	2,143,577	2,073,740
c. Total term vest benefits.....	35,118,955	34,006,003
29. Refunds of contributions to terminated non-vested members.....	10,148,458	10,603,187
30. Future survivor benefits payable on behalf of present annuitants....	523,515,744	501,622,733
31. Total inactive liabilities.....	\$ 568,783,157	\$ 546,231,923
VI. <u>Other liabilities and reserves:</u>		
32. Reserve for expense, and benefits and accounts payable.....	56,274,069	43,192,403
33. TOTAL ACTUARIAL LIABILITIES.....	\$41,084,043,197	\$37,331,660,578

Issued in Austin, Texas on February 21, 1990.


 Bruce Hineman
 Executive Secretary
 Teacher Retirement System of Texas

Issued in Austin, Texas on February 21, 1990.

TRD-9001906 Richard B. Mallett, FSA
Actuary
Teacher Retirement System of Texas

Filed: February 21, 1990

For further information, please call: (512) 397-6400

◆ ◆ ◆
University of North Texas
Consultant Proposal Request

Under the provisions of Texas Civil Statutes, Article 6252-11C, the University of North Texas (UNT) is currently seeking proposals from experienced private consultants to continue directing an ongoing institutional self study for the College of Education to meet accreditation standards for the National Council for Accreditation of Teacher Education (NCATE) effective from September 1, 1990-August 31, 1991.

UNT reserves the right to issue this continuance of an ongoing consulting contract on a monthly, quarterly, semiannually, or annual basis once the current contract being performed by the current private consultant expires after August 31, 1990. UNT intends to award this contract for consulting services to the current private consultant unless a better offer is submitted.

The self study shall include an evaluation of the current curriculum, resources, and administration of the College of Education in relation to meeting the accreditation standards of NCATE. It should identify areas of need not provided by the UNT's system(s). Where appropriate cost estimates shall be provided. The final product will be used to improve the curriculum, resources, and administration of the college and to continue UNT's national recognition.

Consultants will be asked to present in their proposal specific knowledge of UNT's procedures and its history as an institution of higher education, a general experience with higher education systems and operations nationwide; and direct experience with higher education in the state of Texas. Consultants must be available during normal working hours (Monday-Friday, 8 a.m.-5p.m.). The proposal should address how the tasks will be performed. A detailed budget specifying consultant costs, out of pocket expenses to be charged, and a not to exceed budget must be provided. The proposal shall provide a resume of relevant engagements and proposed strengths that demonstrate an ability to provide the services needed. Each reply shall include a list of all institutions of higher education within the State of Texas for which this consultant has performed similar services within the past four to six months.

UNT solicits proposals from experienced consultants who will be evaluated on the basis of qualifications, demonstrated knowledge, and competence. UNT reserves the right to reject any or all bids, to waive any and all formalities, and to make an award, which in the sole judgment of UNT, best meets its needs.

The deadline for receipt of offers to continue the existing consulting services shall be no later than 3 p.m. on June 1, 1990. Details of the requirements can be obtained from the Purchasing Department (Larry Hoke, Director; or Pat Fine, Senior Buyer) as follows: University of North Texas, Purchasing Department, 2310 North Interstate 35-E, Denton, Texas 76201. For further information please call the Purchasing Department at (817) 565-2687.

Issued in Denton, Texas, on February 21, 1990.

TRD-9001782 Larry D. Hoke
Director
University of North Texas

Filed: February 16, 1990

For further information, please call: (817) 565-2687

◆ ◆ ◆
Texas Water Commission
Meeting Notice

A meeting of the Scientific/Technical Advisory Committee of the Galveston Bay National Estuary Program is scheduled for: Thursday, March 1, 1990, 10 a.m., Forest Room-Bayou Building, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Houston.

STAC will continue discussions concerning development of FY 1991 technical studies during the Characterization Phase of the Management Conference. STAC will review and finalize FY 1990 technical studies based on subcommittee reports and input from the Management Committee.

Issued in Houston, Texas on February 15, 1990.

TRD-9001777 Frank S. Shipley, Ph.D.
Program Manager
Galveston Bay National Estuary Program

Filed: February 16, 1990

For further information, please call: (713) 488-9495

◆ ◆ ◆
Notice of Application For Waste
Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of February 12-16, 1990.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

Chevron, U.S.A. Inc., Port Arthur; integrated oil refinery; vicinity of the State Highway 87 crossing over Taylor Bayou which is southwest of the City of Port Arthur, Jefferson County; 00309; renewal.

City of Corrigan; wastewater treatment facility; approximately 2,900 feet northeast of the intersection of U.S. Highway 59 and State Highway 352 in Polk County; 10787-01; renewal.

City of Cuero; wastewater treatment facility; approximately 1/2 mile south of U.S. Highway 87 and two miles east of U.S. Highway 183 in DeWitt County; 10403-02; renewal.

City of Driscoll; wastewater treatment facility; northeast of Driscoll, approximately 2,400 feet northeast of the intersection of F.M. Road 665 and U.S. Highway 77, approximately 2,600 feet southeast of the U.S. Highway 77 crossing over Petronilla Creek in Nueces County; 11541-01; renewal.

Harris County Municipal Utility District Number 276; Houston; wastewater treatment facility; Interim Phase I—approximately 800 feet west of the intersection of State Highway 6 and West Little York Road, approximately 100 feet south of Little York Road, Interim II phase and final phase—approximately 2,500 feet west of the intersection of Highway 6 and West Little York, approximately 1,000 feet south of West Little York in Harris County; 12927-01; renewal.

Harris County Municipal Utility District Number 285; Houston; wastewater treatment facility; approximately 500 feet north of the intersection of Wickhamford way and Crosshaven Drive, approximately 3/4 mile west of Carpenters Bayou in Harris County; 12928-01; renewal.

City of Maypearl; wastewater treatment facility; approximately 0.5 mile south of the intersection of F.M. Road 66 and F.M. Road 157 in Ellis County; 10431-01; renewal.

City of Redwater; wastewater treatment facility; approximately 800 feet east of F.M. Road 991, from a point located approximately 3,100 feet south of the intersection of F.M. Road 991 with the St. Louis Southwestern Railway, south of the City of Redwater in Bowie County; 10926-01; amendment.

SCB Development Company, Inc.; Georgetown; Logan Ranch Wastewater Treatment Facility; approximately 2,000 feet north-northeast of Williamson County Road 190 crossing Berry Creek, approximately 4,250 feet northwest of the intersection of Interstate Highway 35 and State Highway 195 in Williamson County; 12831-01; renewal.

United States Army Longhorn Army Ammunition Plant; Karnack; existing Class I hazardous industrial solid waste storage and processing facility; on an 8, 500-acre tract of land which is between the southwest shore of Caddo Lake and the town of Karnack, in Harrison County; HW-50195, EPA I.D. Number TX-6213820529; new.

Issued in Austin, Texas, on February 19, 1990.

TRD-9001878 Brenda W. Foster
 Chief Clerk
 Texas Water Commission

Filed: February 20, 1990

For further information, please call: (512) 463-7906



State Department of Highways and Public Transportation

Passed by Congress in 1916, the Federal Aid Highway Act authorized \$75 million in matching funds for state construction of post (or mail route) roads. The Act stipulated that all work be carried out under the supervision of an organized state highway department. Texas did not have such an agency, so in 1917, the Legislature created the Texas Department of Highways to qualify for the federal monies.

In June that year, the department's governing body, the Highway Commission, met at Mineral Wells and, with the recommendations of citizen delegations from across the state, proposed a statewide system of 8,865 miles of "improved roadways." The agency's first project was a 20-mile section of unpaved road between Falfurrias and Encino in Brooks County. Work began in 1918 and took two years to complete.

Initially, the department was responsible only for construction of roads. By 1925, however, roadway maintenance had been so neglected by local authorities that the federal government threatened to withdraw financial assistance. The department quickly assumed the extra duties.

During the 1930's, highway construction played an important role in federal public works programs aimed at reducing unemployment caused by the great depression. The Department of Highways took great strides toward the goal of a statewide network of paved roadways. But with the advent of World

War II came heavy demands on manpower and materials, and Texas highways again suffered from neglect.

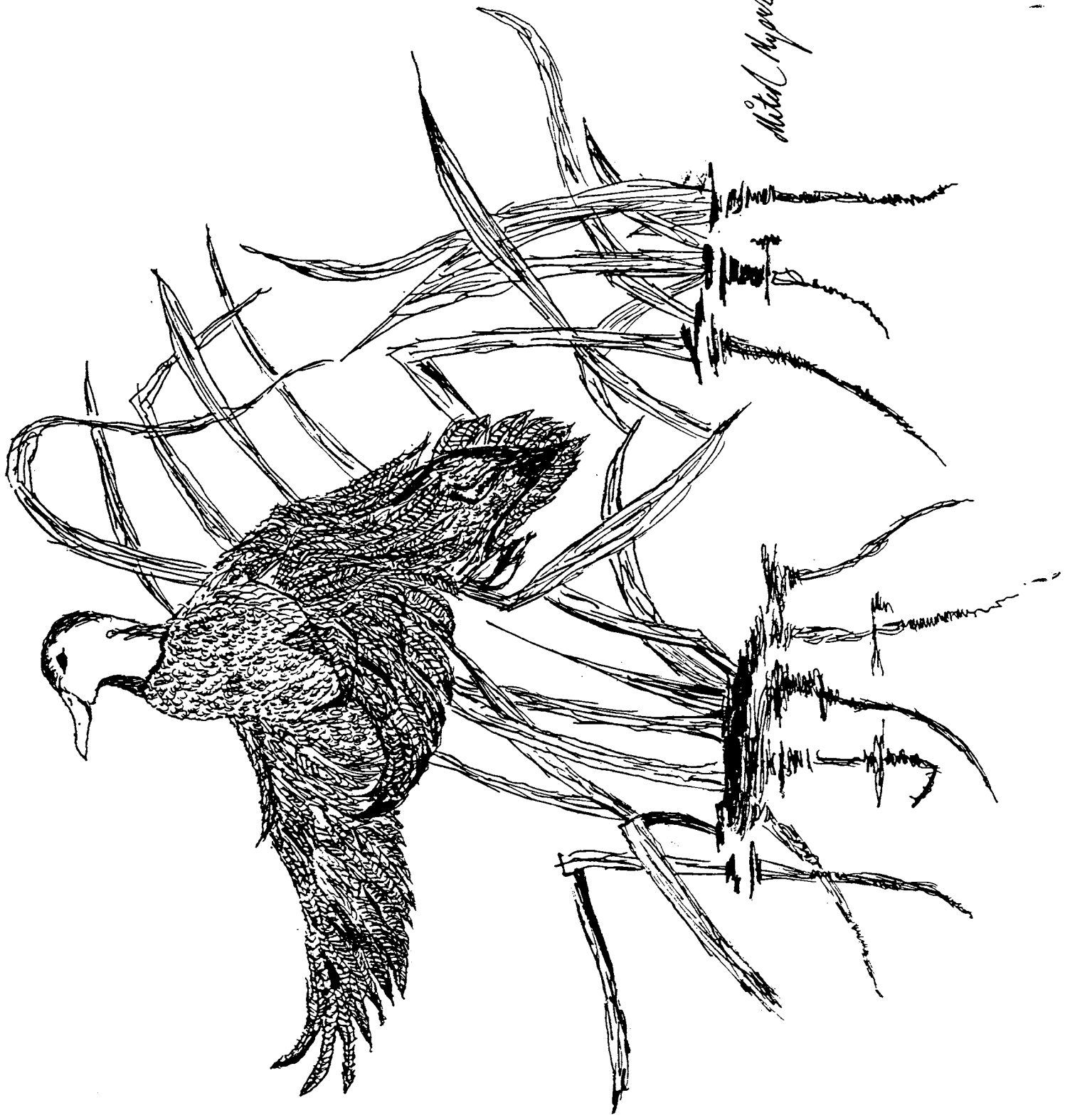
By 1949, postwar repairs were complete, and the department turned its focus toward a plan to "get the farmer out of the mud." Unique to Texas, the Farm-To-Market (FM) Program now includes over 41,000 miles of rural roads across the state.

Texas began building its first urban freeways in the early 1950's. Several were already in operation by 1956, when Congress initiated a federal highway trust fund to finance the Interstate Highway Program. Today, Texas maintains some 3,200 mile of interstate freeway -- more than any other state.

The agency's name was changed to the State Department of Highways and Public Transportation in 1975, when the Legislature merged the fledgling Texas Mass Transportation Commission with the department. Besides supporting the state highway system, the department currently registers and files the title records of almost 14 million motor vehicles. It also operates 12 tourist bureaus and visitor centers; publishes *Texas Highways*, the official state travel magazine; conducts the Texas traffic safety program; and administers the "Don't Mess with Texas" antilitter campaign.

The Department of Highways and Public Transportation is headquartered in Austin and may be contacted at (512) 463-8585.

Michael Meyer



1990 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the March-December 1990 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Friday, March 2	Monday, February 26	Tuesday, February 27
Tuesday, March 6	Wednesday, February 28	Thursday, March 1
Friday, March 9	Monday, March 5	Tuesday, March 6
Tuesday, March 13	Wednesday, March 7	Thursday, March 8
Friday, March 16	Monday, March 12	Tuesday, March 13
Tuesday, March 20	Wednesday, March 14	Thursday, March 15
Friday, March 23	Monday, March 19	Tuesday, March 20
Tuesday, March 27	Wednesday, March 21	Thursday, March 22
Friday, March 30	Monday, March 26	Tuesday, March 27
Tuesday, April 3	Wednesday, March 28	Thursday, March 29
Friday, April 6	Monday, April 2	Tuesday, April 3
Tuesday, April 10	Wednesday, April 4	Thursday, April 5
Friday, April 13	Monday, April 9	Tuesday, April 10
*Tuesday, April 17	FIRST QUARTERLY INDEX	
Friday, April 20	Monday, April 16	Tuesday, April 17
Tuesday, April 24	Wednesday, April 18	Thursday, April 19
Friday, April 27	Monday, April 23	Tuesday, April 24
Tuesday, May 1	Wednesday, April 25	Thursday, April 26
Friday, May 4	Monday, April 30	Tuesday, May 1
Tuesday, May 8	Wednesday, May 2	Thursday, May 3
Friday, May 11	Monday, May 7	Tuesday, May 8
Tuesday, May 15	Wednesday, May 9	Thursday, May 10
Friday, May 18	Monday, May 14	Tuesday, May 15
Tuesday, May 22	Wednesday, May 16	Thursday, May 17
Friday, May 25	Monday, May 21	Tuesday, May 22
Tuesday, May 29	Wednesday, May 23	Thursday, May 24
*Friday, June 1	NO ISSUE PUBLISHED	
Tuesday, June 5	Wednesday, May 30	Thursday, May 31
Friday, June 8	Monday, June 4	Tuesday, June 5
Tuesday, June 12	Wednesday, June 6	Thursday, June 7
Friday, June 15	Monday, June 11	Tuesday, June 12
Tuesday, June 19	Wednesday, June 13	Thursday, June 14
Friday, June 22	Monday, June 18	Tuesday, June 19

Tuesday, June 26	Wednesday, June 20	Thursday, June 21
Friday, June 29	Monday, June 25	Tuesday, June 26
Tuesday, July 3	Wednesday, June 27	Thursday, June 28
Friday, July 6	Monday, July 2	Tuesday, July 3
*Tuesday, July 10	Tuesday, July 3	Thursday, July 5
Friday, July 13	Monday, July 9	Tuesday, July 10
Tuesday, July 17	Wednesday, July 11	Thursday, July 12
*Friday, July 20	SECOND QUARTERLY INDEX	
Tuesday, July 24	Wednesday, July 18	Thursday, July 19
Friday, July 27	Monday, July 23	Tuesday, July 24
Tuesday, July 31	Wednesday, July 25	Thursday, July 26
Friday, August 3	Monday, August 30	Tuesday, August 31
Tuesday, August 7	Wednesday, August 1	Thursday, August 2
Friday, August 10	Monday, August 6	Tuesday, August 7
Tuesday, August 14	Wednesday, August 8	Thursday, August 9
Friday, August 17	Monday, August 13	Tuesday, August 14
Tuesday, August 21	Wednesday, August 15	Thursday, August 16
Friday, August 24	Monday, August 20	Tuesday, August 21
Tuesday, August 28	Wednesday, August 22	Thursday, August 23
Friday, August 31	Monday, August 27	Tuesday, August 28
Tuesday, September 4	Wednesday, August 29	Thursday, August 30
*Friday, September 7	Friday, August 31	Tuesday, September 4
Tuesday, September 11	Wednesday, September 5	Thursday, September 6
Friday, September 14	Monday, September 10	Tuesday, September 11
Tuesday, September 18	Wednesday, September 12	Thursday, September 13
Friday, September 21	Monday, September 17	Tuesday, September 18
Tuesday, September 25	Wednesday, September 19	Thursday, September 20
Friday, September 28	Monday, September 24	Tuesday, September 25
Tuesday, October 2	Wednesday, September 26	Thursday, September 27
Friday, October 5	Monday, October 1	Tuesday, October 2
Tuesday, October 9	Wednesday, October 3	Thursday, October 4
Friday, October 12	Monday, October 8	Tuesday, October 9
Tuesday, October 16	Wednesday, October 10	Thursday, October 11
Friday, October 19	Monday, October 15	Tuesday, October 16
*Tuesday, October 23	THIRD QUARTERLY INDEX	
Friday, October 26	Monday, October 22	Tuesday, October 23
Tuesday, October 30	Wednesday, October 24	Thursday, October 25
Friday, November 2	Monday, October 29	Tuesday, October 30
Tuesday, November 6	Wednesday, October 31	Thursday, November 1
*Friday, November 9	NO ISSUE PUBLISHED	
Tuesday, November 13	Wednesday, November 7	Thursday, November 8

Friday, November 16	Monday, November 12	Tuesday, November 13
Tuesday, November 20	Wednesday, November 14	Thursday, November 15
Friday, November 23	Monday, November 19	Tuesday, November 20
*Tuesday, November 27	NO ISSUE PUBLISHED	
Friday, November 30	Monday, November 26	Tuesday, November 27
Tuesday, December 4	Wednesday, November 28	Thursday, November 29
Friday, December 7	Monday, December 3	Tuesday, December 4
Tuesday, December 11	Wednesday, December 5	Thursday, December 6
Friday, December 14	Monday, December 10	Tuesday, December 11
Tuesday, December 18	Wednesday, December 12	Thursday, December 13
Friday, December 21	Monday, December 17	Tuesday, December 18
Tuesday, December 25	Wednesday, December 19	Thursday, December 20
*Friday, December 28	NO ISSUE PUBLISHED	

The only COMPLETE, OFFICIAL and
UP-TO-DATE
source of administrative rules for Texas!



★ SAVE 40%

WEST'S® TEXAS ADMINISTRATIVE CODE

West Publishing Company, official publisher of the *Texas Administrative Code* for 1989, is proud to announce that the complete TAC is now ready—and is being offered to you right now at a full set savings of 40%! Or, choose only those volumes essential to your daily practice.

COMPLETE, FOR RESEARCH CONVENIENCE!

The TAC is your convenient access to the rules and regulations of Texas state agencies. Each title is divided into parts, and each part corresponds to a state agency. The chapters and sections within each part thus contain all permanent rules and regulations for that particular agency in one convenient publication.

DEPENDABLE SUPPLEMENTATION TO KEEP YOU UP-TO-DATE!

West's TAC includes rules and regulations soon after their adoption into

Texas law. You'll find the exact currency dates of the provisions contained within the preface of each volume.

Timely Supplementation! Semi-annual supplements bring subscribers current within 120 days of the adoption of new rules and changes in existing rules. The supplementation will be softbound, cumulative, companion volumes to the 16-volume TAC set. This eliminates the time-consuming need for complicated collation and substitution of pages that was required by the looseleaf format of the previous publisher.

OFFICIAL, FOR YOUR ASSURANCE OF CONFIDENCE!

Only with West's *Texas Administrative Code* do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office.

TITLES INCLUDED IN THIS COMPLETE AND OFFICIAL SET:

1. Administration
 4. Agriculture
 7. Banking and Securities
 10. Community Development
 13. Cultural Resources
 16. Economic Regulation
 19. Education
 22. Examining Boards
 25. Health Services
 28. Insurance
 31. Natural Resources and Conservation
 34. Public Finance
 37. Public Safety and Corrections
 40. Social Services and Assistance
 43. Transportation
- All New General Index

SAVE 40% ON YOUR FULL SET PURCHASE!

Get complete details from your West representative, or call toll free **1-800-328-9352**. (In MN call collect 0-612-688-3600.)



WEST PUBLISHING COMPANY
50 W. Kellogg Blvd.
P.O. Box 64526
St. Paul, MN 55164-0526

Second Class Postage

PAID

Austin, Texas
and additional entry offices

To order a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

For information concerning the Texas Register, please call (512) 463-5561, or write to P.O. Box 13824, Austin, Texas 78711-3824.

You may also use this form to request back issues of the Texas Register. Please specify the exact dates and quantities of the issues requested. Each copy of a back issue is \$4.

Change of Address
(Please attach mailing label)

Back Issues Requested
(Please specify dates)

Please enter my subscription to the Texas Register as indicated below. (I will look for my first issue in about two weeks.)

1 year (100 issues) \$90

Payment enclosed

6 months (50 issues) \$70

Bill me

Name

Organization

Occupation

Telephone

Address

City

State

Zip Code

Please make checks payable to the Secretary of State. Subscription fees are not refundable.

For office use only