

The commission proposes new §11.1, concerning Historically Underutilized Business Program. 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).

Stephen Minick, Strategic Planning and Appropriations Division, has determined that for the first five-year period the section is in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Minick 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 encouragement by the commission of the use of historically underutilized businesses when procuring goods and services through race, ethnic, and gender neutral means. There are no anticipated economic costs to persons, including small businesses, who are required to comply with the section as proposed.

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

A public hearing on the proposal will be held July 1, 1996, at 10:00 a.m. in Room 2210 of TNRCC Building F, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or

written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion within the audience will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Written comments may be mailed to Lisa Martin, TNRCC Office of Policy and Regulatory Development, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rules Tracking Log No. 96116-011-AD. Comments must be received by 5:00 p.m., July 1, 1996. For further information, please contact Vanessa McQueen, Waste Planning and Assessment, (512) 239-1982.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

The new section is proposed 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 proposal is also consistent with the authority granted to the commission to enter into contracts under Texas Water Code, §5.229.

The proposed new section implements 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.

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 proposed has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas,