

The commission adopts new §11.1, concerning Historically Underutilized Business Program, without changes to the proposed text as published in the May 28, 1996, issue of the *Texas Register* (21 TexReg 4670) and will not be republished.

This new section adopts by reference the rules of the Texas General Services Commission in 1 TAC §§111.11 - 111.23 (relating to Historically Underutilized Business Certification Program), and establishes guidelines for managing the commission's contracting goals for Historically Underutilized Businesses. This rulemaking is required by the General Appropriations Act (House Bill 1, 74th Legislature, 1995).

The commission prepared a takings impact assessment of this rule and determined that the proposal will not create any burden on private real property rights.

A public hearing was held in Austin on July 1, 1996. The comment period closed July 1, 1996. No written or oral testimony was received on the proposed rule.

The new section is adopted under Texas Water Code, §§5.103, 5.105, 13.041, 26.011, 27.019, 32.009, 33.007, and 34.006 and Texas Health and Safety Code, §§341.002, 341.031, 361.011, 361.017, 361.024, 366.012, 382.017, 401.011, 401.051, and 401.412, which authorizes the commission to adopt any rules necessary to carry out its powers and duties under the Water Code and other laws of Texas and to establish and approve all general policy of the commission. The adoption is also consistent with the authority granted to the commission to enter into contracts under Texas Water Code, §5.229.

## **CONTRACTS**

### **§11.1**

**§11.1. Historically Underutilized Business Program.**

(a) The commission adopts by reference the rules of the Texas General Services Commission in 1 TAC §§111.11 - 111.23 (relating to Historically Underutilized Business Certification Program) effective October 4, 1995.

(b) The adoption of this rule is required by the General Appropriations Act (House Bill 1, 74th Legislature, 1995).

(c) Copies of the rule are filed in the Texas Natural Resource Conservation Commission's (TNRCC) Library, located at 12100 Park 35 Circle, Building A, Austin, and at all TNRCC regional offices.

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

Issued in Austin, Texas, on August 21, 1996.