

# TEXAS REGISTER

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**Governor** - Appointments, executive orders, and proclamations.

**Attorney General** - summaries of requests for opinions, opinions, and open records decisions.

**Secretary of State** - opinions based on the election laws.

**Texas Ethics Commission** - summaries of requests for opinions and opinions.

**Emergency Rules** - sections adopted by state agencies on an emergency basis

**Proposed Rules** - sections proposed for adoption.

**Withdrawn Rules** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.

**Adopted Rules** - sections adopted following a 30-day public comment period.

**Tables and Graphics** - graphic material from the proposed, emergency and adopted sections

**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 cumulative 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 the 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 19 (1994) is cited as follows: 19 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 "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 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, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

#### Texas Administrative Code

The *Texas Administrative Code (TAC)* is the official compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*. West Publishing Company, the official publisher of the *TAC*, publishes on an annual basis.

The *TAC* volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals).

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The *Official TAC* also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the *TAC* or to inquire about WESTLAW access to the *TAC* call West: 1-800-328-9352.

The Titles of the *TAC*, and their respective Title numbers are:

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
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

**How to Cite:** Under the *TAC* scheme, each 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 the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

**How to update:** To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

#### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

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The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).

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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 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules

##### Telephone

###### • 16 TAC §23.92

The Public Utility Commission of Texas adopts an amendment to §23.92, with changes to the proposed text as published in the May 6, 1994, issue of the *Texas Register* (19 TexReg 3410). All local exchange companies (LECs) that have interstate expanded interconnection tariffs in effect will be required to comply with the rule as amended. The amendments provide definitions for terms used in the section and clarify the requirements for expanded interconnection for intrastate special access and private line services. The amendments also require each affected local exchange company to file tariffs offering expanded interconnection for intrastate switched transport service at the same locations, in the same manner, and except for price, under the same terms and conditions as it offers expanded interconnection for interstate switched transport. The amendments establish deadlines and the procedure for filing of tariff changes required by the rule. Finally, the amendments provide for waivers, voluntary agreements, bona fide requests for service at locations not covered by the interstate tariffs and utilization of collocation space and facilities.

The public benefit anticipated as a result of enforcing the rule is enhanced competition in the local transport market which in turn should increase incentives for efficiency, foster rapid deployment of advanced technologies that facilitate new and innovative services, and bring prices of the affected services closer to costs. It should also provide additional service choices to customers that value redundancy and route diversity, as well as increase access providers' responsiveness to customers in the provision of existing services.

On September 17, 1992, the Federal Communications Commission (FCC) adopted its initial Report and Order in CC Docket Number 91-141, Expanded Interconnection with Local Telephone Company Facilities, FCC 92-440, 7 FCC Rcd. 7369. The order required

that all Tier 1 LECs file interstate tariffs offering expanded interconnection for interstate special access services. The order also specified that the appropriate method (network architecture) that should be used to accomplish expanded interconnection was "physical collocation"—requiring the LECs to allow interconnectors to physically locate their equipment in LEC central offices. Believing that the new FCC policies would have a beneficial effect upon competition and on the provision of services by LECs in Texas, the Commission adopted Substantive Rule §23.92 on February 1, 1994. The rule required that all Texas LECs having interstate expanded interconnection tariffs in effect, file intrastate expanded interconnection tariffs for intrastate special access and private line services. The LECs were to file intrastate tariffs that offered expanded interconnection "at the same locations, in the same manner, and, except for price, under the same terms and conditions as it offers expanded interconnection for interstate special access service, unless ordered otherwise by the Commission." By requiring the LECs to mirror their interstate tariffs, the Commission indicated its agreement with comments that the interconnection architecture for intrastate services should be the same as for similar interstate services. Although the rule did not specifically require the use of physical collocation, by requiring the intrastate tariffs to "mirror" the interstate tariffs, the Commission was implicitly requiring the use of the FCC-approved physical collocation architecture in lieu of the alternative "virtual collocation" architecture.

On August 3, 1993, the FCC issued its Second Report and Order and Third Notice of Proposed Rulemaking in CC Docket Number 91-141, Expanded Interconnection with Local Telephone Company Facilities, 8 FCC Rcd. 7374. The FCC order expanded the scope of the initial order by requiring that all Tier 1 LECs submit tariffs to offer expanded interconnection for the local transport portion of interstate switched access service. As with special access services, the FCC required that expanded interconnection be accomplished through physical collocation. On May 6, 1994, the Commission proposed the current amendments seeking to require that Texas LECs subject to the FCC order also offer interconnection for intrastate switched access transport on the same basis as they offer interconnection for the interstate service.

On June 10, 1994, the U.S. Court of Appeals for the District of Columbia Circuit issued its

opinion in *Bell Atlantic Telephone Company et al v. Federal Communications Commission, et al*, 24 F.3d. 1441 (D.C. Cir. 1994). The Court vacated the FCC's order requiring physical collocation as being beyond the FCC's statutory authority and remanded the case to the FCC for further proceedings to consider virtual collocation. On July 25, 1994, the FCC issued a new Memorandum Opinion and Order (Remand Order) in Docket Number 91-141, Expanded Interconnection with Local Telephone Company Facilities, in response to the Court decision. In the Remand Order, the FCC ruled that all Tier-1 LECs must file new interstate tariffs offering expanded interconnection on a virtual collocation basis. The tariffs were to be filed by September 1, 1994 and to become effective by December 15, 1994. As a result of the Remand Order, the required architecture for expanded interconnection at the interstate level has changed from physical collocation to virtual collocation.

Both the current version of §23.92 and the proposed amendments require the LECs to file intrastate tariffs that mirror the terms and conditions, except for price, of their interstate expanded interconnection tariffs. Because the FCC's required architecture for interstate service has changed from physical to virtual collocation, LECs are required under the rule to revise their intrastate tariffs to reflect virtual collocation architecture unless they voluntarily choose to offer physical collocation. This change in architecture, while contemplated in the current substantive rule, has also caused the Commission to re-evaluate its current policy of requiring mirroring of the interstate tariffs.

Based upon the comments received during this project and a review of the policies involved, the Commission reaffirms, at this time, that it is appropriate that expanded interconnection for intrastate services should be available at the same locations, in the same manner and, except for price, under the same terms and conditions as interstate expanded interconnection. Additionally, expanded interconnection should also be available at locations where it is not available on an interstate basis if the LEC receives a bona fide request for such service. As stated by many commenters, the interstate and intrastate access services are very similar. If an access service is to be provided on an interstate basis, the Commission believes that it is appropriate to also offer the same, or similar, service on an intrastate basis for intrastate

access customers. Having different interconnection arrangements depending upon whether the service is interstate or intrastate in nature creates differences in the service which reduces the economic efficiency to the LEC and to the access customer. In order to assure that the competitive benefits of expanded interconnection are available at the intrastate level and to avoid unnecessary differences or conflicts in the provision of the service, it is appropriate to require that intrastate tariff provisions "mirror" the interstate tariff provisions. As further discussed in the remainder of this order, the Commission finds that the policy of requiring intrastate expanded interconnection services to mirror interstate expanded interconnection services, as currently reflected in §23.92, should be affirmed and expanded as reflected in the amendments adopted in this order.

The following parties filed initial comments in response to the proposed rule published in the May 6, 1994, issue of the *Texas Register* publication (19 TexReg 3410): AT&T Communications of the Southwest, Inc (AT&T); The U.S. Department of Defense and all other Federal Executive Agencies (FEAs); GTE Southwest Incorporated and Contel of Texas, Inc. (GTE), MCI Telecommunications Corporation (MCI), MFS Communications Company, Inc (MFS), Office of Public Utility Counsel (OPC); Southwestern Bell Telephone Company (SWBT), Teleport Communications Group, Inc (Teleport), Texas Statewide Telephone Cooperative, Inc. (TSTCI), Time Warner Communications of Austin L.P. and Time Warner Communications of Houston, L.P. (Time Warner), United Telephone Company of Texas, Inc., Central Telephone Company of Texas and Sprint Communications Company L.P. (Sprint). Reply comments were filed by AT&T, GTE, MFS, SWBT, Teleport, Time Warner, and Sprint.

Following the publication of the proposed amendments, the Commission conducted a workshop at which the commenting parties discussed the effect of the decision of the D.C. Court of Appeals in *Bell Atlantic Telephone Companies, et al v Federal Communications Commission, et al*, 24 F. 3d 1441 (D.C. Cir. 1994) and the subsequent July 25, 1994 FCC Remand Order on the future of the proposed amendments.

The Commission Staff filed an initial recommendation on September 2, 1994. Comments were filed by SWBT in response to the initial recommendation.

Generally, the non-LEC commenters are in favor of the adoption of the proposed amendments. GTE supported the Commission approach of following FCC decisions, but requested that the Commission also include other matters addressed by the FCC, including pricing flexibility for LECs. TSTCI offered conditional support for the rule while SWBT strongly opposed the adoption of the amendments.

AT&T, MCI, Sprint, FEAs, Teleport, Time Warner and MFS strongly supported the adoption of the proposed amendments. AT&T perceived the proposed amendments as representing the logical extension of the Commission's previous efforts regarding

expanded interconnection for special access service. Sprint and Time Warner concurred with the public benefits and positive impacts of the proposed amendments as stated in the preamble to the proposed amendments. Time Warner commented that the proposed amendments will give it the ability to interconnect with the LEC's network and serve all customers that desire its services. AT&T, MFS, MCI, and Time Warner commented that expanded interconnection is essential to the development of local exchange competition. Teleport and MFS commented that the proposed amendments are limited to the competitive provision of dedicated facilities between interexchange premises and LEC central offices. According to Teleport, these dedicated transport facilities constitute a small component of switched access services, with revenues of only 14% of the LEC's total recurring revenues while the other two rate elements, namely local switching at the LEC end office and the carrier common line charges, represent 86% of the intrastate recurring revenues and are completely unaffected by switched transport interconnection. MCI contended that the pro-competitive effects resulting from the adoption of the proposed rule are quite limited. MFS urged further Commission action that will permit competitive access to switching, signalling, and other functions of the LEC network.

Teleport pointed out that expanded interconnection for switched access will permit a competitor to provide the special access type links between the interexchange carrier and the LEC's end office or tandem. Teleport stated that the only difference between expanded interconnection for special access and switched access is that in the case of special access/private line interconnection, the interconnector's channel is cross-connected to the LEC's special access/private line circuit while for switched access interconnection, the same interconnector channel is cross-connected to the LEC's switch that provides switched access service to the interexchange carriers. MFS commented that the proposed amendments on switched transport interconnection should impose extremely little, if any, incremental burden on the LECs since switched transport services essentially use the same type of facilities as special access services and the technical interconnection standards are virtually identical for the two services. Teleport commented that expanded interconnection gives interexchange carriers the ability to choose the services of competitive access providers, for operational or strategic security reasons.

FEAs commented that, like all firms who conduct competitive procurements, they like to receive bids from as many suppliers as possible. According to the FEAs, in a competitive market, "a large number of suppliers would offer elements of the telecommunications system using interconnections that are transparent to the user." FEAs stated that the proposed rule appropriately does not require interconnection arrangements and procedures to vary based on the jurisdictional nature of the traffic or circuit use. FEAs asserted that such unnecessary distinctions reduce the economic efficiency of the interconnection procedures.

GTE concurred with the Commission's policy of patterning its interconnection rules after the FCC's rules. However, GTE opined that in order to provide a competitive environment which is fair to all providers, the affected LECs should be permitted to restructure their local transport rates before the implementation of switched transport expanded interconnection and these LECs should also be granted the same pricing flexibility afforded by the FCC upon implementation of expanded interconnection.

TSTCI supported the Commission's proposed amendments to the extent the proposed amendments are only applicable to those companies which have approved interstate expanded interconnection tariffs filed with the Federal Communications Commission (FCC).

SWBT strongly opposed the adoption of the proposed amendments because they suffer from the same legal deficiencies as their special access/private line predecessors. SWBT argued that to the extent the Commission's decisions on this issue were based on the FCC's action, the legal concerns expressed by the federal court regarding the original FCC's rules on expanded interconnection were relevant. SWBT urged the Commission to defer further action on expanded interconnection until the results of pending litigation in state and federal courts were known. SWBT also stated that since interconnection is a "pricing issue", the Commission should consider less drastic alternatives.

The Commission believes that expanded interconnection, by fostering competition in the intrastate special access, private line and switched transport markets, will increase customer choices, lower rates, increase incentives for efficiency, speed the development of new technologies and thereby stimulate economic growth. The Commission agrees with AT&T that the proposed amendments represent an extension and revision of the previously adopted rule on expanded interconnection for special access and private line. Expanded interconnection increases network reliability by providing additional options to customers that value redundancy and route diversity, for operational or strategic reasons. Expanded interconnection for switched transport services should provide competitive alternatives to an even larger customer base than does the existing rule which only addresses special access and private line services. The Commission agrees with MFS that since the facilities and technical interconnection standards for special access and switched transport are virtually identical, if not the same, the implementation of expanded interconnection for switched transport should not be burdensome for the LECs.

With respect to SWBT's arguments that the proposed amendments should not be adopted because they suffer from the same legal deficiencies as the expanded interconnection rules adopted for special access/private line, the Commission rejects SWBT's legal arguments because those arguments concerned the use of physical collocation rather than the virtual collocation architecture currently required by the Commission's policy of mirroring interstate services and tariffs.

The Commission declines to adopt SWBT's recommendation to defer further action on expanded interconnection until the resolution of pending litigation in state and federal courts. The Commission does not believe that litigation, or the threat thereof, should dictate the adoption of rules that it believes are in the public interest and that advance its public policy goals. The Commission also disagrees with SWBT's representation of interconnection as a "pricing issue". The Commission believes that this proceeding deals with issues of policy regarding expanded interconnection service and its impacts on the promotion of competition in the intrastate access markets. The rule does not establish the appropriate price for expanded interconnection; rather the LECs are directed to file tariffs which will be processed in accordance with §23.26 of this title in a manner similar to other LEC tariff offerings of new services. The ultimate prices for these services will be determined in the tariff filing proceedings.

The issues raised by GTE on the need for implementing local transport restructure before switched transport expanded interconnection and the need for providing pricing flexibility to LECs if expanded interconnection is adopted are addressed later in this order. To the extent the proposed amendments are applicable only to LECs that are required to file interstate expanded interconnection filings, the Commission believes that TSTCI's comments have been adopted.

On June 10, 1994, the Court of Appeals of the D.C. Circuit in *Bell Atlantic Telephone Companies v. Federal Communications Commission*, 24 F. 3d. 1441 (D.C. Cir. 1994) determined that the FCC lacked authority to require physical collocation. Since the FCC required virtual collocation only as an exception to a general rule requiring physical collocation, the Court remanded the issue of virtual collocation to the FCC for further investigation. The issue of fresh look was also remanded to the FCC. In their reply comments, parties discussed the impact of the federal court's decision on the future of this rulemaking proceeding.

Southwestern Bell and GTE commented in their reply comments that the Bell Atlantic decision has serious implications on the future of any rulemaking proceeding on expanded interconnection in Texas. They commented that to the extent the proposed amendments require affected LECs to mirror the terms and conditions of their interstate tariffs, the proposed amendments should be re-evaluated. According to SWBT, "[g]iven that the mirror has now been shattered, the Commission should withdraw this rulemaking." GTE urged the Commission to defer any action on switched expanded interconnection until such time as the FCC reconsiders its position and issues future orders. However, if the Commission chooses to go forward with intrastate expanded interconnection, then GTE urged the Commission to "begin anew on this issue and reconsider its existing policy about collocation, fresh look and pricing flexibility." SWBT argued that although the federal court decision was limited to the FCC's rule and statutory powers, another court would engage in identical analysis and arrive at the same result if called upon to

review the Texas Commission's rules on the same subject and its statutory authority

Sprint recommended that in light of the Bell Atlantic decision, the current rulemaking on expanded interconnection should be suspended and a new rulemaking for expanded interconnection and local transport restructure should be initiated once the issue of expanded interconnection is resolved at the federal level

AT&T, Time Warner, Teleport and MFS, on the other hand, contended that the Bell Atlantic decision should not be cause for delay or reconsideration of the adoption of the proposed amendments. Time Warner urged the Commission to reject any suggestions by LECs to withdraw or postpone adoption of the proposed amendments. Time Warner and MFS pointed out that since under §23.92 LECs are required to file intrastate interconnection tariffs that essentially mirror their interstate filings in all respects but price, any change in the interstate tariffs in compliance with the court decision will require a corresponding change in the intrastate tariffs under the rule. Time Warner and MFS therefore concluded that the court decision will not require substantial revisions to §23.92 or the proposed amendments.

AT&T pointed out that the Bell Atlantic decision rested on statutory grounds, not constitutional grounds and the ability to require physical collocation was found to be beyond the FCC's statutory authority. Teleport stated that the Bell Atlantic decision did not undermine the authority of a state to order physical collocation if allowed by its statute. According to Teleport and AT&T, the court decision did not preclude LECs from voluntarily offering physical arrangements to interconnectors

If the Commission determines that it lacks authority to order physical collocation, then Teleport commented that LECs should be required to offer virtual collocation arrangements that are operationally, economically and technically comparable to actual collocation. AT&T in endorsing Teleport's suggestion stated that virtual collocation is an imperfect substitute for physical collocation since the interconnector cannot control a key part of its service, namely the interconnection electronics, and it places this control in the hands of the interconnector's competitor. AT&T also suggested discount pricing for virtual collocation arrangements as a means to offset the superior connections available to LECs. MFS also endorsed Teleport's suggestion and proposed language whereby the Commission may, by final order, require a LEC to offer expanded interconnection on terms and conditions different from those in its interstate tariffs if the Commission finds the provisions of the interstate expanded interconnection not to be the operational, technical, and economic equivalent of physical collocation

Time Warner stated that if the Commission chooses to withdraw or postpone adoption of the proposed rule as a result of the federal court's decision, the Commission should not abandon its interconnection efforts. Instead, Time Warner suggested that this Commission should follow the New York Commission's lead and direct industry representatives to provide details regarding implementation of

interconnection, and maintain oversight over the process and approval of the implementation plan

In comments filed in response to Staff's initial recommendation, SWBT stated that it filed its interstate virtual collocation tariff pursuant to the FCC Remand Order under protest and also filed an appeal of the Remand Order on August 10, 1994. Some of the issues raised in the appeal include the lawfulness of the FCC Remand Order to the extent it reimposes aspects of physical collocation in violation of the Bell Atlantic decision; the legal basis of mandatory virtual collocation, appropriateness of applying common carrier regulation to either physical or virtual collocation, violation of the Administrative Procedure Act requirements and parties' right to due process and "[w]hether the physical and virtual collocation requirements are arbitrary and capricious or otherwise contrary to law." SWBT also commented that because of the changing circumstances at the federal level, the parties involved in the Texas State Court Appeal have agreed to a new briefing schedule for motions and responses and the new hearing date is currently set for December 12, 1994. SWBT noted that in Docket Number 12879, a ruling was issued on August 9, 1994 recognizing that under subsection (e)(4) of the existing §23.92, SWBT would be required to file tariffs within 15 days after its new interstate virtual collocation tariffs become effective and upon approval of the revised tariffs, the physical collocation offerings in the initial tariffs would be moot

SWBT stated that the Commission decided to abate the enforcement of the portion of §23.92 which requires physical collocation pending resolution of the issues by the FCC. Consequently, the proceedings in Docket Number 12879 were abated until December 30, 1994 to discuss further action in the proceeding. SWBT recommended that this rulemaking proceeding should be dismissed until after resolution of the federal and state expanded interconnection issues currently on appeal. SWBT urged the Commission to develop a record to justify new interconnection requirements since the current record assumes that a physical collocation requirement is permissible. SWBT also opined that because the FCC in its Remand Order changed the definition/requirements of virtual collocation, intrastate virtual collocation, depending upon its components, may or may not be similar to the FCC's requirements. SWBT cautioned against continued ad hoc tracking of the FCC's collocation requirements without independent justification

In light of the FCC Remand Order released July 25, 1994, in which the FCC required mandatory virtual collocation arrangements unless the LEC voluntarily offered expanded interconnection through physical collocation arrangements, the Commission believes that GTE's and Sprint's recommendation to defer any action on expanded interconnection pending FCC action on the issue is now moot. With respect to SWBT's arguments that a new record needs to be developed given the change in the FCC's definitions/requirements of virtual collocation, the Commission notes that §23.92 is marked by the absence of the use of the term "virtual collocation" or

any interconnection arrangement for that matter. By refraining from defining or requiring any particular interconnection arrangement for purposes of intrastate expanded interconnection, the Commission has attempted to avoid unnecessary distinctions between intrastate and interstate traffic or circuit use that would reduce efficiencies of interconnection arrangements and procedures. Thus virtual collocation on the intrastate level should be identical to virtual collocation on the interstate level once the amendments are implemented. The Commission has considered the comments submitted by SWBT and by all other parties in developing a record in this project on the appropriate policy for expanded interconnection in Texas. Based upon that record, the Commission has concluded that it is appropriate to continue to require parity in the intrastate and interstate expanded interconnection services as previously discussed. The Commission, therefore, declines to withdraw the rule.

The Commission disagrees with the suggestions made by Teleport, MCI, AT&T and MFS that virtual collocation arrangements must be the operational, technical, and economic equivalent of physical collocation. The Commission agrees with the FCC's conclusion on this issue in its Remand Order. The FCC determined that the higher standard imposed burdens on the LECs that are unnecessary to protect the interconnector's interests. Furthermore, any accompanying installation, maintenance or repair standards that are more stringent than the LEC's own standards may be difficult, if not impossible to enforce. The Commission, therefore, declines to adopt the proposed language submitted by MFS and supported by others.

Various parties recommended modifying or deleting certain definitions, in the interest of clarifying the application of the amendments. OPC suggested the word "location" be included in the definition of central office so that the central office represents the location of the LEC's central switching unit rather than the central switching unit itself. The proposed definition of special access includes all exchange access not utilizing the LEC's end office switches. OPC recommended that the phrase "not utilizing the LEC's end office switches" be replaced by "not requiring switching performed by the LEC's end office switches" in recognition of the possibility that special access channels could be routed through end office switches and could therefore utilize the switch but not carry switched traffic.

The Commission believes that OPC's proposed modifications to the definitions of central office and special access do help clarify the terms and are, therefore, adopted.

According to OPC, the word "customer" in the definition of "interconnection" "confuses interconnection with the demarcation point between a customer's premises and the LEC's network." OPC therefore proposes that the word "customer" be replaced by "an end-user's or other carrier's transmission facilities" in the definition of "interconnection" and by "end user or other carrier" in the definitions of "interconnector" and "special access".

It was not the Commission's intent to change the end user's demarcation point. The definitions of "interconnection" and "interconnector" clearly indicate that any interconnection offered pursuant to this rule is strictly limited and governed by the provisions of this rule. The Commission believes that OPC's concerns will be addressed if the word "customer" is replaced by "customer's transmission facilities" in the definition of "interconnection". However, the Commission does not believe any modification is necessary in the definitions of "interconnector" or "special access" since the term "customer" represents an end user or other carrier.

Several parties expressed concern about the definition of contribution charge in subsection (b)(2) of the proposed rule. AT&T, MCI, OPC, SWBT, and Time Warner commented that the phrase "other than joint and common costs," included in the definition of contribution charge is ambiguous and could lead to various interpretations. Generally, the non-LEC commenters advocated that the rule be clarified to specifically prohibit any type of contribution charge, even one to joint and common costs. Teleport and Sprint supported the policy to prohibit a separate contribution charge. Time Warner suggested that if the Commission insists on allowing a contribution charge, it should be limited to a certain percentage above the long run incremental cost of expanded interconnection service. AT&T, FEA, and Time Warner stated that any type of contribution charge will have the effect of stifling competition. AT&T opined that it is inappropriate to ensure that LECs continue to recover their existing level of revenues, and allowing a contribution charge would provide such an assurance. Time Warner stated that the FCC, in the local transport rate restructure, required a usage-based interconnection charge to be paid by all switched access users. Time Warner expects a similar intrastate charge to be approved and believes that charge should suffice as the contribution charge. Time Warner also pointed out that any contribution in future special access interconnection interstate filings would be intended to recover "specifically identified" regulatory support mechanisms. SWBT advocated that the rule be clarified to ensure that interconnection rates could include a contribution charge. To do otherwise would place upward pressure on other LEC rates, according to SWBT. SWBT opined that permitting a separate contribution charge for LEC interconnection services would effectively require interconnectors to contribute towards the maintenance of social policy goals. Time Warner stated in its reply comments that in determining social policy goals, the increase in carrier efficiencies, lower costs and increased customer choice resulting from the development of competition must also be recognized. Sprint commented that any potential adverse impact caused by expanded interconnection on below-cost local rates levels can be addressed by "a combination of geographic rate deaveraging, local rate increases, targeted subsidies and LEC cost control." SWBT in its comments on Staff's initial recommendation recommended that the Commission should wait until the resolution of the interconnection charge in Docket Number 12784, addressing intrastate local transport

restructure for SWBT and GTE, before developing a position on the issue of a contribution charge.

The Commission agrees that the definition of "contribution charge" is ambiguous and confusing. Therefore, the Commission deletes the definition of contribution charge. However, in order to clarify and implement the Commission's intent, other modifications to the section are necessary. The Commission intends that the LECs be allowed to propose expanded interconnection rates that include a contribution towards joint and common costs. During the compliance tariff review process, parties will have the opportunity to argue the merits of the contribution amount, if any, proposed by a LEC. What the Commission was attempting to prohibit in the proposed section was the establishment of a separate contribution rate element with no tie to a specific service or function being performed by the LEC. To implement this prohibition in a clearer manner, the Commission modifies subsection (c)(3) (B) and subsection (d)(2)(C) to include a statement that prohibits LECs from including in their intrastate expanded interconnection tariffs a separate charge or rate element that is not included in their interstate expanded interconnection tariffs. This will accomplish the Commission's goal because the FCC currently prohibits the LECs from establishing a separate contribution rate element. The Commission does not believe that it is appropriate at this time to strictly prohibit the LECs from including any contribution in their rates for expanded interconnection services. Such a prohibition may be appropriate in the future, but the Commission has not fully explored whether there are necessary changes to the universal service support mechanisms that should accompany such a policy.

Under subsection (c)(4)(C) of the proposed rule relating to initial filings for special access and private line interconnection, the provisions of §23.26(c)(6) do not apply with respect to interconnection rates, if the local exchange carrier proposes charges that mirror the interstate charges. OPC suggested that the term "charge" in subsection (c)(4)(C) be replaced by the term "rate". OPC stated that the term "rate" is defined very broadly in §23.3 while the term "charge" is undefined in Commission rules. OPC argued that under the current rule, the LEC can claim exemption from §23.26(c)(6) by proposing the same charges for rate elements found in the interstate expanded interconnection tariffs without proposing the same number of rate elements. OPC cited SWBT's proposal for the Universal Service Element in its intrastate special access interconnection filings (Docket Number 12879) as an illustration of a rate element that did not appear in the interstate tariffs but for which SWBT claimed exemption from the requirements of cost justification under §23.26(c)(6). OPC opined that replacing "charge" with "rate" will remedy the problem because interstate and intrastate tariffs will have to be identical in every respect, not just with respect to charges, before LECs are exempt from the requirements of §23.26(c)(6).

Since the term "rate" unlike the term "charge" is defined in Commission rules, the Commis-

sion agrees with OPC that the use of the term "rate" instead of the term "charge" in subsection (c)(4)(C) is preferable for the latitude it gives the Commission in requiring LECs to conform to their interstate filings in order to qualify for exemptions from the requirements of §23.26(c)(6). The Commission has incorporated the requested change. In so far as OPC's proposal attempts to prevent LECs from proposing separate unjustified rate elements not included in its interstate interconnection filings, the Commission believes that OPC's concern is adequately addressed by the modifications to subsections (c)(3)(B) and (d)(2)(C), discussed earlier, whereby LECs are prohibited from imposing a separate intrastate charge or rate element that is not included in their interstate expanded interconnection tariffs.

Time Warner commented that in order to implement the contribution charge prohibition for special access interconnection services, LECs should be required to refile their tariffs without the contribution charge. Accordingly, Time Warner recommended language that would revise subsection (c)(4)(D) to require LECs to make additional filings within 15 days of the effective date of this subsection.

The Commission declines to adopt the change suggested by Time Warner because the filings which are required within 15 days of the revised FCC tariffs effective December 15, 1994, pursuant to the FCC Remand Order, will have to be in compliance with the revised §23.92 which prohibits a separate contribution charge. Therefore, additional filings as requested by Time Warner will be unnecessary.

Sprint concurred with the provision in subsection (d)(2)(B) that permits additional connection charge subelements if additional costs are clearly defined and cost-justified. MCI suggested language to clarify the provision in subsection (d)(2)(B) so that LECs that assess additional connection charge subelements may do so only for the use of additional facilities. OPC recommended that in subsection (d)(2)(B), the LEC should be allowed to assess additional connection charge subelements only if they are cost-based.

The Commission adopts MCI's and OPC's proposed modifications to subsection (d)(2)(B) because they clarify the Commission's intent to permit additional connection charge subelements only if they are cost based and are assessed for the use of additional facilities.

Sprint concurred with the provision in subsection (d)(2)(D) which requires cost justification for any differences between the nonrecurring reconfiguration charges applicable when a customer shifts to an interconnector's service and those applicable when a customer reconfigures its services with the LEC. MCI questioned the clarity of the phrase "unless justified by specific identifiable cost differences" in subsection (d)(2)(D). In order to clear any ambiguity in the provision, MCI suggested that the phrase "unless the local exchange carrier can justify, by clear and convincing evidence, cost differences" be used instead.

The Commission finds that MCI's proposed modification is unnecessary because the

phrase "unless justified by specific identifiable cost differences" as originally proposed places an adequate burden on the LECs to produce evidence of cost differences to justify any differences in nonrecurring reconfiguration charges as contemplated under subsection (d)(2)(D).

Teleport strongly opposed the imposition of any nonrecurring reconfiguration charges when a customer changes access providers. Teleport stated that the "extremely high" nonrecurring charges applied to shift circuits from the LEC to a competitor pose a "substantive competitive hurdle for competitors and interexchange carriers" by raising the transaction costs of changing access providers, causing IXCs to be reluctant to take the services of a CAP. Even if the CAP agrees to absorb the cost of nonrecurring charges, it merely shifts the risk from the interexchange carrier to the CAP and "does not change the fundamental economics", according to Teleport. Furthermore, Teleport opined that the existing nonrecurring charges are applied on the assumption that the connection is being established all the way to the interexchange carrier's office when in fact, the interconnection arrangement only represents a cross-connect between the circuit within the LEC central office and the collocator's facilities. Teleport, therefore, recommended that LECs be required to waive the nonrecurring charges for customers wishing to shift services to a CAP especially since the LECs themselves have waived nonrecurring charges to solidify their own competitive position. Teleport suggested that MCI's proposed language on fresh look be modified to include a waiver of nonrecurring charges. Time Warner, in its reply comments, supported Teleport's proposed modifications on this issue.

The Commission disagrees with Teleport's suggestion concerning a waiver of all nonrecurring reconfiguration charges applied to shifting circuits from the LEC to a competitor. While the Commission recognizes the need to remove barriers to competitive entry, it does not believe that the issue of cost causation should be ignored. To do so may require a subsidy of competitive entrants by other LEC customers. The Commission notes that the FCC, in considering this issue, stressed the need for maintaining neutrality when applying nonrecurring reconfiguration charges to customers that shift to interconnectors or reconfigure their service with the LEC, unless there are legitimate cost differences which have been specifically identified. In addition, any differences in charges are required to be cost-based. The Commission believes that subsection (d)(2)(D) concerning nonrecurring reconfiguration charges appropriately balances the goals of cost recovery and promotion of competition. Any concerns regarding unreasonable nonrecurring reconfiguration charges can be adequately dealt with through the existing compliance tariff review process.

Proposed subsection (d)(2)(E) required the affected LECs to file initial tariffs to implement expanded interconnection for switched transport services not later than 60 days after the effective date of the subsection, with tariffs becoming effective not later than 120 days after the effective date of the subsection, un-

less suspended. SWBT argued that the initial 60 day filing requirement is unreasonable given the existing filing requirements for special access and private line services. Instead, SWBT proposed that, at a minimum, the filing requirement for switched transport interconnection filings should be after the filing of the private line and remaining special access tariffs required under subsection (c)(4)(B) or within 60 days after the rule, whichever is later.

AT&T and Time Warner supported the establishment of a presumptive effective date in the rule, citing the experience in Docket Number 12879 where SWBT has proposed that its tariff filing for special access/private line not be effective before resolution of its state and federal court appeals on this matter. AT&T and Time Warner opined that the proposed provisions regarding the effective date are necessary to ensure that expanded interconnection tariffs become effective within a reasonable period of time. AT&T further recommended the inclusion of a similar provision in subsection (c)(4)(B) relating to expanded interconnection for private line services. Time Warner, likewise, advocated the adoption of similar provisions for special access/private line service tariffs and proposed additions to the language in subsection (c)(4)(A) which would require that "any initial compliance tariffs filed but not in effect on the date this subsection becomes effective shall become effective not later than 60 days after the effective date of the subsection."

MCI also suggested language in subsection (d)(2) regarding tariff provisions and implementation, whereby local exchange carriers subject to the proposed amendments would be required to file tariffs to establish and implement interconnection charges pursuant to the proposed rule.

SWBT argued that it should have the right to propose an effective date of its election under §23.26. According to SWBT, in light of the serious repercussions of the proposed rule and significant policy questions, a predetermined, expedited or truncated review of so-called "compliance tariffs" would not be in the public interest, noting that the proposed effective date is an issue in Docket Number 12879.

In its reply comments, AT&T refuted SWBT's contention regarding the inappropriateness of establishing an effective date by pointing out that SWBT's special access interconnection tariff filings are still not effective due to the absence of a proposed effective date. AT&T stated that "it is incumbent upon the Commission to enforce compliance with its rules..."

In order to address the parties' concerns regarding lack of specificity, SWBT recommended, in its reply comments, that the Commission should at most establish an effective date for switched transport expanded interconnection of 30 days after resolution of the court cases, assuming the relevant rules are found valid. SWBT also questioned the Commission's legal authority to establish a retroactive effective date for the special access/private line interconnection filings, as recommended by Time Warner, and noted that such an action would unlawfully interfere with the pending contested case (Docket



Number 12879) where the effective date is a contested issue

Under Staff's initial recommendation, special access tariff filings were required to be filed within 15 days of the effective date of interstate tariffs (December 15, 1994) to become effective not later than 60 days after the filing date. Commenting on Staff's initial recommendation, SWBT stated that to the extent the proposed filing dates and effective dates for additional filings was tied to the effective date of the interstate provisions, the Commission should, at a minimum, defer this rulemaking and await the resolutions of appeal of the FCC Remand order in the federal courts as well as the state court appeal.

The Commission's intent in adopting §23.92 authorizing expanded interconnection for special access and private line was to implement expanded interconnection within a reasonable period of time so that the public benefits of increased competition become a reality in Texas as soon as possible. However, in light of SWBT's attempts to thwart the goal of expanded interconnection by failing to establish an effective date for its special access interconnection tariff filings, the Commission believes it is appropriate to establish a presumptive effective date to ensure compliance with its rules. As discussed elsewhere in this order, establishment of a presumptive effective date does not impair or destroy any vested rights of any party.

To the extent the requirements of §23.92 concerning effective date may be read to conflict with the provisions in §23.26, the Commission finds that the requirements in §23.92 take precedence over those of §23.26 for purposes of expanded interconnection.

The Commission disagrees with SWBT's assessment that a predetermined, expedited or truncated review of the filings would cause an adverse impact on the public interest, given the significant policy implications of the proposed rule. On the contrary, the Commission believes that the significant public benefits expected to result from implementing expanded interconnection alone warrants the establishment of a definite effective date. SWBT's alternative proposal that the effective date for switched transport interconnection be set at 30 days after the resolution of the court cases suffers from the same drawback as its previous proposals because it does not constitute a date certain for the implementation of tariff filings. To the extent that MCI's suggestion seeks to ensure implementation of interconnection tariffs, the Commission believes that it is adequately accomplished by the establishment of a presumptive effective date and therefore, declines to adopt MCI's proposed modification. With respect to the appropriate filing and effective dates for switched transport interconnection, the Commission has determined that the rule should include specific dates for filing and effective dates rather than tying the filings to the effective date of this rule. The Commission finds that the filing date of February 1, 1995 and effective date of April 1, 1995 will ensure the implementation of switched transport within a reasonable period of time and therefore declines to adopt SWBT's suggestion in this regard.

The Commission agrees with AT&T that it would be appropriate to include a similar provision for private line services and therefore, includes language to that effect in subsection (c)(4)(B). The Commission finds Time Warner's suggestion concerning the establishment of a retroactive effective date for special access filings to be unnecessary because under subsection (c)(4)(D) of the revised §23.92, LECs would be required to file special access tariffs within 15 days of the effective date of the revised interstate tariffs (December 15, 1994) and these intrastate tariffs are to be effective by March 1, 1995. These new filings will be subject to the amended rule, so there is no need to establish a retroactive effective date for existing filings. The Commission also rejects SWBT's suggestion that this rulemaking be deferred pending the resolution of appeals at the federal and state courts for reasons stated elsewhere in this order.

OPC objected to the provision in subsection (d)(2)(F) where exemption from the requirements of §23.26(f)(1), which requires that a new service be offered at the same price throughout the LEC system, is afforded to initial tariff filings for switched transport interconnection. OPC stated that such a blanket exemption would permit LECs to charge unreasonably discriminatory rates for access to the monopoly bottleneck. OPC commented that LECs can request a waiver of the systemwide rates requirement under the provisions of §23.26(d) and that such a waiver request must be ruled on by the presiding examiner within 15 days. Given the simple and expeditious nature of the waiver process, OPC argued that there is no justification for granting a blanket exemption to the LECs. Moreover, OPC contended that since expanded interconnection for switched transport and special access use the same facilities and require the same function, the implementation of expanded interconnection for switched transport and special access should be identical, in conformance with the FCC rulings on the same issue.

FEAs commented that interconnection charges should be based on the costs of the facilities and other resources actually required and should not be derived on the basis of average conditions which reflect more facilities than required for interconnection.

The Commission was attempting to recognize that cost differences among central offices may justify different charges for central office space, power, environmental conditioning, and installation charges. However, the Commission agrees with OPC, that to the extent the LECs can obtain a waiver of the systemwide rates requirement under the provisions of §23.26(d) fairly expeditiously, a blanket exemption is not warranted. Moreover, in the interest of maintaining consistency between the implementation requirements for switched transport and special access expanded interconnection, the language in subsection (d)(2)(F) relating to initial filings for switched transport interconnection has been modified to replicate the language in subsection (c)(4)(C) relating to initial filings for special access and private line interconnection.

Teleport expressed concerns that the proposed rule would permit LECs to implement different rates for intrastate expanded interconnection versus interstate, without any cost-justification. Teleport, therefore, recommended that LECs be required to provide justification if they wish to propose rates in variance from the FCC rates in their initial and subsequent filings.

The Commission believes that Teleport's concerns are addressed by modifications to the language in subsections (c)(4)(C)-(D) and (d)(2)(F)-(G). Subsections (c)(4)(C) and (d)(2)(F) permit LECs to propose rates that mirror their interstate interconnection rates in their initial tariff filings and require cost justification if the LECs propose rates that are not at parity with their interstate rates. Subsections (c)(4)(D) and (d)(2)(G) require LECs to file additional tariffs within 15 days of any revisions in the interstate tariff filings.

AT&T's understanding of the intent of subsection (g) relating to bona fide requests was that LECs were required to respond to a bona fide request for intrastate interconnection at locations not covered by their interstate tariffs, in the same manner that the LECs would be required to respond to a bona fide request for interstate interconnection at the same location. AT&T opined that there was some ambiguity in the interpretation of the language as proposed, and therefore suggested modifications to the language in subsection (g) relating to bona fide requests.

SWBT asserted in its reply comments that AT&T's suggestion regarding bona fide requests is moot since the interstate tariffs were found to be invalid by the federal court.

The Commission accepts AT&T's suggestion because the proposed modifications do help clarify the intent of the subsection (g) relating to bona fide requests. In light of the July 25, 1994 FCC Remand Order authorizing interstate expanded interconnection by virtual collocation, the Commission finds SWBT's objection to be moot.

Teleport stated that the Commission should permit the same expanded interconnection facility or space to be used for both interstate and intrastate expanded interconnection services, when physical collocation is offered. Moreover, in the interest of avoiding confusing rates and constant pricing adjustments, Teleport recommended that so long as at least 10% of the cross connections placed from the collocation space are connected to the interstate LEC services, the rates of common connection elements—floor space, electricity, conduit from the street to the collocation space—should be determined by the interstate collocation tariff.

Because physical collocation is permissible at the LEC's option but not required under the FCC Remand Order released July 25, 1994, the Commission agrees with Teleport that in those instances where the LECs voluntarily offer expanded interconnection through physical collocation, the LEC should not be allowed to insist on separate expanded interconnection facilities or spaces to provide both interstate and intrastate services, in the interest of conserving central office space as well as interconnector costs. Teleport's con-

cern is addressed in subsection (h) which requires the LEC to permit an interconnector to use the same collocation space for both interstate and intrastate interconnection services. Because subsections (c)(1) and (2) and (d)(1) require the LECs to mirror the terms and conditions of their interstate interconnection tariffs, the Commission believes that Teleport's concern regarding the need for parity between intrastate and interstate interconnection tariffs is adequately addressed. As Teleport's comments relate to the need for parity between rates for interstate and intrastate expanded interconnection, the Commission notes that LECs can either propose rates that mirror their interstate rates or propose Texas-specific rates under subsections (c)(4)(C) and (d)(2)(F). The Commission will determine whether the proposed rates are just and reasonable as a part of its review of the tariff filings required by subsections (c)(4)(C) and (d)(2)(F).

Teleport also expressed concerns about "warehousing" restrictions which require an interconnector to activate the interconnection space within a limited amount of time or have the space confiscated, with the LEC retaining the nonrecurring construction charges. Teleport objected that such restrictions "could unreasonably harm collocators, and discourage the use of collocation." Teleport argued that supplier and construction problems or delays in market development could prevent it from activating the space within the required time. Teleport proposed language that would prevent the LEC from ordering an interconnector to vacate the interconnection arrangement for failure to utilize the arrangement unless the LEC lacks space to serve additional interconnectors in the same central office, in which case the LEC will be required to refund any nonrecurring construction charges. Time Warner concurred with Teleport's proposed modifications on warehousing policies.

SWBT commented on the inclusion of a provision in Staff's initial recommendation that addressed Teleport's concerns regarding warehousing restrictions. Specifically, the initial recommendation included proposed subsection (i) which would have prohibited a LEC from ordering an interconnector to vacate an interconnection arrangement for failure to utilize the space unless the LEC elected to serve additional bonafide requests for interconnection. In such an event, the LEC would have been required to refund any nonrecurring construction charges paid by the first interconnector. SWBT pointed out in its comments on the initial recommendation that the warehousing of space would be a factor only under a physical collocation scenario due to limited central office space. It should not be an issue under a virtual collocation environment. SWBT opined that any warehousing restrictions applied on virtual interconnection would amount to reserving space for an interconnector that never uses the space while preventing SWBT from using its central office for its own use. SWBT argued that this would constitute "an unreasonable restriction and limitation on use of Southwestern Bell's property rights." SWBT proposed a maximum 90-day obligation on the interconnector to either activate service or else vacate an inter-

connection arrangement for failure to utilize the interconnection space.

The Commission agrees with SWBT that the warehousing restrictions would not apply under a virtual collocation environment because virtual collocation arrangements do not involve the reservation of central office space for an interconnector's use. Staff's initial recommendation was attempting to address Teleport's concerns regarding warehousing restrictions when physical collocation is voluntarily offered by the LEC pursuant to the FCC Remand Order. However, the Commission is persuaded by SWBT's argument that the provision on warehousing could prevent the LEC from using the central office space to serve its own customers as well as to meet additional requests for interconnection. Rather than adopt SWBT's suggestion and obligate the interconnector to use the space or vacate it within a limited period of time which, in the Commission's opinion, may not be appropriate under all circumstances and for all affected LECs, the Commission believes that any concerns regarding warehousing restrictions can be more efficiently resolved through negotiations between the parties concerned or through the existing tariff review and complaint procedures. Therefore, the language on warehousing under subsection (i) has been deleted.

Time Warner's understanding of the Commission's intent in adopting §23.92 (and subsequent amendments thereto) was that the LECs would file tariffs that mirrored their interstate tariffs and that any request to implement terms and conditions not contained in a LEC's interstate filing would be filed separately and approved separately by the Commission. The phrase "unless ordered otherwise by the Commission" would apply if such a request is approved, according to Time Warner. Time Warner and MFS sought clarification of the Commission's intent on this issue. MFS also stated that the LECs must not be permitted to avoid complying with the rule during the pendency of a proceeding in which they are seeking modifications of the rule's requirements.

The Commission agrees with the interpretation provided by Time Warner. The intent of the rule is that LECs file intrastate tariffs that mirror their interstate tariffs (with the possible exception of the rates to be charged). Therefore, the level of rates should be the only potentially contested issue involved in the tariff filings. If the LECs wish to seek exceptions to the rule, by requesting additional or different terms and conditions or by deleting some terms and conditions that apply at the interstate level, they should file separate applications seeking a good cause waiver of this rule pursuant to §23.2 of this title (relating to Severability Clause). The filing of such waiver requests should in no way delay the implementation of the compliance tariff filings required by subsections (c)(4) and (d)(2).

SWBT stated that the proposed amendments to the special access sections of the rule violate SWBT's rights to a contested case for a tariff filing and raises ex parte issues, given the simultaneous occurrence of a rulemaking proceeding and contested case on the special access expanded interconnection. SWBT rec-

ommended that, at a minimum, those aspects of the proposed amendments which are potentially implicated in the pending contested cases should be withdrawn.

SWBT opined that given the affect of the proposed rule on SWBT's rate structure, property and constitutional rights, a contested hearing or at a minimum, a hybrid rulemaking/contested case proceeding should be conducted in this matter.

Both SWBT and GTE contended that the adoption of the proposed amendments would constitute unlawful ratemaking by rulemaking. As support for their arguments, they pointed to the acknowledgment by Time Warner that rates are being established in the rulemaking, with the tariff filing being a mere compliance filing, and to Time Warner's proposal to limit contribution to 2% over LRIC. In its comments on Staff's initial recommendation, SWBT maintained that the proposed rule mandated "ratemaking" in a "rulemaking" by requiring rates for connection services to be "unbundled" which would then be accomplished in a subsequent tariff proceeding that will "necessarily be governed and controlled by the rulemaking." SWBT therefore, recommended that the revised rule should be developed in a contested case proceeding. GTE stated that if the Commission is indeed not establishing rates through rulemaking, then it cannot arbitrarily establish an effective date thereby denying LECs their due process rights.

The Commission disagrees with SWBT's and GTE's comments. The courts have held that the determination of whether to establish agency policy by notice and comment rulemaking or by ad hoc adjudication is a matter that is generally reserved to the informed discretion of the agency. *State Board of Insurance v Deffebach*, 631 S.W. 2d 794 (Tex. App.-Austin 1982, writ ref'd n.r.e.). Although the definition of "rate" contained in PURA §3 is broad, it does not serve to limit the Commission's policy setting authority solely to contested case proceedings as opposed to rulemaking proceedings. Courts have held that there are numerous factors that may affect rates and that not all regulatory decisions that will have subsequent effects on rates are necessarily "ratemaking" proceedings under PURA §43. The issuance of a certificate of convenience and necessity (CCN) may affect the level of invested capital used in setting rates, but the granting of a CCN by the Commission does not constitute a ratemaking proceeding. *Texas-New Mexico Power Co v Texas Industrial Energy Consumers*, 806 S.W.2d 230, 233 (Tex. 1991). An order requiring reimbursement of a municipality's rate case expenses may affect rates set in a subsequent proceeding, but it is not a ratemaking proceeding. *City of El Paso v. Public Utility Commission of Texas*, 609 S.W. 2d 574, 579 (Tex. App.-Austin 1980, writ ref'd n.r.e.). A Commission decision allowing a utility to engage in deferred accounting treatment for certain costs may affect future rates, but the decision need not be part of a ratemaking proceeding under PURA §43. *State of Texas v. Public Utility Commission, Number D-3154*, 37 Tex. Sup. Ct. J. 1102, 1107 (Tex. 1994).

The proposed section does not purport to set the rates for any service. The proposed section establishes the Commission's policy for expanded interconnection services and directs the LECs to file tariff amendments to implement that policy. These tariff amendments are to be submitted pursuant to §23.26 of this title (relating to New and Experimental Services) which provides for the opportunity for a contested case-type proceeding to set rates. It is in these subsequent tariff filings that new rates will be proposed and rates will be set in conformance with the new policy. As in the court cases previously discussed, only upon the issuance of a subsequent Commission order setting rates will the "practices" prescribed by the proposed section "affect" the utilities "compensation."

Since the Commission is not setting rates, but is announcing a statement of general applicability that implements, interprets or prescribes policy and describes the procedure for implementing that policy, it is appropriate to utilize the rulemaking procedures of the Administrative Procedure Act (APA). The Commission determines that the notice and comment rulemaking procedure established by the APA is a more efficient and effective procedure for obtaining broad public participation and input in setting its policies for expanded interconnection. In contrast, the cost and burden of participation in a contested case proceeding often limits both the number of persons participating and the range of interests represented in the project. As discussed elsewhere, the Commission's rulemaking authority under PURA is broad and includes the authority to establish rules and procedures for establishing new services and rates as the Commission is doing in this proceeding.

The Commission also disagrees with SWBT's comments about its pending tariff filing and *ex parte* concerns. SWBT's tariff filing in Docket Number 12879 concerned the implementation of an intrastate special access tariff based upon physical collocation requirements. Given the FCC's change to virtual collocation architecture, SWBT's filing has been suspended and, within 15 days after the effective date of the new interstate tariffs (December 15, 1994), SWBT will be required to file new intrastate tariffs, rendering the previous filing moot. The new intrastate tariff filing will be required to comply with the amendments adopted in this order. If necessary, a contested case hearing can be held to determine whether or not the new tariff filing complies with the rule.

Even if the current amendments are applied to the existing filing, it is clear that the Commission may amend its rules and make such amendments applicable to future steps in a pending case. *Texas Department of Health v Long*, 659 S.W.2d 158, 160 (Tex. App.-Austin 1983, no writ). Under PURA §16 the Commission has authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, including rules governing practice and procedure before the Commission. Pursuant to that authority, the Commission has adopted procedural rules, including §22.33 of this title (relating to Tariff Filings) which establishes the effective date for filings at the Commission. Section 22.33(c) specifies that the effective date is

presumed to be 35 days after filing but provides an explicit exception for "tariffs required to be filed pursuant to a commission rule specifying the effective date of such tariffs." Similarly, §23.24 (relating to Form and Filing of Tariffs) specifies that the effective date will be assumed to be 35 days after filing unless the utility requests a different date.

Under PURA §18(f) the Commission is authorized to promulgate rules and establish procedures for the expedited introduction and establishment of new or experimental services or promotional rates. Pursuant to that authority, the Commission has adopted §23.26 (relating to New and Experimental Services) and §23.28 (relating to Promotional Rates for LEC services). Both of these sections contain provisions specifying limitations on the allowable effective date (e.g., "no earlier than 30 days after the filing date of the application" or "no less than 30 days after the filing of the sufficient application with substantially complete information" etc.). It is clear that the Commission has the authority to establish presumptive effective dates for tariff filings, and it has done so, as a means of providing for the orderly conduct and disposition of proceedings. SWBT and GTE have no vested right or due process right in the continued application of these rules and the Commission may amend these rules or adopt other rules, such as this one, which apply different presumptive effective dates for different types of proceedings. SWBT and GTE have no vested right or due process right to insist upon any particular effective date of their choosing.

Under the Public Utility Regulatory Act (PURA), Texas Civil Statutes art 1446c, no person has a vested right in any particular system of rates other than the last legal or official rate promulgated by the Commission. *Southwestern Bell Telephone Co v Public Utility Commission of Texas*, 615 S.W.2d 947, 957 (Tex. Civ. App.-Austin 1981, writ ref'd n.r.e. 622 S.W.2d 82 (Tex. 1981)). Since the rates proposed in Docket Number 12879 have never been approved by the Commission, SWBT has not established any vested right in the proposed rates and structure. Amending the current rule therefore neither impairs or destroys any vested rights SWBT has under the current version of §23.92.

The prohibitions against *ex parte* communications contained in Texas Government Code §2001.061 apply only to contested case proceedings, not to rulemaking proceedings. Because some issues in the pending tariff filing may also be raised in this rulemaking proceeding, there is some concern about potential *ex parte* communications. However, all of the parties in the tariff filing are also participating in this rulemaking project. The Commission has provided notice and an opportunity to participate to all interested persons at each stage of this proceeding. If any party has concerns about *ex parte* communications, they may be addressed in Docket Number 12879.

Parties also commented on the need for correlation between the timing of the implementation of expanded interconnection and that of local transport restructure (LTR). Both GTE and SWBT contended that local transport re-

structure should occur prior to implementation of switched transport expanded interconnection. SWBT commented that the goals of promoting efficiency and increased competition from expanded interconnection will not be fully realized without local transport restructure. As SWBT explained, this is because the current switched transport tariff, which is based on MOU and distance, does not provide for a means to reduce the local exchange company rate for that portion of transport provided by the competitive access provider (CAP). As a result, the IXC is left with little economic incentive to seek alternative services from a collocated CAP. These arguments were repeated in SWBT's comments in response to Staff's initial recommendation. GTE contended that if expanded interconnection is adopted before local transport restructure becomes effective, GTE's competitors would have an advantage over GTE by collocating in high volume central offices and providing customers with flat-rate transport services while the LECs are required to offer the same services on a minute of use basis. In addition, competitors will have an advantage by charging rates that reflect specific route costs as opposed to the higher statewide average rates that LECs are required to charge.

SWBT and GTE pointed out that the FCC recognized the correlation of the timing of switched transport expanded interconnection and restructure and decided to proceed with expanded interconnection once an interim transport restructure was already in place. SWBT stated that consistent with the FCC's approach, local transport restructure should occur before implementation of switched transport expanded interconnection in Texas. GTE proposed language which would ensure that under no event expanded interconnection for intrastate switched transport services would become effective until the affected LEC's intrastate local transport restructure becomes effective.

Sprint advocated the concurrent implementation of switched transport expanded interconnection and local transport restructure for LECs subject to expanded interconnection rules. MFS commented that since local transport restructure is being addressed in other proceedings, the Commission should proceed immediately with the adoption of expanded interconnection for switched transport services.

Time Warner, in its reply comments, strongly opposed any efforts to formally link the implementation of interconnection to the completion of LTR. Time Warner contended that by choosing to initiate LTR through contested cases instead of a rulemaking proceeding as originally proposed by General Counsel, the LECs left themselves open to the possibility of having LTR in effect after expanded interconnection. Time Warner concluded that by adopting and implementing interconnection for switched transport service as soon as practicable, the Commission can prevent the LECs from dragging their feet on LTR in hopes of delaying the availability of expanded interconnection for local transport service.

In its reply comments, MFS argued that adopting expanded interconnection before lo-



cal transport restructure would not harm the LECs given the lack of incentive to use competing services in the absence of LTR. On the other hand, delaying the implementation of expanded interconnection until after local transport restructure would give the LECs a competitive advantage by inducing customers to reconfigure their access networks before competitive alternatives are available, according to MFS. MFS therefore recommended the immediate adoption of the proposed amendments to ensure that customers have realistic choices between LEC and competitive transport services when local transport restructure is completed.

The Commission disagrees with SWBT and GTE's suggestion that the effective date for expanded interconnection should be tied to the effective date for LTR. LTR filings proposed by SWBT and GTE companies are the subject of a contested proceeding (Docket Number 12784) where the jurisdictional deadline for LTR is set at December 1, 1994. The proposed effective date for intrastate tariffs offering switched transport expanded interconnection is April 1, 1995. If LTR is approved for SWBT and GTE in Docket Number 12784, then expanded interconnection would become effective after local transport is implemented, as they have requested. In the event local transport restructure is not approved for GTE and SWBT, the adoption and implementation of expanded interconnection pursuant to §23.92 should not be delayed because of their failure to provide sufficient support for LTR. If LTR is proposed in a form that SWBT does not like, it has threatened to withdraw its application prior to the issuance of the Commission's Final Order in Docket Number 12784. Tying the effective date of expanded interconnection to the effective date for LTR would give the LECs the power, and incentive, to effectively repeal the Commission's rule by delaying the effective date for LTR.

Adoption of expanded interconnection would not place the LECs at a competitive disadvantage because, as pointed out by SWBT, expanded interconnection, without LTR, provides only limited incentives for access customers to subscribe to services provided by CAPs. Because of this limited incentive, LECs are not placed at a competitive disadvantage as argued by GTE. The Commission agrees with MFS that it is appropriate to adopt and implement expanded interconnection at this time, so that customers have realistic competitive options when LTR is implemented.

In its comments, MFS raised additional concerns about the relationship between LTR and expanded interconnection. MFS seemed to be concerned that the LECs might require interconnectors to route interstate and intrastate switched access traffic over separate facilities pending the restructure of intrastate local transport rates. Teleport, in its reply comments supported MFS's suggestion. MFS, therefore, seemed to suggest that language be incorporated in §23.92 prohibiting LECs from requiring such separate facilities.

In their reply comments, GTE and SWBT rejected MFS's proposal. GTE understood MFS's proposal to apply prior to the authori-

zation of intrastate expanded interconnection. GTE argued that "if an IXC has interstate expanded interconnection service in the state and designates the collocated GTE end office as POP for intrastate traffic, separate facilities for the intrastate traffic and interstate expanded interconnection traffic will be required". SWBT stated that MFS's suggestion was a jurisdictional "mixmaster" of a suggestion which it termed as inappropriate, unclear in purpose, and confusing. SWBT also argued against adopting the suggestion since the interstate collocation had been rendered null by the federal court decision.

The Commission agrees with SWBT that MFS's comments are unclear and confusing. However, the comments and replies have raised an important issue that needs to be addressed. The Commission believes that interconnectors should be allowed to route interstate and intrastate switched access traffic over the same facilities. The intrastate and interstate usage of switched access traffic carried over these facilities should be charged the relevant intrastate and interstate rates approved by the respective regulatory authorities. The Commission adds subsection (i) which permits an interconnector to utilize the same facilities for intrastate and interstate switched access traffic. GTE seemed to think that MFS was requesting authority to carry intrastate switched access traffic over its interstate expanded interconnection facilities prior to the authorization of intrastate expanded interconnection. If so, the Commission agrees with GTE that such a proposal is inappropriate.

SWBT stated that while the expanded interconnection rule for special access and private line services placed a significant amount of intrastate revenues at risk, the proposed switched transport interconnection would place even greater revenues at risk—over \$100 million in 1993. SWBT argued that the potential revenue loss is especially critical given its growing dependence on local service revenues which has "the potential to detrimentally and incrementally impact residential and small business customers." In their reply comments, MFS, Teleport, AT&T, and Time Warner strongly refuted SWBT's claim that 100% of \$100 million switched transport revenues would be at risk as a result of expanded interconnection. According to MFS, under the local transport restructure adopted at the FCC, access customers that use interconnected transport facilities have to pay the residual interconnection charge which at the interstate level accounts for 60-80% of the total local transport revenues. MFS argued that if the same pattern holds true for Texas, only \$20-40 million of local transport revenues will be at risk while AT&T estimated the revenues at risk to be closer to \$20 million, at worst. Contending it is highly improbable that SWBT will lose all or most of its customers to competitors, MFS estimated the potential revenue loss to be even less. Teleport stated that at the interstate level, after accounting for the revenues from carrier common line, local switching and the residual interconnection charges, the dedicated portion of the local transport segment accounts for 3.8% of the switched access market. Teleport expects the impact of intrastate LTR to be smaller.

AT&T also noted that the Commission in adopting the special access/private line interconnection concluded that LECs' claims of revenue loss were exaggerated and that expanded interconnection allows for competition but does not ensure that competition will occur, which was demonstrated by the FCC litigation. In its reply comments, Time Warner agreed with Teleport that expanded interconnection under §23.92 applies only to the dedicated transport and is therefore only a small but important step towards the development of local exchange competition.

The Commission rejects SWBT's assertion that all its revenues from switched transport services are at risk if expanded interconnection is adopted. As noted earlier and acknowledged by SWBT, expanded interconnection, in the absence of LTR would not result in significant competition given the lack of incentive for customers to use competing alternatives. The Commission believes that in order to determine the potential revenue loss as a result of expanded interconnection, it is important to consider the segments of the transport network that will be subject to competition if local transport restructure is adopted. As noted by several parties, because the residual interconnection charge would not be subject to competition, the revenue loss to the LECs would be significantly reduced if local transport restructure is adopted. The Commission agrees with MFS, AT&T, and Teleport that the revenue impact claimed by SWBT is exaggerated under either scenario and, based on the experience at the interstate level, the potential revenue loss can be expected to be insufficient to cause any detrimental impact on residential and small business customers.

SWBT, GTE and Sprint advocated the need for granting pricing flexibility in the form of density zone pricing to LECs to enable them to compete with present and future competitors. According to the LECs, the absence of pricing flexibility will prevent the LECs from responding to competition by offering a competitive pricing structure in the LEC's more lucrative markets. SWBT and GTE want to be relieved of the current requirement to charge statewide rates and instead be allowed to price transport services based on the cost characteristics of the area served. GTE stated that the need for granting pricing flexibility becomes even more critical if a fresh look policy is adopted by the Commission. SWBT stated that "the Commission's denial of additional pricing flexibility would be contrary to PURA's §18(a) requirement of an "equal opportunity to compete." SWBT further stated that the potential beneficiaries of the proposed amendments, namely the CAPs, are "a well-heeled group of businesses" that are doing well in the market without the need for expanded interconnection.

SWBT and GTE pointed out that the FCC granted zone density pricing in conjunction with its expanded interconnection rules and according to GTE, the FCC did not foreclose other competitive options upon individual showings of necessity by the LEC. SWBT commented that while the Commission has followed the FCC's lead in authorizing collocation, the same is not true with respect to pricing flexibility.

Teleport commented that if the FCC's physical collocation is found to be unlawful, the Commission "should remove any pricing flexibility or other considerations extended to the LEC in connection with the implementation of expanded interconnection." SWBT responded that Teleport's suggestion regarding pricing flexibility is moot since the LECs have not been granted any pricing flexibility by the Commission and as such, there are no pricing flexibility or other considerations to be removed.

MFS's responded to the LECs request for pricing flexibility by stating that the LECs can seek pricing flexibility under procedures that already exist in Substantive Rule §23.27. AT&T stated in its reply comments that if the Commission permits pricing flexibility for the LECs then "the flexibility should be limited to reflect the inferiority of virtual collocation." AT&T maintained that there is no basis for pricing flexibility until interconnection tariffs take effect and a meaningful degree of interconnection occurs.

In its reply comments, Teleport stated that if the Commission does not order physical collocation, then SWBT's arguments for pricing flexibility as a *quid pro quo* for offering physical collocation is not valid and therefore LECs should not receive the benefits of additional pricing flexibility.

In its comments on Staff's initial recommendation, noting the absence of language allowing pricing flexibility, SWBT continued to stress the need for the Commission to balance the competitive equation by providing additional pricing flexibility to affected LECs if the Commission elects to proceed with expanded interconnection.

The Commission rejects the recommendation by SWBT, GTE and Sprint regarding the need for granting pricing flexibility as a part of this rulemaking project. The Commission believes that the proposed amendments are intended to permit competition but do not ensure that competition will take place. In this regard, the Commission notes that adoption of §23.92 authorizing expanded interconnection for special access and private lines in February, 1994 has not guaranteed the provision of the service and consequently competitive entry in SWBT's exchanges has been delayed, if not foreclosed. The Commission agrees with MFS that the LECs can request pricing flexibility to respond to significant competitive challenges under procedures in §23.27 and, if approved, thereby obtain flexibility to price transport services based on the cost characteristics of the areas served. While these amendments do not provide pricing flexibility to the LECs, they also do not prohibit such flexibility if the LECs can establish a need for pricing flexibility under §23.27 of this Chapter.

The Commission rejects SWBT's contention that denial of additional pricing flexibility by the Commission as a part of this rule violates PURA §18(a) requirement of an "equal opportunity to compete." The Commission notes that §18(e) of the PURA grants it the discretion to determine the appropriate regulatory mechanism to use in order to carry out the public policy outlined in §18(a). PURA §18(g) requires the Commission to balance the com-

petitive market mechanism with traditional regulatory concerns for universal service, preventing cross-subsidization and prohibiting anti-competitive behavior. The Commission has exercised its discretion by adopting §23.27 which specifically allows the Commission to grant requests for pricing flexibility for services which are subject to significant competitive challenge. In accordance with PURA §18(a), pricing flexibility is only allowed in a competitive marketplace and the Commission has determined, in §23.27, the requirements for showing that competition exists in a marketplace. If the LECs believe that §23.27 is not sufficient for that purpose, they should petition the Commission to amend that rule to address their specific concerns. The Commission believes that the proposed amendments and §23.27 allow for the "equal opportunity . . . in a competitive marketplace" contemplated by PURA §18(a). The Commission disagrees with SWBT and GTE's suggestion that the Commission should follow the FCC's lead on the issue of pricing flexibility as it has done with respect to expanded interconnection. As stated earlier, the LECs are not precluded from requesting pricing flexibility under §23.27. Furthermore, the Commission has mirrored the FCC's requirements in the proposed rule where appropriate and deviated from the FCC's rules when deemed necessary in the public interest, as on the issue of pricing of connection elements.

The Commission believes that AT&T's comment regarding the appropriate degree of pricing flexibility that should be granted to reflect the nature of interconnection arrangement is more appropriately addressed during the review of applications filed pursuant to §23.27, if any.

The Commission requested comments from parties on whether the Commission should adopt a "fresh look" policy for the intrastate special access, private line and/or mixed use facilities similar to the policy adopted by the FCC. In addition, parties were encouraged to propose language and comment on whether adding "fresh look" provisions to the proposed rule would require republication before a final rule is adopted.

Sprint, MCI, Teleport, MFS and Time Warner supported the adoption of a fresh look policy by the Commission. Teleport, Time Warner and MFS contended that fresh look represents the FCC's efforts to provide customers with meaningful choice that was not available at the time they entered into these long term agreements, thereby permitting customers to obtain the benefits of greater access competition.

SWBT, GTE and TSTCI, on the other hand, strongly opposed the adoption of a "fresh look" policy by the Commission. SWBT and GTE contended that long term contracts are mutually beneficial to the customer and the provider because the customers receive lower and/or stabilized rates and LECs benefit from decreased revenue risks associated with stabilized revenue flows. SWBT further stated that customers that wish to exit long term contracts can do so now by paying "reasonable" termination fees. GTE pointed out that requiring a fresh look "creates an unjust

advantage in favor of the CAPs" since it would not entail examination of agreements between CAPs and their customers. In their reply comments, SWBT and GTE urged the Commission to defer any action on fresh look until the issue has been addressed by the FCC on remand.

Sprint suggested the adoption of a fresh look policy for Texas similar to the policy adopted by the FCC. Teleport suggested that the LECs investigate and report to the Commission on whether a significant number of circuits are subject to long term contractual agreements. If a meaningful number of services are eligible for fresh look, then Teleport recommended that the fresh look policy should apply to all contracts entered into prior to the effective date of this rule.

MCI recommended language for the fresh look provision which would permit a customer that uses a local exchange company's (LEC) access service to terminate any extended-term serving arrangement with the LEC for such services without incurring termination liabilities. MCI defined an extended-term serving arrangement as any arrangement, whether by contract or tariff, whose term is in excess of eleven months. Under MCI's proposal, the fresh look policy would become operational for a period of 180 days following the later of the effective date of this section or the installation of the first cross-connect to an interconnector's collocation facility within an end office from which service is provided. Time Warner and Teleport concurred with MCI's proposed language.

While MFS supported the adoption of a "fresh look" policy, it pointed out that as a practical matter there may not be a need for Commission action on this issue since intrastate switched transport may be provided over "shared use" facilities which also carry special access circuits that are purchased under long term contracts. MFS stated that these services would almost always be purchased out of interstate access tariffs. Time Warner in its reply comments disagreed with MFS's statements by pointing out that comments were solicited as to whether a fresh look policy should be adopted for intrastate special access, private line, and/or mixed use facilities.

SWBT stated that in the event the Commission did include a fresh look provision in its rule, it should adopt the tariff language used in its recently approved High Capacity Term Payment Plan tariffs or SWBT's interstate tariffs where the applicability of fresh look was limited to contracts entered into prior to adoption of the respective special access expanded interconnection rule. However, SWBT opined that the "fresh look" issue should be determined on a case-by-case basis.

GTE commented that if a fresh look provision is approved by the Commission, then it should be no broader in scope than the FCC policy on fresh look and should be limited to long term agreements entered on or before September 17, 1992 since agreements entered into after that date were done with the full knowledge of changes caused by expanded interconnection. In its reply comments, Time Warner objected to the suggestion by the LECs that the fresh look

policy be limited to contracts entered into before September 17, 1992. Time Warner pointed out that expanded interconnection for special access services became effective only recently in GTE territories and is still not a reality in SWBT's territories. Time Warner recommended that the fresh look policy, if adopted, should be applicable to all long term LEC contracts as of the effective date of the LEC's interconnection tariff filings

Parties also commented on the legal basis for adopting a fresh look policy in Texas. Time Warner believed that a fresh look policy would meet the criteria required by the decision in *High Plains Natural Gas Co v Railroad Commission of Texas* which permits an agency to modify or abrogate an existing contract if there is a finding that the contract is not in the public interest. SWBT and GTE contended that despite the adoption of a "fresh look" policy by the FCC, it would be unlawful in Texas for the Commission to order the same as a general rule. In this regard, SWBT noted the Commission's decision in February 1994, in the previous expanded interconnection rule, wherein the Commission declined to adopt a fresh look provision as requested by CAPs. SWBT believes that nothing has changed in the Texas law since February 1994 to cause the Commission to reverse its decision.

MCI and Sprint believed that replication would not be necessary if the Commission includes a "fresh look" provision in its rule. In support of its position regarding republication, MCI cites the decision in *State Board of Insurance v Deffebach*, 631 S.W.2d 794, 800-801 (Tex. Appraising 1982, writ refused) wherein the court stated that "after proper notice and hearing, should the agency incorporate public comments into the proposed rule and should such rule affect no other subject or person than those previously given notice, it would seem to this Court no further purpose would be served by requiring republication of the proposed rules." MCI believes that the standard articulated in *Deffebach* would be met in this rulemaking proceeding. Time Warner, in its reply comments, agreed with MCI in this regard.

SWBT commented on Staff's initial recommendation where General Counsel recommended the adoption of the "fresh look" provision on a case-by-case basis through the complaint process rather than including specific language in the proposed rule. While SWBT agreed with General Counsel's stated conclusion, it opined that the basis for the conclusion ignored the unlawfulness of the "fresh look" concept in Texas. Furthermore, SWBT commented that requiring a general rule on fresh look policy rather than addressing the issue on a case by case basis through the complaint process would be tantamount to Commission tampering with private contracts without establishing overriding public interest in each specific case.

After reviewing the comments, the Commission has determined that it is preferable to address this issue on a case-by-case basis through the complaint process. None of the persons submitting comments have indicated that they are subject to long term contracts with the LECs and wish to terminate them

Except for mixed use facilities, switched transport service is provided pursuant to tariff rather than under customer specific contracts and so would not be subject to "fresh look". Less than 10% of the LECs' existing revenues for special access and private line services are generated from services provided pursuant to contracts as opposed to services provided pursuant to tariff. The majority of the LEC contracts involve parties who presumably were, or should have been, aware of the on-going activity related to expanded interconnection at the time the contracts were executed. There is no indication that the existence of these contracts is interfering with the implementation of expanded interconnection or the development of competition for these services. For these reasons, the Commission does not believe there is a need for a rule establishing fresh look in Texas. Existing contracts can still be examined through the complaint process to determine whether they adversely affect the public interest.

All comments, including any not specifically referenced herein, were fully considered by the Commission.

The amendment is adopted under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and §18, which authorizes the Commission to adopt rules, policies and procedures to protect the public interest and to provide equal opportunity to all telecommunications utilities in a competitive marketplace.

Cross Index to Statutes Texas Civil Statutes, Article 1446c

#### §23.92. Expanded Interconnection.

(a) Applicability. This section applies to each local exchange carrier, as defined in §23.61 of this title (relating to Telephone Utilities), that has interstate tariffs in effect that provide for expanded interconnection with local telephone company facilities for special access and/or switched transport services.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Central Office-The location of the central switching unit of a local exchange carrier where customer lines and trunks terminate and are interconnected with the rest of the network.

(2) Interconnection-The point in a network where a customer's transmission facilities interface with the local exchange carrier's network under the provisions of this section.

(3) Interconnector-A customer that interfaces with the local exchange carrier's network under the provisions of this section.

(4) Special Access-A transmission path connecting customer designated premises to each other either directly or

through a hub or hubs where bridging, multiplexing or network reconfiguration service functions are performed and includes all exchange access not requiring switching performed by the local exchange carrier's end office switches.

(5) Switched Transport-Transmission between a local exchange carrier's central office (including tandem-switching offices) and an interexchange carrier's point of presence.

(c) Expanded Interconnection for Special Access and Private Line Services.

(1) Expanded interconnection for DS1 and DS3 Special Access Services, and Special Access Services for which interstate expanded interconnection has been granted. Each local exchange carrier that is subject to this section shall offer expanded interconnection as specified in this subsection for the services listed in subparagraphs (A)-(C) of this paragraph. The LEC shall offer expanded interconnection for these services at the same locations, in the same manner, and, except for price, under the same terms and conditions as it offers expanded interconnection for interstate special access services, unless ordered otherwise by the commission. This paragraph applies to the following intrastate special access services:

(A) special access DS1;

(B) special access DS3; and

(C) special access services for which interstate expanded interconnection has been granted.

(2) Expanded interconnection for all Special Access and Private Line Services. Each local exchange carrier that is subject to this section shall offer expanded interconnection as specified in this subsection for the services listed in subparagraphs (A)-(B) of this paragraph. The LEC shall offer expanded interconnection for these services at the same locations, in the same manner, and, except for price, under the same terms and conditions as it offers expanded interconnection for interstate special access services, unless ordered otherwise by the commission. This paragraph applies to the following intrastate services:

(A) all private line services, as that term is defined in §23.61 of this title (relating to Telephone Utilities), and

(B) all special access services

(3) Tariff Provisions

(A) Each local exchange carrier that is subject to this section shall file tariff revisions to unbundle each service for which expanded interconnection shall be offered and to remove any resale or sharing restrictions for each such service. As used in this subparagraph, to unbundle means to make available, on an unrestricted basis, the individual rate elements necessary to provide a special access service or a private line service.

(B) Each local exchange carrier that is subject to this section shall file tariffs to establish connection charges for the use of equipment and facilities that are associated with offerings of expanded interconnection under this subsection. Unless ordered otherwise by the commission, the definitions of such connection charges and the regulations governing their application shall be the same as those contained in the carrier's interstate expanded interconnection tariffs. The local exchange carrier shall not impose a separate charge or rate element that is not included in its interstate tariffs for interconnection for special access services. The local exchange carrier shall not impose a separate charge or rate element for interconnection for private line services that is not included in its tariffs for interconnection for special access services.

(4) Implementation All local exchange carriers subject to this section shall file tariff amendments in compliance with paragraph (3) of this subsection.

(A) Initial filing to implement paragraph (1) of this subsection. The LEC shall file initial tariff amendments to implement the provisions of paragraph (1) of this subsection not later than 30 days after February 22, 1994.

(B) Initial filing to implement paragraph (2) of this subsection. The LEC shall file initial tariff amendments to implement the provisions of paragraph (2) of this subsection not later than March 1, 1995 to be effective not later than May 1, 1995, unless suspended.

(C) Initial filings in compliance with this subsection shall be filed pursuant to §23.26 of this title (relating to New and Experimental Services). Initial tariff amendments filed in compliance with this subsection shall be filed pursuant to §23.26; provided, however, the provisions of §23.26(c)(6) shall not apply with respect to rates proposed in compliance with paragraph (3)(A) or (3)(B) of this subsection if the local exchange carrier proposes rates that are the same as the rates in effect for the carrier's interstate provision of the same, equivalent or substitutable service

Tariff revisions filed pursuant to this subsection shall not be combined in a single application with any other tariff revision.

(D) Additional filings. A local exchange carrier shall make, within 15 days of the effective date of an interstate tariff providing for expanded interconnection, such additional tariff filings as are required to remain in compliance with this subsection. The proposed effective date of such additional tariff filings shall be not later than 60 days after the filing date, unless suspended.

(5) Customer Specific Contracts. This subsection does not require the unbundling or removal of resale prohibitions in customer specific contracts in effect on or before February 22, 1994.

(d) Expanded Interconnection for Switched Transport Services.

(1) Expanded Interconnection for all Switched Transport Services. Each local exchange carrier that is subject to this section shall offer expanded interconnection as specified in this subsection for all switched transport services at the same locations, in the same manner, and except for price, under the same terms and conditions as it offers expanded interconnection for interstate switched transport services, unless ordered otherwise by the commission.

(2) Tariff Provisions and Implementation Each local exchange carrier that is subject to this section shall file tariffs to establish connection charges for the use of equipment and facilities that are associated with offerings of expanded interconnection under this subsection.

(A) Unless ordered otherwise by the commission, the definitions of such connection charges and the regulations governing their application shall be the same as those contained in the carrier's interstate expanded interconnection tariffs.

(B) Absent additional costs, the local exchange carrier shall impose a single charge when the same facilities are used to provide expanded interconnection for both special access and switched transport services. If additional facilities are used, the local exchange carrier may assess additional cost-based connection charge subelements for the use of such additional facilities.

(C) The local exchange carrier shall not impose a separate charge or rate element that is not included in its interstate tariffs for interconnection for switched transport services

(D) A local exchange carrier shall apply nonrecurring reconfiguration charges in a neutral manner to customers of either the interconnector or local exchange carrier unless justified by specific identifiable cost differences. In addition, any differences between the charges applicable when a customer shifts to an interconnector's service and those applicable when a customer reconfigures its service with the local exchange carrier must be cost-based.

(E) The LEC shall file initial tariffs to implement the provisions of this subsection not later than February 1, 1995, with tariffs becoming effective not later than April 1, 1995, unless suspended.

(F) Initial tariff filings in compliance with this subsection shall be filed pursuant to the provisions of §23.26; provided, however the provisions of §23.26(c)(6) shall not apply with respect to rates proposed in compliance with subparagraph (A)-(E) of this paragraph if the local exchange carrier proposes rates that are the same as the rates in effect for the carrier's interstate provision of the same, equivalent or substitutable service. Tariff revisions filed pursuant to this subsection shall not be combined in a single application with any other tariff revision.

(G) A local exchange carrier shall make, within 15 days of the effective date of an interstate tariff providing for expanded interconnection, such additional tariff filings as are required to remain in compliance with this subsection. The proposed effective date for such additional tariff filings shall be not later than 60 days after the filing date, unless suspended.

(e) Waivers. A LEC may seek a waiver from the requirements of subsections (c) and (d) of this section at a location where the opportunity for the application of an FCC waiver does not exist. The request shall be granted if the presiding officer of the commission finds that the local exchange carrier has demonstrated that it is not feasible to provide interconnection at a specific location due to lack of space

(f) Voluntary Agreements. A local exchange carrier and one or more interconnectors may agree to alternative interconnection arrangements at a specific location that are different from those required by subsections (c) and/or (d) of this section, provided such arrangements are tariffed and made generally available for that location. Any such agreement shall not modify the local exchange carrier's obligations under subsections (c) and (d) with respect to any other interconnector that does not elect to subscribe to the voluntary arrangement.

(g) Bona Fide Requests. If a local exchange carrier would be required to provide expanded interconnection for interstate special access or switched transport services at a particular location upon receipt of a bona fide request for such interstate interconnection, the LEC shall provide interconnection for intrastate services as required by subsections (c) and (d) of this section upon receipt of a bona fide request for such intrastate interconnection at any location not covered by its interstate tariffs, subject only to the same conditions and exceptions that would be applicable to a bona fide request for interconnection for interstate services.

(h) Utilization of Collocation Space. A local exchange carrier shall permit an interconnector to use the same collocation space for both interstate and intrastate interconnection services.

(i) Utilization of Facilities. A local exchange carrier shall permit an interconnector to use the same facilities for both interstate and intrastate switched access traffic.

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 November 7, 1994.

TRD-9450574

John M Renfrow  
Secretary of the  
Commission  
Public Utility Commission  
of Texas

Effective date: November 28, 1994

Proposal publication date: May 6, 1994

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

◆ ◆ ◆  
**TITLE 19. EDUCATION**  
**Part II. Texas Education**  
**Agency**

**Chapter 61. School Districts**

**Subchapter BB. Commissioner's Rules on Reporting Requirements**

• 19 TAC §61.1021

The Texas Education Agency (TEA) adopts new §61.1021, concerning school report cards (SRC's), with changes to the proposed text as published in the October 7, 1994, issue of the *Texas Register* (19 TexReg 7973). The rule is necessary to increase awareness and knowledge of the resources and performance of public schools. Distribution of the SRC should enhance parental involvement in campus improvement activities.

The change to subsection (b), made in response to public comment, clarifies the intent of the SRC.

The rule specifies how school districts shall disseminate yearly SRC's to the parents or guardians of each student at each campus.

The SRC provides each family with student, staff, financial, and performance information as required by statute.

Mansfield ISD suggested that the primary intent of the SRC is to inform parents about the school. A secondary intent is to show school performance in relation to the district, state, and comparable schools. The rule text was modified to reflect this comment.

The new rule is adopted under the Texas Education Code, §35.043, which authorizes the commissioner of education to adopt rules requiring dissemination of campus report cards annually to the parent of or person standing in parental relation to each student at the campus.

§61.1021. School Report Cards.

(a) The campus report card disseminated by the Texas Education Agency (TEA) under the Texas Education Code, §35.043, shall be termed the "school" report card (SRC).

(b) The intent of the SRC is to inform each student's parents or guardians about the school's performance and characteristics. Where possible, the SRC will present the school information in relation to the district, the state, and a comparable group of schools. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

(c) The SRC must be disseminated within six weeks after it is received from TEA.

(d) The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as: including the SRC in a weekly folder sent home with each student, mailing it to the student's residence, providing it at a teacher-parent conference, or enclosing it with the student report card.

(e) The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

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 November 7, 1994.

TRD-9450563

Cris Cloudt  
Executive Associate  
Commissioner, Policy  
Planning and  
Information  
Management  
Texas Education Agency

Effective date: November 28, 1994

Proposal publication date: October 7, 1994

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

◆ ◆ ◆  
• 19 TAC §61.1022

The Texas Education Agency (TEA) adopts new §61.1022, concerning the Academic Excellence Indicator System (AEIS) report, without changes to the proposed text as published in the October 7, 1994, issue of the *Texas Register* (19 TexReg 7974).

The rule is necessary to increase awareness and knowledge of the resources and performance of public schools. Distribution of the SRC should enhance parental involvement in campus improvement activities.

The rule specifies how each board of trustees shall publish the yearly AEIS report and disseminate it to the public and how they shall hold a hearing for public discussion of the report.

No comments were received regarding adoption of the new rule.

The new rule is adopted under the Texas Education Code, §35.042, which authorizes the commissioner of education to adopt rules concerning dissemination of the AEIS report.

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 November 7, 1994.

TRD-9450564

Cris Cloudt  
Executive Associate  
Commissioner, Policy  
Planning and  
Information  
Management  
Texas Education Agency

Effective date: November 28, 1994

Proposal publication date: October 7, 1994

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◆ ◆ ◆  
**TITLE 22. EXAMINING**  
**BOARDS**

**Part XXIII. Texas Real Estate Commission**

**Chapter 535. Provision of the Real Estate License Act**

**Suspension or Revocation of Licensure**

• 22 TAC §535.164

The Texas Real Estate Commission adopts an amendment to §535.164, concerning disclosure of agency, with changes to the proposed text as published in the September 2, 1994, issue of the *Texas Register* (19 TexReg 6887).

The amendment provides additional exceptions to the required use of an agency disclo-

sure form; the form provides general information about the types of representation available to consumers and serves as a vehicle for the real estate licensee to make written disclosure of any existing agency relationship between the licensee and any principal. The amendment also clarifies the meaning of an exception for residential lease transactions in which no sale is being considered and permits real estate licensees to use a foreign language version of the disclosure form once the commission has approved the foreign language version. Adoption of the amendment is necessary to provide guidelines to real estate licensees concerning disclosure of agency and use of the disclosure form

The Texas Association of Realtors (TAR) and the Texas Real Estate Buyer Agents Association (TREBBA) commented both in support and in opposition to the proposed amendment. TAR supported use of authorized foreign language versions of the disclosure form and generally supported the proposed amendments. TAR also suggested that the format of the form be modified and that the portion relating to disclosure of any existing agency relationship be deleted. The commission did not concur with the suggested change, since the deletion would have affected one of the intended purposes of the form, disclosure of an existing agency, and no change in the form itself had been proposed in the rulemaking process. TAR also suggested that the section should not require a licensee to provide the form to a principal represented by another licensee whether or not the other licensee is present. The commission determined that the section should be amended as proposed to require the other licensee to be present for the exception to be applicable. TREBBA suggested that language be added to the section to require an English language version of the disclosure form to be provided to a prospective buyer, seller, landlord or tenant if an approved foreign language version of the form is being used. The commission concurred and made the suggested change. TREBBA opposed the proposed exception for meetings at which licensees representing different principals are both present and recommended the additional deletion of the present exception for meetings at open houses. TREBBA also suggested that the section include electronic communications relating to real estate and require a specific disclosure that the licensee furnishing the information electronically represents the property owner. The commission determined that these changes should not be made in the section.

A number of individuals opposed the portion of the amendment permitting licensees to use foreign language versions of the form, contending generally that the English language alone should be used. The commission determined that the information contained in the form should be available to consumers who do not read the English language and did not concur with the comments.

The amendment is adopted under Texas Civil Statutes, Article 6573a, §5(h), which authorize the Texas Real Estate Commission to make and adopt all rules and regulations necessary for the performance of its duties.

#### §535.164. Disclosure of Agency.

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

(e) A real estate licensee is not required to provide a copy of the form to a prospective buyer, seller, landlord or tenant in the following instances:

(1) (No change.)

(2) the proposed transaction is for a residential lease for one year or less and no sale is being considered;

(3)-(4) (No change.)

(5) the face-to-face meeting with a licensee occurs at a property which is being held open for prospective purchasers or is being shown to prospective tenants, and there is no substantive discussion regarding a transaction;

(6) the face-to-face meeting with the licensee or the written communication from the licensee occurs after the parties to the transaction have signed a contract to buy, sell, rent, or lease the real property concerned; or

(7) the licensee is meeting with a principal who is represented by another licensee who is also present.

(f)-(g) (No change.)

(h) Licensees may use a revised disclosure form adopted under this section prior to the effective date of a revision. Licensees may use a foreign language version of the form approved by the commission; provided, however, that any foreign language version form furnished to a prospective buyer, seller, landlord or tenant shall also include the English version form.

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 November 2, 1994.

TRD-9450450

Mark A Moseley  
General Counsel  
Texas Real Estate  
Commission

Effective date November 25, 1994

Proposal publication date September 2, 1994

For further information, please call (512) 465-3900



## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 98. HIV and STD Control

##### Subchapter A. Texas HIV Services Grant Program

##### General Provisions

##### • 25 TAC §98.7

The Texas Department of Health (department) adopts the repeal of §98.7 of existing HIV Services Program rules, without changes to the proposed text as published in the September 6, 1994, issue of the *Texas Register* (19 TexReg 6983).

Section 987 defines the committee's purposes, composition, meeting procedures, and reporting responsibilities.

In accordance with Texas Civil Statutes, Article 6252-33, the department must evaluate each of its advisory committees to determine whether the committee should be continued, modified, consolidated with other committees, or abolished. The HIV Services Advisory Committee was established in 1989. However, no quorum was present at three of the committee's last four meetings. Upon review, the department has determined that the committee no longer serves a useful purpose, that its functions can be more efficiently accomplished by allowing local consortia to provide input to the department through statewide and regional meetings. The committee will be abolished.

COMMENT: One comment was received from an individual indicating opposition to abolishing the HIV Services Advisory Committee.

RESPONSE: The department will find alternative mechanisms to accomplish the mission of the committee.

The repeal is adopted under Texas Civil Statutes, Article 6252-33, which sets standards for the evaluation of advisory committees by the agencies for which they function; and under Health and Safety Code, §12.001, which provides the Texas Board of Health (board) with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the commissioner of health.

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 authority.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450625

Susan K Steeg  
General Counsel, Office of  
General Counsel  
Texas Department of  
Health

Effective date November 29, 1994

Proposal publication date September 6, 1994



For further information, please call: (512) 458-7456

◆ ◆ ◆  
Subchapter B. HIV Education  
Grant Program

General Provisions

• 25 TAC §98.67

The Texas Department of Health (department) adopts the repeal of §98.67, of existing HIV Prevention Program rules, without changes to the proposed text as published in the September 6, 1994, issue of the *Texas Register* (19 TexReg 6984).

Section 98.67 defines the committee's purposes, composition, meeting procedures, and reporting responsibilities.

In accordance with Texas Civil Statutes, Article 6252-33, the department must evaluate each of its advisory committees to determine whether the committee should be continued, modified, consolidated with other committees, or abolished. The HIV Education, Prevention and Risk Reduction Advisory Committee was established in 1989. With the committee meeting only twice a year, and new members being appointed, a large portion of the meetings was spent orienting members on current program issues. Upon review, the department has determined that the committee no longer serves a useful purpose, that its functions can be more efficiently accomplished through the statewide community planning process, and that it will be abolished.

No comments were received.

The repeal of §98.67 is adopted under Texas Civil Statutes, Article 6252-33, which sets standards for the evaluation of advisory committees by the agencies for which they function; and the Health and Safety Code, §12.001, which provides the board with authority to adopt rules for the performance of every duty imposed by law upon the board, the department, and the commissioner of health.

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 authority.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450624

Susan K. Steeg  
General Counsel, Office of  
General Counsel  
Texas Department of  
Health

Effective date: November 29, 1994

Proposal publication date: September 6, 1994

For further information, please call: (512) 458-7456

Chapter 157. Emergency  
Medical Care

Emergency Medical Services  
Trauma Systems

• 25 TAC §157.121, §157.125

The Texas Department of Health (department) adopts amendments to §157.121 and §157.125, concerning emergency medical services trauma systems, without changes to the proposed text as published in the June 10, 1994 issue of the *Texas Register* (19 TexReg 4479).

Specifically the sections cover purpose (designation process basic (level IV) trauma facilities), and requirements for trauma facility designation. The amendments update and clarify existing essential criteria for basic (level IV) trauma facility designation and requirements for site surveys of hospitals applying for designation. The department is amending the existing sections as a result of recommendations of the Trauma Technical Advisory Committee regarding level IV designation.

New subsection (d) under §157.121 includes essential criteria for the designation process (level IV trauma facilities). In February 1992 the department adopted by reference ten publications covering criteria and designation process. To comply with more rigid Texas Register restrictions with regard to adoption by reference material, the actual text of the proposed "Texas Trauma Facility Criteria, Basic" is published as new subsection (d) instead of adoption by reference under existing subsection (b) where other existing criteria is adopted by reference.

No comments were received on the proposed amendments.

The amendments are adopted under the Health and Safety Code, §773.115, which provides the Texas Board of Health with the authority to adopt rules for the designation of trauma facilities; and §12.001 which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health.

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 authority.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450623

Susan K. Steeg  
General Counsel, Office of  
General Counsel  
Texas Department of  
Health

Effective date: November 29, 1994

Proposal publication date: June 10, 1994

For further information, please call: (512) 458-7692

TITLE 31. NATURAL RE-  
SOURCE AND CON-  
SERVATION

Part I. General Land  
Office

Chapter 15. Coastal Area  
Planning

Subchapter A. Management of  
the Beach/Dune System

• 31 TAC §15.11

The General Land Office adopts new §15.11, concerning certification and conditional certification of local government beach access and dune protection plans (plans). The rule is being adopted with one editorial change to §15.11(f) to provide a proper citation. No other subsection has been changed. The local plans are the product of a state and local government partnership which recognizes the economic and environmental benefits in protecting the beach/dune system and preserving and enhancing the public's right to use and have access to and from Texas' public beaches. The local plans are designed to assist Texans in protecting private property, structures, and public beaches from the ravages of erosion, flooding, and a dwindling sand budget. It is economically smart to protect the Texas coast. Texas' public beaches attract tourists from around the world, enhancing local economies. It is a tribute to the coast that its beauty attracts many new residents; construction of new homes and infrastructure is on the rise. The coast of the Gulf of Mexico provides critical estuarine habitat for wildlife and marine life, attracting sportsfishermen, birders, naturalists, and scientists. The beach/dune system is an invaluable and irreplaceable part of the fragile, dynamic ecology of the Texas coast. Sand dunes are buffers against windblown salt and spray, and are vitally important in protecting the property that lies behind them against storms and floods. Sand dunes store sand which is critical to replenishing Texas' eroding beaches and the sediment budget. The local plans certified in §15.11 are a critical component of the effort to preserve the dynamic and fragile Texas coast.

The Texas Legislature directed the General Land Office to provide a state-wide, baseline level of protection for the economic and ecological values of the Texas coast and its natural features; however, each local government with jurisdiction over the areas adjacent to the Gulf of Mexico is responsible for implementing the protective standards, and may take into account the unique conditions of the local area. Together, the state and local governments will endeavor to enhance the economic and ecological values of the coast for this and future generations of Texans.

Pursuant to the Open Beaches Act and the Dune Protection Act (Texas Natural Resources Code, Chapters 61 and 63) and the Beach/Dune Rules (31 TAC §§15.1-15.10), all local governments with jurisdiction over gulf beaches must submit plans to the Gen-

eral Land Office. As directed by the Texas Legislature, and after considering more than 1,000 comments during the public comment period, the General Land Office adopted the Beach/Dune Rules in February, 1993 (18 TexReg 661), providing the minimum standards for protecting gulf beaches and dune systems through the content and implementation of local plans.

The General Land Office has reviewed the plans identified in subsections (a) and (b) and hereby certifies that all 13 plans comply with state law. In subsection (a), the General Land Office unconditionally certifies eight local governments' plans. In subsection (b), the General Land Office certifies five local governments' plans with the condition that the local governments modify their plans to be consistent with the General Land Office comments referenced in subsection (b). Such modification of plans identified in subsection (b) must be formally adopted by the local governments on or before the expiration of 180 days from the effective date of this section, unless the provisions of subsection (d)(2) apply.

Subsection (c) requires local governments to implement conditionally certified plans consistent with the Open Beaches Act, the Dune Protection Act, and the Beach/Dune Rules. Subsection (d)(1) provides for the removal of conditions imposed on local government plans. Subsection (d)(2) describes the mechanism for a local government which opts not to modify its plan to support its choice by providing scientific or legal justification why the modifications proposed by the General Land Office are not feasible. Subsection (e) provides for the General Land Office to withdraw conditional certification by amending this section if a local government fails or refuses to comply with subsections (b) and (d). As explained in subsection (f), the Nueces County and Cameron County interim certifications adopted on October 9, 1992 (17 TexReg 6975), are not affected by the adoption of this rule.

#### Section 15.11(a).

Regarding §15.11(a)(2), one commenter supported the certification of the Chambers County plan, but requested that Chambers County revise its plan to contain a "more nearly accurate description of existing public beach access." The commenter noted that access to the public beach adjacent to Highway 87 is impaired by the closure of the highway, and that while vehicular use of the highway is prohibited, neither the Texas Department of Transportation nor the county have prohibited vehicular use of the beach. Clarification of this point will facilitate a better understanding of beach access in Chambers County, and the county is encouraged to revise the plan accordingly. The General Land Office considers the commenter's request for such plan revisions as a request for further clarification of an otherwise legally sufficient plan; therefore, no change was made based on this comment.

Regarding §15.11(a)(3), a commenter questioned whether the adoption of the Port Aransas plan resolution rather than ordinance was enforceable. Section 15.11 certifies local government plans which meet the requirements

of the Open Beaches Act, the Dune Protection Act, and the Beach/Dune Rules. Local governments are required to enforce their plans; however, it is entirely up to the local governments to determine the means by which such plans are adopted. Because §15.11 does not mandate a method by which local governments must adopt plans, no change was made based on this comment.

Groups and associations opposed to portions of this proposed section because they requested changes in, or otherwise expressed dissatisfaction with, the section were: The Office of the Texas Attorney General.

The new section is adopted pursuant to the Texas Natural Resources Code, §61.011(d)(5) and §63.121, in which the Texas Legislature authorized the General Land Office to promulgate rules for the certification of local government beach access and use plans and for the identification and protection of critical dune areas.

#### §15.11. Certification of Local Government Dune Protection and Beach Access Plans.

(a) Certification of local government plans. The following local governments have submitted plans to the General Land Office which are certified as consistent with state law:

- (1) Brazoria County
- (2) Chambers County;
- (3) City of Port Aransas;
- (4) City of Port Arthur;
- (5) Jefferson County;
- (6) Matagorda County;
- (7) Town of Quintana; and
- (8) Village of Jamaica Beach.

(b) Conditional certification of local government plans. The following local governments have submitted plans to the General Land Office which are conditionally certified as consistent with state law.

(1) City of Corpus Christi. This certification is valid for 180 days, during which time the City of Corpus Christi will modify its plan consistent with the General Land Office comments submitted to the City of Corpus Christi (October 14, 1993).

(2) City of Galveston. This certification is valid for 180 days, during which time the City of Galveston will modify its plan consistent with the General Land Office comments submitted to the City of Galveston (October 14, 1993).

(3) Galveston County. This certification is valid for 180 days, during which time Galveston County will modify its plan consistent with the General Land Office comments submitted to Galveston County (October 18, 1993).

(4) Kleberg County. This certification is valid for 180 days, during which time Kleberg County will modify its plan

consistent with the General Land Office comments submitted to Kleberg County (October 14, 1993).

(5) Village of Surfside Beach. This certification is valid for 180 days, during which time the Village of Surfside Beach will modify its plan consistent with the General Land Office comments submitted to the Village of Surfside Beach (December 3, 1993).

(c) Implementation of conditionally certified plans. Local governments are required to implement conditionally certified plans consistent with the Natural Resources Code, Chapters 61 and 63, and the General Land Office rules for management of the beach/dune system, §§15.1-15.10 of this section.

(d) Removal of conditions of certification.

(1) Local governments shall submit their modified plans on or before the expiration of the 180-day time period. The General Land Office shall provide to the pertinent local government a determination as to the sufficiency of the modification(s) within 60 days of receipt of the plan. The General Land Office will remove all conditions of the plan's certification by amending this subsection. Such amendments will list the name of the pertinent local government in subsection (a) of this section, and delete the same from subsection (b) of this section. If the General Land Office determines that modifications of plans are insufficient, the General Land Office shall provide specific exceptions to the modifications. If those portions of the plan to which the General Land Office has noted exceptions can be addressed through further comment, plan revision and review, conditional certification will be reissued pursuant to a General Land Office amendment to this subsection, subject to further plan modification.

(2) In the event that a local government chooses not to modify its plan as requested in the General Land Office comments, the local government shall provide in writing the scientific or legal justification as to why such modifications are not feasible. The justification shall be submitted to the General Land Office on or before the due date of the revised plan. The justification will be reviewed by the General Land Office, and a determination as to the sufficiency of the justification will be provided to the local government within 60 days of receipt by the General Land Office. Local government plans shall continue in effect under conditional certification until the sufficiency of the justification is resolved or this section is amended.

(e) Withdrawal of conditional certification. Conditional certification of a local government plan shall be withdrawn by the General Land Office after the 180-day time



period if the pertinent local government does not submit to the General Land Office either a formally adopted plan which has been modified consistent with General Land Office comments or the written scientific or legal justification as to why such modification is not feasible. In any event, withdrawal of conditional certification shall only occur after the General Land Office adopts an amendment to this subsection withdrawing conditional certification, with accompanying specific reasons, and the General Land Office has given the pertinent local government written notice of the withdrawal of the conditional certification.

(f) This section does not affect the General Land Office interim certification issued to Nueces County and Cameron County on October 9, 1992, as defined in §15.72 of this chapter (relating to Administration) which continues in effect.

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 October 31, 1994.

TRD-9450581 Garry Mauro  
Commissioner  
General Land Office

Effective date: November 28, 1994

Proposal publication date: May 13, 1994

For further information, please call: (512) 305-9129

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part XIX. Texas Department of Protective and Regulatory Services

#### Chapter 715. Day Care Licensing

##### Subchapter E. Standards for Day Care Centers

###### • 40 TAC §§715.401-715.432

The Texas Department of Protective and Regulatory Services (TDPRS) adopts the repeal of §§715.401-715.432, and adopts new §§715.401-715.429, concerning the minimum standards for day care centers, in its Day Care Licensing rule chapter. The new §§715.401-715.406, 715.408-715.411, 715.413-715.415, 715.417, 715.419-715.427 are adopted with changes to the proposed text as published in the May 6, 1994, issue of the *Texas Register* (19 Tex Reg 3444). The new §§715.407, 715.412, 715.416, 715.418, 715.428, and 715.429 are adopted without changes to the proposed text, and will not be republished.

The justification for the repeals is to delete obsolete language. The justification for the new sections is to ensure that regulations as

specified in Chapter 42 of the Human Resources Code regarding child care facilities are implemented to promote the health, safety, and welfare of children attending a facility; promote safe, comfortable, and healthy physical facilities for children; ensure adequate supervision of children by capable, qualified, and healthy personnel; ensure adequate and healthy food service where food service is offered; and prohibit racial discrimination by child care facilities.

The new sections will function by ensuring that a minimum level of health, safety, and well being for children in care is provided.

During 1991-1994, an ad hoc committee was appointed by TDPRS with membership including teachers, parents, directors, and experts in the field of child care. All sizes of facilities, parts of the state, and sources of funding (profit and non-profit) were represented. This committee, in conjunction with TDPRS's Licensing Division, developed the recommendations acted on by the Protective and Regulatory Services Board at their meeting on March 11, 1994. At various stages of the department's work with the ad hoc committee, meetings were held at 53 locations throughout the state. At these meetings, 4,740 people participated and another 5,573 commented on various versions of the recommendations by mail to TDPRS. The Advisory Committee on Child Care Administrators and Facilities also made recommendations.

During the public comment period, 13,000 copies of the proposed standards were mailed to all day care centers and stakeholders. Included with each copy was a form inviting comments to the proposals. A toll-free number was also available for the receipt of comments. TDPRS received 2,014 written and verbal comments from 1,271 individuals.

TDPRS conducted public hearings in Dallas, Houston, Lubbock, San Angelo, and McAllen. Of the 417 people who attended the five public hearings, 142 testified.

The following organizations favorably commented on the proposed sections: West Texas Association for the Education of Young Children, Association for Retarded Citizens of Wichita County, The Family Connection of Dallas County, Mental Health Association of Texas, Austin Association for the Education of Young Children, Houston Association for the Education of Young Children, Junior League of Corpus Christi, Connection Resource Center-Austin, San Antonio Association for the Education of Young Children, Dallas Association for the Education of Young Children, Fort Worth Association for the Education of Young Children, Collin County Association for the Education of Young Children, YMCA Metropolitan Dallas, Southmost Association for the Education of Young Children, Panhandle Association for the Education of Young Children, South Plains Association for the Education of Young Children, Texas Association for the Education of Young Children, Texas Nurse Practitioners, Foundation for Texas Children, Community Advisory Committee for Austin Community College, League of Women Voters of Texas, City of Austin Child Care Council, Texas Baptist General Convention, Texas Environmental Health Association, Texas Pediatric Society's

committee on Early childhood, Adoption and Dependent Care, Work/Family Directions, and League of Women Voters of Galveston. The following organizations expressed opposition to the proposed sections: Texas Licensed Child Care Association and its affiliates, Citizens For Children and Families of Texas, Black Coalition For Child Care, Child Care Owners, Owner/Directors, and Independents of Texas.

Of the 1,271 respondents, 254 (20%) concurred with all the proposed revisions and 127 (10%) disagreed with all proposals. The remaining 70% made individual comments on particular sections, an average of 1.5 comments per responder. A summary of the comments and TDPRS's responses follows.

In §715.401, TDPRS made the following changes to definitions. In subparagraph (D) under the definition for abuse, the word "incest" was deleted as it is not relevant to day care centers. Minor editorial changes were made to the definition of certified life guard for clarification. Also in subparagraph (D), under the definition of certified life guard, the words "who might be", reflecting the people in the pool, were deleted as they were unnecessary. The definition of child was changed to indicate the age of 14 instead of 18 for licensing purposes. A minor editorial change was made in the definition of child development associate credential. The words "which is highly desirable for" were replaced by "given to". The definition for continuing education unit was rewritten for clarification. In the definition of day care centers the words "day care" was replaced with "less than 24 hours" for clarification. A minor editorial change was made to the definition of day care center to indicate that children are "cared for" rather than "received" at the centers. The definition for drop-in child care center was deleted because the standards regarding drop-in care are not in these standards. In the term field trips, the word "center" was replaced with the word "facility." The definitions for group child care, group day care home, kindergarten nursery school, and kindergarten and above were deleted from the definitions as these groups are addressed in a separate standard. Under the definition of day care, the words "under 14 years of age" were added to describe the age limitation of unaccompanied children. The words "as compared" were replaced with the words "in contrast" in the definition of direct child care to clarify the differences in care. TDPRS changed the age of the definition of an infant. Under the definition of neglect the words "as reflected in" were added prior to the Texas Family Code cite, and in subparagraph (A), the words "and demonstrating an intent not to return by a child's parent, guardian, or managing or possessory conservator" were deleted as this phrase does not relate to child care licensing. Also in the definition of neglect, in clause (iii) of subparagraph (B) the last sentence was deleted as it does not relate to child care licensing. The definition of orientation was reworded for clarification. The definition of parent has been clarified by deleting the words "other person standing in parental relationship to a child" and substituting "a person designated by the parent to act in the parent's role". In the definition of pre-service training

the words "who have no previous experiences in professional child care or no relevant training" were added to explain which new employees required training. In the definition of school-age care, the words "generally, age five and above" were deleted and the phrase "at least 5 years of age but who are under" before the words "14 years of age" to clarify the age limitations in this definition. The definition for special accommodations was eliminated because licensing does not enforce these provisions. The definition of supervision was changed to supervision of children for clarification. Also in that definition, the term "physical presence" is changed to "physical proximity" for clarity. The definition for staff was reworded to indicate that staff are any persons employed by the facility. The definition for training was simplified by deleting certain types of schooling. The definition for transportation was changed for clarity. Definitions for corporal punishment, critical illness, field trips, and propped bottle were added to clarify these terms used in this subchapter.

In §715.402, TDPRS has added an additional subsection (b) to include language regarding the prohibition of discrimination of children. Also this section was reformatted to accommodate the new subsection. In paragraph (3) of subsection (a) the words "as defined in §715.401 of this title (relating to Definitions)" were added to define parents. Also the words "or other persons in a parental relationship with the child" were replaced by the words "and the Texas Department of Protective and Regulatory Services Licensing Division" to clarify and further specify those required to be notified if liability insurance is unavailable for financial reasons.

In §715.403, TDPRS added subsection (b) to identify the changes that require approved amendment of the license. TDPRS clarified the situation where notification of the death of a child must be made by replacing the words "an enrolled child" with the words "of a child while in care" in §715.403(a)(3) (C). TDPRS added an example to §715.403(a)(3)(F) for clarification.

TDPRS rearranged the wording of §715.404(a)(2) and §715.404(a)(3)(B) for clarification.

TDPRS deleted references to drop-in care centers in §715.405(c) and (d) because these rules do not apply to drop-in care centers. Also several editorial changes by TDPRS were made in this section. In §715.405(c)(2)(A) the word "states" in the first sentence changed to "stating." In §715.405(d)(2) the word "vaccine" was added before the word "type." In §715.405(e)(1) the word "cycle" has been replaced with the word "series." For clarification TDPRS combined the first two sentences in subsection (f) by replacing the word "a" with the words "or a." Subsection (g) was deleted as TDPRS determined it is not an enforceable area. In subsection (h) the words "in direct care" were added to clarify the description of staff.

The word "staff" was added to §715.406(b) to indicate who is responsible for the communication requirement. In §715.406(c)(3) examples of "at risk" were added.

Section 715.408, regarding the qualifications of center directors, received 97 comments, 5.0% of all comments. The largest group of comments (26%) expressed opposition to the increased qualifications but did not seem to have understood the options given for meeting the qualifications, making their comments largely irrelevant. Another 23% (22 comments) wanted current directors to be exempted from meeting any additional qualifications.

There are two reasons for the department's adopting this section as proposed. The first involves the importance of the director to the child-care center. Because the director is both the business manager and the source of leadership and knowledge on children's health, safety and well-being, it was reasoned that all directors should have a balance of knowledge in business and child-related areas. Second, the implementation of this section allows current directors three years in which to meet the increased qualifications and gives six different ways they can be met. For these reasons, the department adopted this section as proposed, with one change in the implementation section, directors will be given four rather than the proposed three years in which to meet the new qualification. The Board felt that the additional time would allow current directors to more easily reach the increased requirements.

Due to comments and as a result of the TDPRS Board decision, §715.408(a) was changed to indicate that the director of a center has four years rather than three years to comply with the qualifications specified in this section. As a result of this change, the date of June 1, 1998, was replaced with June 1, 1999. TDPRS changed the number of required college credit hours in child development from nine to six to correct an error in the proposed rules. TDPRS clarified the language in subsection (a)(4) by referencing published criteria rather than cites from the subsection, in §715.408(a)(5) the reference to CEU was added; in §715.408(b)(1) by deleting the words "are aware of and know" with the words "know and understand"; and in §715.408(b)(5) by making minor editorial changes.

TDPRS made clarifications in §715.409(b) to change the age of persons in charge of a group from age 18 years old to age 17 years old and include the word "with" to indicate these persons are not to be left alone with children. In §715.409(c)(1)(B), a change was made to comply with the Texas Family Code to require staff to report suspected abuse and neglect to TDPRS or law enforcement, but not to both. TDPRS deleted §715.409(c)(3) as it is not an enforceable area. This deletion caused reformatting of the remaining paragraphs.

In §715.410(4) the words "with negative results, no earlier than 12 months before beginning the position, if" were replaced with the word "as" to indicate that the requirements are to comply as provided by local or state Department of Health guidelines. Also the last sentence was deleted to comply with these guidelines.

TDPRS received 198 comments regarding §715.411 which equaled 10% of all individual

comments. Two aspects were most often commented on: The change in training hours to exclude CPR and First Aid from the 15-hour yearly training requirement, and the new requirement for eight hours of training before staff can be made responsible for a group of children ("preservice training"). Of the comments made regarding this section, 65 (33%) were opposed to excluding CPR and First Aid from the training hours, feeling that it devalued that form of training. In fact, there was an increase in the number of people needing to have First Aid training.

The other area commented on (57 comments) was the preservice requirement (§715.411 (b)). Although child care directors supported the concept of preservice training, their concerns as expressed in the comments, addressed concerns about implementation resulting from a misunderstanding of the rule and the implementation procedures. The need for preservice training will ONLY be for caregivers new to the field and without experience in a regulated child care facility or relevant training, and will only need to be taken once in a staff member's career. It is also important to note that the department is committed to making this training available throughout the state, in many different forms, and at many different times so that people interested in working in child care could easily acquire the needed preservice training even before applying for a job. This section seeks to change a situation in the profession whereby anyone with a GED or high school diploma can walk into a child care center and be given responsibility for a group of children. In almost no other field is this possible or acceptable, and for one as critical as child care, both staff and children are put at risk. Because most respondents who were opposed to the section were opposed mainly because of the perceived difficulty in hiring staff and not because of the need for pretraining itself, the department is adopting the section as proposed. In §715.411(d)(12)(C), care of preschool children is added and the subparagraphs are formatted to reflect this addition. Minor editorial changes were made to §715.411(b) and (c).

TDPRS changed the description of the furnishings in §715.413 (5) and (7) from plural to a singular form.

TDPRS rewrote §715.414(a)(1) and (2) into §715.414(a) for simplification.

For clarification in §715.415, TDPRS replaced the word "nor" with the word "or" in subsection (c)(2) and in (3) the word "or" was added before the word "rejected" and the words "or isolated" were deleted. Also in this section, paragraph (7) was added to include the situations where supervised separation of children is acceptable.

Comments were received regarding §715.417. The proposed changes in the child/staff ratio received 18% (357) of all the individual comments made. Of those, 153 (43%) of the commenters were opposed to changes in the child/staff ratio because of the expected impact on the price of child care. Another 24% (86) opposed the changes for other reasons, most often because they felt the current sections were acceptable. An-

other 14% (50) wanted more stringent sections, either in the form of even lower child/staff ratios or in implementation of the proposals sooner than the two-year implementation delay proposed.

The mandate of TDPRS by Chapter 42 is to ensure the health, safety, and well-being of the children in day care. It was in this interest that the changes in child/staff ratio were proposed. Research into early development and care conducted over the past 15 years consistently points to the importance of low child/staff ratios and small group sizes as crucial to a good start for children's later cognitive, social, and emotional development. Impact studies carried out by TDPRS have found significant differences in terms of injuries, adequate supervision, and inappropriate discipline in centers that currently meet child/staff ratios. Compared to centers that meet the proposed child/staff ratios, centers that comply with current minimum child/staff ratios have significantly higher rates of serious incidents and injuries, and are three times more likely to be cited for the inability to show competency, good judgement, and self control; not relating to children with courtesy, respect, acceptance and patience; not washing hands in a manner that prevents the spread of disease and illness; and poor discipline practices, including the use of cruel, harsh or unusual punishment or treatment, humiliating children or subjecting them to abuse or profane language. These facilities also required more visits from TDPRS to regulate. With 5,342 recorded incidents or injury/serious risk to children in centers across Texas last year, improving the child/staff ratio along with the addition of preservice training, limited hours in direct care and improved director qualifications are expected to result in a lowering of that number.

Although ensuring that the consumer gets a fair price for services and products purchased is not within the purview of the mandate of Chapter 42, TDPRS has been sensitive to the cost issue both in the process of revising the sections and in ensuring the cost impact is manageable. The best estimate of the industry-wide cost impact is 7.0% (\$4.34 per week) and is the result of the last of four impact studies conducted by the department. Austin Data Management Group, an independent organization hired to review the methodology and data behind the department's and industry's models, found the department's model to be the most accurate predictor of the cost impact. The discredited industry model has regularly been used to predict increases of 20%, resulting in widespread fear in the industry of the impact of the proposed child/staff ratios.

TDPRS is adopting §715.417 as proposed, including a two-year delay in implementation of this section, effective June 1, 1997. This implementation delay has been added as subsection (a), causing the other subsection to be changed to subsection (b). Also the chart has been further adjusted to improve readability. The headers of the chart in this section have also been clarified by adding the words "number of children" to each column.

TDPRS rewrote §715.419(b) and (c), by combining them to clarify the intent of these sub-

sections to promote sensory-motor development. As a result of this change, the section has been reformatted. Also the reference to the definition of propped bottles has been added to subsection (d).

TDPRS included in §715.420 the references to the definitions for field trips in subsection (a) and to first aid supplies in subsection (f). TDPRS reworded subsection (b) for clarification. A change was also made to subsection (d) to change the reference to children to be singular, and subsections (e),(f), and (g) were rewritten to indicate staff performed these functions. Additionally, TDPRS deleted subsection (g) regarding child identification as it was unnecessary.

Comments were received regarding §715.421. A decrease in the number of children who could be supervised by one adult on trips away from the facility drew 106 (5.0%) comments. Of those, 22 were forms with identical comments, written by one person and signed by different people. Thirty-one of the commenters wanted a less stringent section while 27 wanted no change from the current standard. An additional 25 comments were classified as "other" and dealt with ideas for making field trips safer, gave the section number but made no comment, or made comments that did not specifically support or oppose the section. Field trips and water activities are high-risk activities. The lowered child/staff ratios for field trips apply only in instances when groups of children from one facility are mixed with large numbers of other children or adults in settings such as shopping centers, circuses or other situations involving crowds. It is in these situations where a group of children must be closely supervised to avoid loss or harm, thus ensuring continued safety of children when they are away from the facility. Water activities in public pools, involving water over two feet deep, or which include children under age four are also difficult to safely supervise. The recommended ratios lessen the risk to children participating in these activities. TDPRS is adopting this section as proposed. Minor editorial changes were made to subsection (b), paragraph (1) by changing the wording to "at least two adults must be present." TDPRS rewrote subsection (j) for clarification and for appropriate enforcement.

In §715.422, TDPRS deleted the second sentence in paragraph (2) of subsection (a) as it was not necessary. In subsection (b) minor editorial changes were made to delete the word "school" for clarification. Also in subsection (d), paragraph (4) TDPRS replaced the words "Type 6-BC portable" with "operational" and replacing "which is operational" with "approved by the local or State Fire Marshal."

TDPRS made minor editorial changes to §715.423(d) and has rewrote subsection (g)(1) and (2) to clarify that adults and children must be observable, and in paragraph (3) the words "while children are present" were deleted as they were unnecessary.

TDPRS has made a minor editorial change to §715.424(b)(2) to indicate that smoking is not allowed at the facility rather than in the facility. A minor editorial change to §715.424(b)(4) was made to indicate that lin-

ens must be washed as often as necessary. TDPRS has rewritten subsection (f) to simplify garbage maintenance. In §715.424(g) language has been included to provide that only professional exterminators can exterminate insects and rodents. In subsection (j) the words "such as bodily tissue discharges" was deleted as it was not necessary. Additionally, a subsection was added to provide that the staff must promptly change soiled or wet diapers. In subsection (m) the language was simplified regarding diaper containers and in subsection (o) the reference to the definition of sanitized has been added. In §715.424(l) a minor editorial change was made to include that staff with open wounds and injuries that inhibit hand washing must not change diapers. The added subsection caused the remaining subsections to be reformatted.

Minor editorial changes were made to §715.425(c)(5) to clarify that alternate lighting in each classroom must be available, and in subsection (d) (2) that fire "drills" must be made and documented rather than being practiced. Paragraph (3) in subsection (d) has been changed to clarify that severe weather is the emergency condition referenced. In §715.425(e) the word "contact" was changed to "call" for clarification.

In §715.426(b), TDPRS made editorial changes to clarify supervision of ill children. TDPRS corrected the body temperatures referenced in subsection (d). In subsection (e) the definition of critical illness is referenced and the sentence divided into paragraphs for clarity. In §715.426(e), the sentence was reformatted, adding paragraphs (1) and (2) for clarity.

TDPRS added the words "or as amended by the physician" to §715.427(a)(2) to allow for physician's variation from the label directions and restructured the sentence in §715.427(c)(1) for clarification.

Of the remaining proposals, none received over 67 comments. Comments on these proposals, therefore, will not be further analyzed. These comments were considered, however, for their use in clarifying editorial, implementation, training, and enforcement issues. Overall, given an estimated 60,000 day care staff across Texas, comments received represented less than a 10% return rate.

## Subchapter E. Standards for Day Care Centers

### • 40 TAC §§715.401-715.432

The repeals are adopted under Human Resources Code, Title 2, Chapter 42, which authorizes the department to administer general child care licensing programs and under Texas Civil Statutes, Article 4413 (503), historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services programs from the Texas Department of Human Services to TDPRS.

The repeals implement the Human Resources Code, §§42.001-42.077

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 authority.

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**Subchapter E. Minimum Stan-  
dards for Day Care Centers**

• **40 TAC §§715.401-715.429**

The new sections are adopted under Human Resources Code, Title 2, Chapter 42, which authorizes the department to administer general child care licensing programs and under Texas Civil Statutes, Article 4413 (503), historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services programs from the Texas Department of Human Services to TDPHS.

The new sections implement the Human Resources Code, §§42.001-42.077.

**§715.401. Definitions.** The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

Abuse (the Texas Family Code, §34.012)—The following acts or omissions by a person responsible for a child's care, custody, or welfare:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator, that does not expose the child to a substantial risk of harm;

(D) sexual contact, sexual intercourse, or sexual conduct, as defined by the Texas Penal Code, §43.01; sexual pene-

tration with a foreign object; sexual assault; or sodomy inflicted on, shown to, or intentionally practiced in the child's presence if the child is present only to arouse or gratify the sexual desires of any person;

(E) failure to make a reasonable effort to prevent sexual contact, sexual intercourse, or sexual conduct, as defined by the Texas Penal Code, §43.01; sexual penetration with a foreign object; incest; sexual assault; or sodomy being inflicted on or shown to a child by another person, or intentionally practiced in the child's presence by another person if the child is present only to arouse or gratify the sexual desire of any person;

(F) compelling or encouraging the child to engage in sexual conduct as defined in the Texas Penal Code, §43.01; and

(G) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined by the Texas Penal Code) or pornographic. See "Neglect" and "Sexual Abuse."

Activity space—Area or rooms used for children's activity including those separate from a group's classroom. See "Single Use Area."

Administrative and Clerical Functions—Functions which involve the management of a facility, such as bookkeeping, enrolling children, answering the telephone, and collecting fees.

Admission—The process of entering a child in a facility. The date of admission is the first day on which the child is actually present in the facility.

Adult—A person 18 years old or older.

Attendance—Children actually present in the facility at any given time. This term is not to be confused with the term "enrollment." See "Enrollment"

Certified life guard—A person who has been trained in life saving and water safety. The certificate is not required to use the term "lifeguard training" or "certified lifeguard" but the facility must be able to document that the certificate represents the type of training described. This training should:

(A) be provided through a recognized organization;

(B) be provided by a qualified instructor;

(C) be training for which a currently valid certificate was awarded upon successful completion; and

(D) qualify the trainee to practice these skills at the setting and under the circumstances which the trainee will work, such as the size of the pool, the number of people in the pool, and any other special circumstances.

Child—For licensing purposes, a person who has not reached the 14th birthday.

Child Development Associate credential—A credential given to staff working directly with children; based on assessed competency in several areas of child care and child development. Child development training is available in the public community and junior college systems as well as four-year colleges, either in regular child development, vocational programs, or through adult continuing education courses.

Continuing Education Unit (CEU)—For the purpose of recognition by licensing, one CEU is granted for ten clock hours of training. Five CEU's may be substituted for three credit hours of college course work.

Corporal Punishment—To inflict physical pain on a child as a means of controlling behavior. This includes, but is not limited to, hitting, slapping, thumping, and rapping the child.

Critical Illness—An illness requiring the immediate attention of a physician.

Day care—The care, supervision, and guidance of a child or children under 14 years of age unaccompanied by a parent, guardian, or custodian on a regular basis, for a period of less than 24 hours per day and in a place other than the child's own home.

Day care area—The area specifically licensed for use by the day care program. This may include a specific portion or portions of the building and grounds of a larger facility or one or more buildings at the same location.

Day care center—Any facility, whether or not known or incorporated under descriptive titles or names such as "Nursery School," "Kindergarten," "Play School," "Child Development Center," or "Early Childhood Center," which cares for 13 or more children for less than 24 hours. This term applies to program, building, grounds, furnishings, and equipment.

Day care location—The street address of the facility and the lot or lots on which the building or buildings are located.

Day care program—The services and activities provided by a facility, the daily schedule.

Designee of governing body—The individual officially designated as representative of a governing body that is not a sole proprietorship or partnership and is officially authorized by the governing body to speak for and act on its behalf.

Direct child care—The supervision, guidance, and care of children in contrast to

food service, janitorial functions, or administrative functions.

**Director**—That person who has daily on-site responsibility for the operation of a facility, including maintaining compliance with Texas Department of Protective and Regulatory Services' (TDPRS's) minimum standards described in this subchapter. In multiple day care facilities under a chief administrative officer, the director is the person physically present at each facility.

**Disinfect**—The elimination of virtually all germs from surfaces through the use of chemicals, such as products registered with the United States Environmental Protection Agency identified as "disinfectants" and physical agents such as heat.

**Enrollment**—The list of names of children registered with the facility. This term is not to be confused with the term "attendance." See "Attendance."

**Entrapping equipment**—A component or group of components on play equipment that forms angles or openings that could trap a child's head by being:

(A) too small to allow a child to withdraw his head easily; and

(B) placed so that a child would be unable to support his weight by means other than his head or neck.

**Equipment and materials**—Items that include, but are not limited to books, art materials, music materials, manipulative materials, blocks and block accessories, dramatic play materials, homemaking materials, dolls, science materials, and climbing equipment.

**Facility**—People, administration, governing body, activities on or off the premises, operations, buildings, grounds, equipment, furnishings, and materials.

**Fall zone**—An area extending four feet from climbing structures, five feet from the bottom of a slide (other parts of the slide are identified as climbing structures), seven feet plus the length of the chain from a swing's point of suspension, and seven feet from merry-go-rounds and other revolving devices.

**Field Trips**—Activities conducted away from the facility.

**First aid supplies**—Required supplies that include multi-size adhesive bandages; adhesive tape; waterproof, disposable gloves; gauze pads; tweezers; scissors; cotton balls; antiseptic such as hydrogen peroxide; syrup of ipecac; and a thermometer.

**Food service**—The preparation or serving of meals or snacks.

**Garbage**—Waste food or items which, when deteriorating, cause offensive odors and attract rodents, insects, or other pests.

**Governing body**—The entity with ultimate authority and responsibility for the overall operation of the facility, whether

single-owner, partnership, or corporate body such as corporations for and not-for-profit; associations; designated committees; or religious organizations.

**Group**—The number of children assigned to a specific caregiver or a group of caregivers, occupying an individual classroom or a well-defined physical space within a larger room.

**Hand washing**—Rubbing hands together with soap under running water.

**Health personnel**—A licensed physician, a licensed registered nurse, or a person providing preventive, diagnostic, or therapeutic medical care to individuals in a community.

**Health service**—Includes, but is not limited to, any entity that performed a Head Start physical examination on the child, well-child conferences or clinics, maternity and infant programs, and children and youth programs, or school nurses working in a recognized program.

**Infant**—A child younger than 12 months of age.

**Janitorial functions**—Those services which involve cleaning and maintenance above that which is required for the continuation of the day care program. These services may include cleaning carpets, washing cots, and total sweeping, vacuuming, or mopping of the classroom. Sweeping after an activity or mopping up spills that may be necessary for continued use of the classroom are not considered janitorial functions.

**License**—A document issued to the governing body of a facility authorizing the licensee to operate a specified location according to the provisions of the license, the law, and the rules and regulations of the Texas Department of Protective and Regulatory Services.

**Neglect** (as reflected in the Texas Family Code, §34.012) —

(A) leaving a child in a situation where the child would be exposed to a substantial risk of harm, without arranging for necessary care for the child; or

(B) the following acts or omissions by a person responsible for a child's care, custody, or welfare:

(i) placing the child in or failing to remove the child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(ii) failing to seek, obtain, or follow through with medical care for the child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or an observable and material impairment to the child's growth, development, or functioning; or

(iii) failing to provide the child with food, clothing, or shelter necessary to sustain the child's life or health.

**Night care**—Care given to children who are starting or continuing their night sleep or to children who spend the night at the facility.

**Orientation**—Acquainting new employees and volunteers with the facility's day-to-day operations including: child care policies, including discipline, guidance, and the release of children; procedures to follow in an emergency; use and location of fire extinguishers; and TDPRS's minimum standards provided in this subchapter.

**Parent**—The biological parent, legal guardian, or managing conservator or a person designated by the parent to act in the parent's role.

**Pre-service training**—Training of new employees who have no previous experience in professional child care or no relevant training in specified topics before they are given responsibility for a group of children.

**Propped Bottle**—A bottle supported by something other than the child's or parent's hands when child is too young to hold it, such as, a bottle leaned against a pillow.

**Sanitary sleeping furnishings**—Linens which have been laundered before a different person sleeps on them and after being soiled.

**Sanitize**—To remove filth or soil and small amounts of certain bacteria. For an inanimate surface to be considered sanitary, the surface must be clean and the number of germs must be reduced to such a level that disease transmission by that surface is unlikely. This procedure is less rigorous than disinfection and is applicable to a wide variety of routine housekeeping procedures to clean bedding, bathrooms, kitchen countertops, floors, and walls. Soap, detergent, or abrasive cleaners may be used to sanitize.

**School-age care only facility**—Child care facilities who care only for children enrolled in or who will attend school on a before and after school, holidays, and summertime basis. See "School-Age Care."

**School-age care**—Care offered to children who will attend school in August or September of that year and who are at least five years of age but who are under 14 years of age.

**Sexual abuse**—From the Texas Penal Code, Chapter 43, referred to in the Texas Family Code.

(A) **Sexual contact**—Any touching of the anus, breast, or any part of the genitals of another person with intent to arouse or gratify the sexual desire of any person.

(B) **Sexual conduct**—Deviate sexual intercourse, sexual contact, and sexual intercourse.

(C) Deviate sexual intercourse—Any contact between the genitals of one person and the mouth or anus of another person.

(D) Sexual intercourse—Any penetration of the female sex organ by the male sex organ.

Single-use area—Includes, but is not limited to, bathrooms, hallways, storage rooms, cooking areas of kitchens, and indoor swimming pools.

Staff—Any person employed by the facility.

Supervision of children—Care for a group of children. Awareness of and responsibility for the ongoing activity of each child. Physical proximity, knowledge of activity requirements, and children's needs, and accountability for their care is required. This includes staff intervention when needed.

Training—Time spent in workshops; self-instructional material; or planned learning opportunities provided by a director, other staff, or consultants. In order for the training to be counted toward compliance with the TDPRS's minimum standards provided in this subchapter, it must be in areas listed in these minimum standards.

Transportation—Transporting children to and from the child's home or school, to and from the facility, field trips, and other outings provided by or for the facility.

Trash/litter—Items such as paper products, plastic, or cloth.

Universal Precautions—An approach to infection control wherein practitioners subscribe to the concept that all human blood and certain human bodily fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other blood borne pathogens.

Water activities—The use of splashing pools, wading pools, swimming pools, or other bodies of water.

#### §715.402. Governing Body Responsibilities.

(a) The governing body is responsible for:

(1) the facility's compliance with the child care licensing law, Chapter 42, Human Resources Code and the applicable minimum standards;

(2) the facility's policies; and

(3) maintaining liability insurance in the amount of at least \$300,000 for each occurrence of negligence covering injury to a child while the child is in the care of the license holder; or providing parents, as defined in §715.401 of this title (relating to Definitions), and the Texas Department

of Protective and Regulatory Services Licensing Division, written notification if liability insurance is unavailable because of financial reasons, the facility is not able to find an underwriter willing to issue a policy, or the limits of the current policy are expended.

(b) Ensure that the facility does not discriminate against any child based on the child's race, color, national origin, sex, or religion.

#### §715.403. Notifications.

(a) The facility must notify the Texas Department of Protective and Regulatory Services (TDPRS):

(1) before changes are made regarding:

(A) indoor or outdoor space additions or reductions;

(B) swimming or fixed wading pool additions;

(C) age range of children to be cared for; or

(D) hours of operation;

(2) before or as soon as possible after a change is made regarding:

(A) the governing body;

(B) the governing body designee as defined in §715.401 of this title (relating to Definitions);

(C) the board chair for a corporate facility or other chief executive officer of the governing body; or

(D) the address of the governing body;

(3) as soon as possible but no later than two work days after:

(A) any occurrence renders all or part of the facility unsafe;

(B) injury of a child at the facility occurs which requires treatment by health personnel as defined in §715.401 of this title (relating to Definitions);

(C) the death of a child while in care;

(D) outbreak of illness of staff or a child occurs which is required to

be reported to the Texas Department of Health as described in the appendix titled "Communicable Disease Chart for School and Child Care Centers" in TDPRS's Minimum Standards for Day Care Centers;

(E) an indictment or acceptance of an official complaint by a county or district attorney against a staff member alleging commission of any crime listed in the appendix titled "Criminal Offenses from the Texas Penal Code" in TDPRS's Minimum Standards for Day Care Centers or a felony violation of the Texas Controlled Substances Act occurs; and

(F) any other situation occurs which places a child at risk, such as, forgetting a child in a van or not preventing a child from wandering out of a center into a street.

(b) The changes listed in subsection (a)(1)(A), (C), and (D); and in subsection (a)(2)(A) of this section can not be implemented without an approved amendment of the license.

#### §715.404. Posting Requirements.

(a) The following items must be displayed in a prominent place where staff, parents, and others may view them:

(1) the license;

(2) the letter or compliance evaluation form from the most recent licensing visit or investigation that the Texas Department of Protective and Regulatory Services (TDPRS) licensing representative provided, if the notification includes a requirement for posting;

(3) a notice of availability for review of:

(A) the current menu, including snack menus if only snacks are served;

(B) the letter or compliance evaluation form from the most recent licensing visit or investigation that the TDPRS licensing representative provided;

(C) the most recent fire inspection report;

(D) the most recent sanitation inspection report;

(E) the most recent gas leak test report, where gas is used;

(F) TDPRS's minimum standards; and



(G) the fire, sanitation, and gas leak test reports described in subparagraphs (C), (D), and (E) of this paragraph are not required for School-Age Care Only facilities if these reports are available for review by the TDPRS licensing representative elsewhere at the site;

(4) notice of requirement to report suspected child abuse;

(5) emergency evacuation and relocation plans described in §715.425 of this title (relating to Fire, Fire Safety, and Emergency Precautions); and

(6) a notice regarding any planned field trip described in §715.420(c) of this title (relating to Field Trips).

(b) The following telephone numbers must be posted next to each telephone in every part of the facility:

(1) emergency medical services;

(2) law enforcement;

(3) fire department;

(4) poison control;

(5) child abuse hotline;

(6) nearest child care licensing office; and

(7) the facility. The facility's address must also be included.

#### §715.405. Enrollment Information and Other Records.

(a) All records required by the minimum standards specified in this subchapter must be maintained and made available for inspection during the facility's hours of operation.

(b) There must be on file at the facility, for as long as the child is in care and for 12 months after the child's last day in care, an enrollment agreement, signed by the parents prior to the child's admission into care, containing at least the following information:

(1) the child's name, birth date, home address, and the home telephone number;

(2) for a child attending school, the telephone number of the school. This is not required for a child in an after-school care facility at the school the child attends;

(3) date of admission;

(4) name and address of parents and telephone numbers at which parents can be reached while the child is in care;

(5) names and telephone numbers of other persons designated by the parent when the parent cannot be reached;

(6) names and telephone numbers of persons to whom the child may be released;

(7) names, addresses, and telephone numbers of the child's physicians;

(8) a statement of the child's special problems or needs. This must include known allergies, existing illnesses, previous serious illnesses and injuries, disabilities, hospitalizations during the past 12 months, and any medication prescribed for long-term, continuous use;

(9) permission for transportation, if provided;

(10) permission for water activities, if provided;

(11) permission for field trips, if provided; and

(12) emergency medical treatment authorization;

(c) There must be on file within one week of admission documentation of one or more of the following evidence that each child under five years old is able to take part in the program:

(1) a written statement from a licensed health professional who has examined the child within the past year; and

(2) a signed statement from the parent:

(A) giving the address of a licensed health professional who has examined the child within the past year and stating that the child is able to participate in the program. This must be followed within 12 months by a document as described in paragraph (1) of this subsection; or

(B) giving the name and address of the licensed health professional with whom an appointment for examination has been made. Following the examination, the parent must submit a document as described in paragraph (1) of this subsection; or

(C) stating medical diagnosis and treatment conflict with the tenets and practices of a recognized religious organization of which the parent is an adherent or a member.

(d) Current immunization records for each child must be obtained and maintained according to the appendix titled "Immunization Schedule" in the Texas Department of Protective and Regulatory Services' (TDPRS's) Minimum Standards for Day Care Centers, caring for any child who has been to the center three or more times. Each immunization record must include:

(1) the child's birth date;

(2) the number of doses and vaccine type;

(3) the dates (month, day, and year) the child received each immunization; and

(4) the rubber stamp or signature of the physician or health personnel on the record or a machine or handwritten copy of the record.

(e) Current immunization records for each child are not required if the center has one of the following:

(1) a signed and dated statement from a licensed physician or other authorized personnel that immunization has begun against at least one of the diseases listed in the "Immunization Schedule" described in subsection (d) of this section. The immunization series must be completed as soon as medically feasible;

(2) a certificate signed by a licensed physician, renewed annually, and stating that the required immunization would be injurious to the health and well-being of the child or a member of the child's family or household;

(3) an affidavit in the form of a notarized statement signed by the child's parent or guardian stating that the immunization conflicts with the tenets and practices of a recognized religious organization of which the parent is an adherent or a member; and

(4) a dated statement signed by the parent that the child's immunization record is current and is on file at a school the child attends. The parent must include the name, address, and telephone number of the school in the statement.

(f) Each child must have a record of a tuberculosis examination with negative results if such a test is recommended by local health authorities or the regional office of the Texas Department of Health or a dated statement signed by the parent that the child's tuberculosis test record is current and is on file at a school the child attends. The parent must include the name, address, and telephone number of the school in the statement.

(g) The attendance of children and staff, and the hours worked by each staff in direct care, for the previous six months, must be recorded.

#### §715.406. Parental Communication.

(a) At the time of the child's enrollment, facility staff must give the parents a copy of the Texas Department of Protective and Regulatory Services' publication Parent's Guide to Day Care, review the guide with the parents, and obtain a signed receipt for the guide. The receipt must be kept on file as long as the child is in care.

(b) Staff must not prevent parents from visiting the facility anytime during its hours of operation.

(c) The facility must immediately notify the parent or other person authorized by the parent when the child:

(1) is injured; or

(2) has a sign or symptom requiring exclusion from the facility as listed in §715.426(d) of this title (relating to Illness and Injury); or

(3) has been involved in any situation which placed the child at risk, such as, forgetting a child in a van or not preventing a child from wandering out of a center into a street.

(d) The facility must notify all parents of children in the facility when there is an outbreak of a communicable disease in the facility required to be reported to the Texas Department of Health. The facility must notify the parents of children in a group, as defined in §715.401 of this title (relating to Definitions), when there is an outbreak of lice or other infestation.

#### §715.408 Director Qualifications and Responsibilities

(a) The director must be at least 21 years of age and have a high school diploma or its equivalent and one of the following (a person who is a director of a center on June 1, 1995, has four years from that date to comply if that person remains in the same position):

(1) an associate in applied sciences degree in child development or a related degree with six college credit hours in child development, six college credit hours in business management, and two years experience in a licensed child care facility; or

(2) a Child Development Associate credential with six college credit hours in business management, and two years experience in a licensed child care facility; or

(3) 60 college credit hours with at least nine credit hours in child development or early childhood education or the equivalent, six credit hours in business management, and two years experience in a licensed child care facility, or

(4) a day care administrator's credential issued by professional organizations or educational institutions that are recognized by the Texas Department of Protective and Regulatory Services' (TDPRS) Licensing Division based on published criteria, and two years of experience in a licensed child care facility, or

(5) three years experience in a licensed child care facility and nine credit hours in child care, child development, or

early childhood education and nine credit hours in business management from an accredited college or university. Five continuing education units, as defined in §715.401 of this title (relating to Definitions), may be substituted for each three credit hours; or

(6) a bachelor's degree from an accredited college or university with 12 credit hours of child development or early childhood education, six credit hours of business management, and one year of experience in a licensed child care facility.

(b) The director is responsible for knowing and understanding the minimum standards specified in this subchapter and ensuring that:

(1) all staff know and understand the minimum standards; and

(2) the facility's daily operation is administered in compliance with the minimum standards to ensure that children are:

(A) provided a healthy and safe environment;

(B) given the opportunity to develop stable and caring relationships; and

(C) provided an environment that fosters cognitive, social, and emotional growth;

(3) staff are provided assignments and are supervised;

(4) the required TDPRS form that provides information on the employee for processing the criminal history check is submitted to TDPRS within two weeks after hiring staff;

(5) no staff is regularly scheduled for more than ten hours daily in direct child care. Exceptions must be documented; and

(6) staff designated to be in charge when the director is absent from the facility is given the authority and is competent to administer the facility in compliance with the minimum standards.

#### §715.409. Staff Qualifications and Responsibilities

(a) Staff in day care centers must be at least 18 years of age and have a high school diploma or its equivalent.

(b) Persons 16 through 17 years old must not be left alone with and in charge of a group of children but may be counted in the child/staff ratio provided that person works in the same room with and is supervised by a qualified staff member and

(1) has a high school diploma or its equivalent; or

(2) is enrolled in or has completed a career program related to child care approved by the Texas Education Agency or another state or federally-approved child care career related program.

(c) The following are staff responsibilities.

(1) Staff counted in the child/staff ratio must:

(A) be knowledgeable of the object and purpose of the minimum standards specified in this subchapter;

(B) report suspected abuse and neglect to the Texas Department of Protective and Regulatory Services or to law enforcement;

(C) provide child supervision as defined in §715.401 of this title (relating to Definitions) at all times;

(D) demonstrate physical, emotional, and intellectual competencies, self-control, and good judgment when performing assigned responsibilities;

(E) recognize and respect the uniqueness and potential of all children, their families, and their cultures;

(F) interact frequently with children, showing affection, interest, and respect;

(G) foster developmentally appropriate independence in children; and

(H) be free from other duties except those directly involving the care and supervision of children which includes keeping the group's area clean. Administrative and clerical functions, as defined in §715.401 of this title (relating to Definitions), that take staff's attention away from the children, meal preparation, or janitorial duties must not be included in the responsibilities of staff while the staff is counted in the child/staff ratio.

(2) If one staff member leaves and another staff member is given responsibility for the children, as in a shift change, the staff member leaving must provide the incoming staff with:

(A) any significant information about a child; and

(B) a list of children present in the group.



(3) All facility staff, including directors and persons not counted in the child/staff ratio, must not abuse, neglect, or sexually abuse children as defined in §715.401 of this title (relating to Definitions).

(4) One staff member per group of children must have current training in first aid with rescue breathing and choking.

(5) One staff member per facility, or group of children away from the facility, must have current training in cardiopulmonary resuscitation (CPR) for infants and children.

**§715.410. Staff Records.** Records must be kept on facility staff and must include:

(1) the date of employment;

(2) documentation showing how staff meet the minimum age and education qualifications;

(3) a statement from the staff member, including volunteers who are counted in the child/staff ratio, providing information about any convictions and pending charges alleging violation of any of the offenses listed in the appendix titled "Criminal Offenses from the Texas Penal Code" in Texas Department of Protective and Regulatory Services' Minimum Standards for Day Care Centers, or the Texas Controlled Substance Act;

(4) a record of a tuberculosis examination as recommended by the local or Texas Department of Health;

(5) a record of staff training hours, the instructors, dates of the training, and the subject areas of training as provided in §715.411(d) of this section (relating to Director and Staff Training);

(6) documentation that staff have been given orientation as described in §715.411(c) of this title (relating to Director and Staff Training); and

(7) documentation that staff have met the pre-service training requirement as provided in §715.411(b) of this title (relating to Director and Staff Training).

**§715.411. Director and Staff Training.**

(a) The director must participate yearly in at least 20 hours of training.

(1) At least six clock hours must be in management and staff supervision and at least six clock hours must be in child development or early childhood education.

(2) The director of a school-age care only facility may substitute six clock hours in recreational leadership or a related area for the six clock hours in child development or early childhood education.

(b) Before new staff without experience in a regulated child care facility or relevant training are given responsibility for a group of children they must complete eight clock hours of pre-service training which covers the following areas.

(1) developmental stages of children;

(2) age-appropriate activities for children;

(3) positive guidance and discipline of children;

(4) fostering children's self-esteem;

(5) health and safety practices in the care of children;

(6) positive interaction with children;

(7) supervision of children; and

(8) detection and reporting of suspected child abuse and neglect.

(c) All new staff, including volunteers who are counted in the facility child/staff ratio, must be oriented in the following when they begin work:

(1) the requirements in the minimum standards for day care centers in this subchapter;

(2) the facility's child care policies, including discipline, guidance, and the release of children;

(3) the procedures to follow in handling emergencies; and

(4) the use and location of fire extinguishers.

(d) All staff must obtain at least 15 clock hours of training annually, exclusive of cardiopulmonary resuscitation (CPR) and First Aid, selected from the following areas:

(1) child development;

(2) care of children requiring special accommodations as defined in §715.401 of this title (relating to Definitions);

(3) adult and child health;

(4) nutrition;

(5) safety;

(6) curriculum-planning;

(7) risk management;

(8) identification and care of ill children;

(9) recognition and the responsibility of reporting child abuse, neglect, and sexual abuse;

(10) cultural diversity;

(11) professional development,

such as communication, time management, and stress management; or

(12) for staff assigned to particular groups of children, topics from the following areas are included in the required annual training hours:

(A) care of infants;

(B) care of toddlers;

(C) care of preschool children; and

(D) care of school-age children.

**§715.413. Furnishings.** The following furnishings must be available:

(1) one working telephone with a listed number;

(2) storage for children's personal belongings;

(3) comfortable seating for children;

(4) comfortable arrangements for rest when school-age children are in care for more than seven hours;

(5) an individual cot, bed, or mat that is comfortable and waterproof or washable for each child age 18 months through four years;

(6) an individual crib with a mattress and a waterproof cover and a clean crib sheet for each non-walking child under 18 months of age; and

(7) a low cot or mat for each mobile child under 18 months, if the child is not provided with an individual crib.

**§715.414. Equipment.**

(a) The facility must have a number and variety of appropriate indoor and outdoor equipment and materials as defined in §715.401 of this title (relating to Definitions), to facilitate children's play.

(b) Restrooms must be inside and located and equipped so that children can use them independently and staff can supervise as needed.

(1) There must be one flush toilet and one sink for every 17 children aged 18 months and over.

(2) There must be at least one sink in each diaper-changing area.

(3) Urinals may be counted in the ratio of children to toilets but may not exceed 50% of the total number of toilets. Restrooms containing urinals must also have flush toilets.

(4) Potty chairs may be used, but must not be counted in the ratio of toilets to children.

(c) Doors on restrooms used by children under six years of age must not have inside locks within the children's reach.

*§715.415. Discipline and Guidance.*

(a) Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.

(b) Positive methods which encourage self-esteem, self-control, and self-direction must be used

(c) There must be no harsh, cruel, or unusual treatment.

(1) Corporal punishment or threats of corporal punishment are prohibited.

(2) Children must not be shaken, bitten, hit, or have anything put in or on their mouth as punishment.

(3) Children must not be humiliated, yelled at, or rejected.

(4) Children must not be subjected to abusive or profane language.

(5) Punishment must not be associated with food, naps, or toilet training.

(6) Bed wetters must not be shamed or punished.

(7) Staff may use brief, supervised separation from the group if necessary, but staff must not place children in a locked room or in a dark room with a door closed.

*§715.417. Child/Staff Ratios and Groupings.*

(a) Child/staff ratios will be effective June 1, 1997.

(b) In a day care center, or in centers using mixed-age groupings, the child/staff ratio is based on the age of the youngest child in the mixed-age group. The number of children per staff member and the group size must not exceed the following:

Figure 1 40 TAC 715.417(b)

(1) Maximum group size may be exceeded, provided child/staff ratio is maintained for each group, under the following conditions:

(A) for children 18 months through four years of age for a maximum of 30 minutes;

(B) for children five years old and older for a maximum of 1 1/2 hours.

(C) for field trips, outdoor play, and naptimes for the length of that activity.

(2) During naptime, children 18 months and older may be under the supervision of 50% of the child/staff ratio if an additional 25% of the child/staff ratio is maintained in the building and not counted in the child/staff ratio for another group.

(3) Forty-five minutes after opening and 45 minutes before closing, the children may be regrouped at a ratio of one staff member per group of 16 children 18 months of age and older.

(4) When a child in the group is under 18 months old, the oldest child in the group must not be more than 18 months older than the youngest child unless there are fewer than 12 children at the center.

(5) If 12 or fewer children are in care at the center, the following child/staff ratios may be used. One adult may care for any combination of children shown in the following table:

Figure 2 40 TAC 715.417(b)(5)

(A) Children under 18 months of age do not have to be cared for in separate areas.

(B) The caregiver can be involved in meal preparation but must be able to supervise the children.

(C) Supervision cannot be reduced during naptime.

*§715.419 Additional Requirements for Children under 18 Months Old.*

(a) Staff must talk to, hold, and play with the children.

(b) To promote sensory-motor development, children must not be confined in cribs, playpens, highchairs, or swings but must be encouraged to explore their environments.

(c) A child not yet ready for table food must be fed a formula or diet approved in writing, signed and dated by the child's physician or parent, and updated as changes are made.

(1) Bottles must be clearly marked with the child's name

(2) Bottles must never be propped, as defined in §715.401 of this title (relating to Definitions); the child or an adult must hold the bottle

(3) Children up to six months of age must be held while being bottle-fed.

(d) Children no longer being held for feeding must be fed in a manner that ensures their safety and comfort.

(e) A staff member must always be in the room with the children.

*§715.420. Field Trips.*

(a) The following child/staff ratio must be met when children are on a field trip, as defined in §715.401 of this title (relating to Definitions) and are mixing with non-facility children and adults, such as trips to the circus, shopping centers, or amusement parks. The number of regular staff may be supplemented by parents or volunteers trained in the facility's policies and procedures for supervision on field trips.

Figure 3 40 TAC 715.420(a)

(b) When children are on a field trip in an enclosed, controlled area, the center must maintain the child/staff ratio as outlined in §715.417 of this title (relating to Child/Staff Ratios and Groupings). An example would be an event planned for a group including, but not limited to, dancing or gymnastics classes, library storytime, or tours to the fire department.

(c) Notice of field trips must:

(1) be posted at least 48 hours before a field trip and remain posted until the groups have returned;

(2) be posted in a prominent place where parents may view it; and

(3) contain the following:

(A) the groups of children who will be on the field trip,

(B) where the groups will go, and

(C) when the groups will leave the facility and when the groups will return

(d) Emergency medical consent forms and emergency contact information for each child in the group must be carried by staff supervising the field trip.

(e) Staff must have a written list of the children in the group.

(f) Staff must have first aid supplies, as defined in §715.401 of this title (relating to Definitions) readily available

(g) A staff member with current training in First Aid with rescue breathing and choking and a staff member with current training in cardiopulmonary resuscitation (CPR) for infants and children must be present on field trips

**§715.421. Water Activities.**

(a) Water activities are prohibited for drop-in centers.

(b) The child/staff ratio for water activities, where permitted, must be met as follows.

(1) For wading/splashing activities (less than two feet of water) the child/staff ratio is as required for regular classroom activities as specified in §715.417 of this title (relating to Child/Staff Ratios and Groupings), except when the wading/splashing activity includes children under four years of age, at least two adults must be present.

(2) For swimming (more than two feet of water) the child/staff ratio is as required in §715.420(a) of this title (relating to Field Trips) except when four or more children are swimming, two adults must be present. The number of regular staff may be supplemented by parents or volunteers trained in the facility's procedures for supervising swimming.

(c) Adults included in the child/staff ratio for swimming must be able to swim.

(d) Children in wading/splashing and swimming pools must be constantly supervised.

(e) When children are swimming, a certified lifeguard as defined in §715.401 of this title (relating to Definitions) must be on duty at all times.

(f) The certified lifeguard may not be counted in the child/staff ratio if non-facility children and adults are also using the pool.

(g) Wading/splashing pools must be:

(1) kept out of reach of children when not in use; and

(2) drained at least daily, if designed to be drained, sanitized, and stored.

(h) Swimming pools, at or away from the facility, must:

(1) have at least one lifesaving device for each 2,000 square feet of water surface with a minimum of two lifesaving devices for each swimming pool;

(2) have drain grates that are in place, in good repair, and that cannot be removed without using tools;

(3) not have pool chemicals that are accessible to children;

(4) not have unlocked machinery rooms when the facility children are present; and

(5) be built and maintained according to the standards of the Texas Natu-

ral Resources Conservation Commission and any other applicable state or local regulations.

(i) Staff must be able to clearly see all parts of the swimming area, including the bottom.

(j) The pool must be built and maintained such that unsupervised access to the pool will be prevented.

(k) When children are in a pool that has a pump and filtering system, an adult who is able to turn off the system immediately must be present.

**§715.422. Transporting Children.**

(a) The child/staff ratio for transporting children.

(1) Under two years of age is that one adult in addition to the driver must be present for each group of four children.

(2) Two years old and older is the same as the child/staff ratio established by following the options in the regular classroom child/staff ratio as specified in §715.417 of this title (relating to Child/Staff Ratios and Groupings).

(b) Each child being transported must ride in an infant carrier, child seat or a seat belt, as appropriate to the child's age, size, and condition. This requirement applies to any vehicle used by or for the facility to provide transportation, with the exception of a bus with a gross vehicular weight rating (GVWR) of 10,000 pounds or more. This requirement applies to all transportation, including, but not limited to, to and from the facility, to and from the child's school, and on field trips.

(1) All restraint devices must have been manufactured and dynamically crash-tested according to federal standards and installed according to instructions provided by the manufacturer.

(2) Appropriateness of infant seat, child restraint, or seat belt is determined as follows.

(A) An infant who cannot sit up must be restrained in an infant carrier designed as a child passenger device.

(B) A child under two years of age who can sit alone must be seated in a child seat.

(C) A child age two or older must ride in either a child seat or in a seat belt.

(3) Only one child may use each seat belt at a time.

(4) A child may ride in a shoulder harness and seat belt if the

shoulder harness goes across the child's chest and not across the child's face or neck.

(5) The driver and all adult passengers in a vehicle transporting the children must be properly restrained by seat belts when the vehicle is in motion.

(c) Children must be loaded and unloaded at the curbside of the vehicle or in a protected parking area or driveway. Children must not be allowed to cross a street unsupervised after leaving a vehicle.

(d) The following must be in the vehicle when children are being transported:

(1) a list of the children being transported;

(2) first aid supplies;

(3) emergency medical treatment forms for each child being transported; and

(4) a minimum of one operational fire extinguisher approved by the local or state fire marshal, safely secured in the passenger compartment, and accessible to the adult occupants.

**§715.423. Safety.**

(a) The building, grounds, and equipment must be repaired and maintained to protect the safety of the children.

(1) There must be child-proof covers or safety outlets for electrical outlets accessible to children younger than five years.

(2) If 220-volt electric connections are within the children's reach, they must be covered with a screen or guard.

(3) Air conditioners, electric fans, and heaters must be mounted out of the children's reach or have safeguards that keep children from being injured.

(4) Glass in sliding glass doors must be clearly marked with decals or other materials placed at children's eye level.

(5) Stairs, porches, and platforms more than two feet above the ground or floor must have railings the children can reach.

(6) Firearms are prohibited on the premises of a non-residential facility. If firearms are kept on the premises of a residential facility, it is necessary that:

(A) firearms are in locked cabinets;

(B) firearms are inaccessible to children; and

(C) ammunition is kept in separate locked cabinets and also made inaccessible to children

(b) All areas accessible to children must be free from hazards.

(c) Indoor and outdoor play equipment and supplies used both at and away from the facility must be safe for the children.

(1) Equipment must not have openings or angles that can entrap as defined by the term "Entrapping equipment" in §715.401 of this title (relating to Definitions).

(2) All heavy equipment must be installed in a manner to prevent tipping over or collapsing.

(3) Equipment must not have on or underneath it pinch, crush, or shear points such as exposed or open gears on rotating devices.

(4) Swings or climbing equipment must not have concrete, asphalt, or other hazards in the fall zone as defined in §715.401 of this title (relating to Definitions).

(5) All swing seats must be constructed of durable, lightweight, relatively pliable material.

(6) Trampolines are prohibited. This prohibition does not include small trampolines that are no higher than 12 inches.

(7) There must be no toys at the facility while children are in care that explode, such as caps, or that shoot things, such as BBs or darts.

(8) Toys for children under two years old must be large enough to prevent swallowing or choking.

(d) There must be first aid supplies as defined in §715.401 of this title (relating to Definitions) at the facility and during transportation which are readily available to staff in a designated location and out of reach of the children.

(e) A guide to first aid and emergency care must be immediately accessible to staff.

(f) The temperature of hot water available to children must be controlled by a thermostat so that the water temperature is no higher than 120 degrees Fahrenheit.

(g) The facility must ensure the safety of children from other persons as follows.

(1) Adults must at all times be able to observe children.

(2) Adults who are with children must at all times be able to be observed by another adult.

(3) People must not consume alcohol or illegal controlled substances in the

facility, during transportation, and on field trips.

(4) Any person to whom a child is released must be either a parent or a person designated by the parent.

(5) A plan must be followed to verify the identity of a person authorized to pick up a child but who is not known to the staff. This plan must include a reasonable means to record the identity of the individual. This information must be retained for at least 24 hours.

(6) The presence of persons whose behavior and/or health status appears to endanger the health and safety of the children are not allowed when children are in care.

#### §715.424. Sanitation.

(a) There must be an annual sanitation inspection with a written report by a local or state sanitation official. The facility must be in compliance with any corrections, restrictions, or conditions stated in the report.

(b) The buildings, grounds, and equipment must be cleaned, repaired, and maintained to protect the health of the children.

(1) There must be adequate light, ventilation, and heat.

(2) People must not smoke at the facility, during transportation, or on field trips.

(3) All sleeping equipment must be clean.

(4) Linens must be washed as often as necessary, before a different child uses them, and when soiled.

(c) There must be a supply of drinking water, supplied in a safe and sanitary manner and meeting the standards of the Texas Natural Resources Conservation Commission.

(d) Drinking water must always be available to the children.

(e) There must be a sewage system that is sanitary and meets the standards of the Texas Natural Resources Conservation Commission. When possible, the system must be connected to a public system.

(f) All garbage as defined in §715.401 of this title (relating to Definitions) must be kept and managed as necessary in order to maintain sanitary conditions inside and outside the facility.

(g) Measures must be taken to keep the facility free of insects and rodents. Extermination must be only provided by professional exterminators as provided in the appendix titled "Vernon's Annotated Civil

Statutes Article 135 B-6" in the Texas Department of Protective and Regulatory Services' Minimum Standards.

(h) Children must:

(1) wash their hands with soap and running water after toileting and before eating; and

(2) have clean drying material such as paper towels or their own towels.

(i) Staff must wash their hands with soap and running water:

(1) after changing a diaper;

(2) after assisting a child with toileting;

(3) before feeding a child;

(4) before and after serving and handling food;

(5) after caring for a child with symptoms of a communicable disease; and

(6) after personal toileting.

(j) Staff must use disposable waterproof gloves when handling blood or other bodily fluids which might contain blood.

(k) When diapering a child, staff must place the child on a clean, washable surface disinfected after each use or a surface with clean, disposable covering that is changed after each use.

(l) The staff must promptly change soiled or wet diapers.

(m) Each child must be thoroughly cleansed with individual washcloths or disposable towelettes and dried with individual towels at each diaper change.

(n) Containers for used diapers must be kept in a sanitary manner.

(o) Potty chairs must be sanitized as defined in §715.401 of this title (relating to Definitions) after each child's use.

(p) Each crib must be sanitized before a different child uses it and when soiled.

(q) Toys used by children under two years of age must be sanitized daily.

(r) All food and drink served must be of safe quality and stored, prepared, distributed, and served under sanitary and safe conditions.

(s) Food service equipment must be washed and sanitized.

(t) Staff with open wounds and injuries that inhibit hand washing, such as casts, bandages, or braces, must not be allowed to prepare food or change diapers.

(u) Single-service napkins, bibs, dishes, and utensils must be discarded after use. Washable, reusable napkins, bibs, and tablecloths must be washed after each use.

(v) Cleaning supplies must be clearly marked, kept separate from food, and kept inaccessible to children.

**§715.425. Fire, Fire Safety, and Emergency Precautions.**

(a) The facility must have an annual fire inspection with a written report by a local or state fire marshal. The facility must be in compliance with any corrections, conditions, or restrictions specified in the report.

(b) In an emergency, the facility's first responsibility is to move the children to a designated safe area where they must be supervised

(c) In an emergency, all staff and children must be able to safely exit the building within three minutes.

(1) The building must have at least two exits to the outside, located in distant parts of the building. An exit through a kitchen or other hazardous area cannot be one of the required exits unless specifically approved in writing by the fire marshal.

(2) If any doors open into a fenced yard, the children must be able to open the doors easily from inside

(3) No doors that are blocked or locked may be counted as an exit.

(4) Children must not be cared for on any level above or below the exit level unless the facility obtains written approval from the fire marshal.

(5) A flashlight or other battery-powered lighting must be available in each classroom to use in case of electrical failure.

(d) An emergency evacuation and relocation plan must be posted in each room the children use.

(1) The plan must show two exit paths from each room unless the room opens directly to the outdoors at ground level.

(2) Staff and children must have a fire drill every month. This drill must be documented.

(3) Staff and children must have a severe weather drill at least once each six months. Each practice must be documented

(e) The facility must call the fire department in case of fire or danger of fire, explosion, toxic fumes, or other chemical release.

(f) The facility must have a fire extinguishing system approved by the fire marshal. This system may be a sprinkler system and/or fire extinguishers.

(1) If fire extinguishers are used, they must be mounted on the wall by

a hanger or bracket and made readily available for immediate use by the staff.

(2) Fire extinguishers must be inspected monthly and the date of the inspection recorded. Fire extinguishers must be serviced when required.

(g) The building must be equipped with working smoke detectors installed and maintained according to the manufacturer's instructions and in compliance with requirements of state and local codes.

(1) There must be a working smoke detector in each room used by the children, including rooms where the children rest and sleep.

(2) All smoke detectors must be tested monthly and the date must be recorded.

(h) Heating devices and areas near heat sources must not present fire hazards and must not present hazards to the children.

(1) Gas appliances must have metal tubing and connections.

(2) Open flame heaters are prohibited.

(3) Space heaters must be enclosed and have the seal of approval of a test laboratory approved by the fire marshal.

(4) Floor and wall furnace grates must be safeguarded so that children do not have access to them.

(5) Liquid or gas fuel heaters, fireplaces, and wood-burning stoves must be properly vented to the outside.

(6) Where fireplaces or wood-burning stoves are used, a rigid screen or guard must be installed to prevent children from falling into the fire or against the stove.

(i) Where gas is used, there must be a gas-pipe inspection annually. This inspection must be documented.

**§715.426. Illness and Injury.**

(a) Parents must be notified in cases of illness and injury as specified in §715.406(c) of this title (relating to Parental Communication).

(b) A child whose illness requires that the child be sent home, must be given appropriate attention and supervision, until the child's parent, as defined in §715.401 of this title (relating to Definitions) arrives to remove the child.

(c) A child with uncontrolled diarrhea or vomiting must be provided care apart from the other children. Extra attention must be given to hygiene and sanitation, until the parent or person authorized by the parent arrives to pick up the child.

(d) An ill child must not be admitted for care if one or more of the following exists:

(1) the illness prevents the child from participating comfortably in facility activities;

(2) the illness results in a greater need for care than the staff can provide without compromising the health, safety, and supervision of the other children;

(3) the child has any of the following:

(A) oral temperature 100.4 degrees or greater; rectal temperature 101.4 degrees or greater; armpit temperature 99.4 degrees or greater, and accompanied by behavior changes or other signs or symptoms of illness, until medical evaluation indicates that the child can be included in the facility's activities; or

(B) symptoms and signs of possible severe illness, such as lethargy, uncontrolled breathing, uncontrolled diarrhea, vomiting illness of two or more episodes in 24 hours, rash with fever, mouth sores with drooling, wheezing, behavior change, or other unusual signs, until medical evaluation indicates that the child can be included in the facility's activities;

(4) the child has been diagnosed with a communicable disease, until medical evaluation determines that the child is no longer communicable and is able to participate in the facility's activities.

(e) In case of the onset of a critical illness, as defined in §715.401 of this title (relating to Definitions) or injury:

(1) the physician named by the parent must be called; and

(2) the child must be taken to the nearest emergency room or clinic, or an emergency vehicle must be called.

(f) Children must be given first aid treatment or cardiopulmonary resuscitation when needed.

**§715.427. Medications.**

(a) If the facility policy includes administering medication to children:

(1) a record must be made of the following and kept for at least three months:

(A) name of the child to whom the medicine was given;

(B) name of the medication;

(C) date, time, and amount of medication given; and

(D) name (not initials) of staff administering the medication.

(2) the medication must be administered to the child with written parental permission and as stated on the label directions or as amended by the physician

(b) Any medications brought by the parent for the child must

(1) be in the original container;

(2) be labeled with the child's name,

(3) be labeled with the date if it is a prescription medicine,

(4) include directions to administer the medication, and

(5) if prescribed, include the name of the physician prescribing the medication.

(c) Medications must:

(1) be refrigerated, if refrigeration is required, and kept separate from food;

(2) be kept out of reach of children or in locked storage;

(3) be disposed of or returned to the parent when the child withdraws from the facility or when the medication is out of date, and

(4) not be administered after its expiration date.

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 authority.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450494

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

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# TABLES AND GRAPHICS

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Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

**Figure 1: 28 TAC §5.206(a)**

**(a) Class 4. The following ZIP Codes are designated as Class 4 ZIP Codes:**

<b>ZIP</b>	<b>Category</b>	<b>City</b>	<b>County</b>
75203	4	DALLAS	DALLAS
75210	4	DALLAS	DALLAS
75212	4	DALLAS	DALLAS
75215	4	DALLAS	DALLAS
75216	4	DALLAS	DALLAS
75237	4	DALLAS	DALLAS
75242	4	DALLAS	DALLAS
75260	4	DALLAS	DALLAS
75263	4	DALLAS	DALLAS
75264	4	DALLAS	DALLAS
75904	4	LUFKIN	ANGELINA
76104	4	FORT WORTH	TARRANT
76105	4	FORT WORTH	TARRANT
76106	4	FORT WORTH	TARRANT
76178	4	FORT WORTH	TARRANT
76625	4	BIROME	HILL
77003	4	HOUSTON	HARRIS
77011	4	HOUSTON	HARRIS
77012	4	HOUSTON	HARRIS
77016	4	HOUSTON	HARRIS
77020	4	HOUSTON	HARRIS
77022	4	HOUSTON	HARRIS
77023	4	HOUSTON	HARRIS
77026	4	HOUSTON	HARRIS
77028	4	HOUSTON	HARRIS
77033	4	HOUSTON	HARRIS
77048	4	HOUSTON	HARRIS
77051	4	HOUSTON	HARRIS
77078	4	HOUSTON	HARRIS
77081	4	HOUSTON	HARRIS
77093	4	HOUSTON	HARRIS
77097	4	HOUSTON	HARRIS
77202	4	HOUSTON	HARRIS
77203	4	HOUSTON	HARRIS
77315	4	NORTH HOUSTON	HARRIS
77445	4	HEMPSTEAD	WALLER
77507	4	PASADENA	HARRIS
77710	4	BEAUMONT	JEFFERSON
77807	4	BRYAN	BRAZOS
78040	4	LAREDO	WEBB
78043	4	RIO BRAVO	WEBB
78067	4	SAN YGNACIO	ZAPATA
78202	4	SAN ANTONIO	BEXAR
78203	4	SAN ANTONIO	BEXAR
78204	4	SAN ANTONIO	BEXAR
78207	4	SAN ANTONIO	BEXAR
78208	4	SAN ANTONIO	BEXAR
78211	4	SAN ANTONIO	BEXAR



78224	4	SAN ANTONIO	BEXAR
78237	4	SAN ANTONIO	BEXAR
78405	4	CORPUS CHRISTI	NUECES
78516	4	ALAMO	HIDALGO
78520	4	BROWNSVILLE	CAMERON
78521	4	BROWNSVILLE	CAMERON
78535	4	COMBES	CAMERON
78537	4	DONNA	HIDALGO
78538	4	MONTE ALTO	HIDALGO
78547	4	GARCIASVILLE	STARR
78548	4	GRULLA	STARR
78557	4	HIDALGO	HIDALGO
78558	4	LA BLANCA	HIDALGO
78560	4	LA JOYA	HIDALGO
78561	4	LASARA	WILLACY
78562	4	LA VILLA	HIDALGO
78563	4	LINN	HIDALGO
78565	4	LOS EBANOS	HIDALGO
78567	4	LOS INDIOS	CAMERON
78572	4	ALTON	HIDALGO
78575	4	OLMITO	CAMERON
78576	4	PENITAS	HIDALGO
78577	4	PHARR	HIDALGO
78579	4	PROGRESO	HIDALGO
78582	4	RIO GRANDE CITY	STARR
78584	4	ROMA	STARR
78585	4	SALINENO	STARR
78589	4	SAN JUAN	HIDALGO
78590	4	SAN PERLITA	WILLACY
78591	4	SANTA ELENA	STARR
78592	4	SANTA MARIA	CAMERON
78595	4	SULLIVAN CITY	HIDALGO
78702	4	AUSTIN	TRAVIS
78721	4	AUSTIN	TRAVIS
78852	4	EAGLE PASS	MAVERICK
78877	4	SPOFFORD	MAVERICK
79013	4	CACTUS	MOORE
79222	4	CAREY	CHILDRESS
79238	4	KIRKLAND	CHILDRESS
79326	4	FIELDTON	LAMB
79706	4	MIDLAND	MIDLAND
79766	4	ODESSA	ECTOR
79835	4	CANUTILLO	EL PASO
79901	4	EL PASO	EL PASO
79905	4	EL PASO	EL PASO
79907	4	EL PASO	EL PASO
79915	4	EL PASO	EL PASO
79916	4	EL PASO	EL PASO
79927	4	EL PASO	EL PASO
79938	4	EL PASO	EL PASO

**FIGURE 2: 28 TAC 5.206(b)**

**(b) Class 3. The following ZIP Codes are designated as Class 3 ZIP Codes:**

75217	3	DALLAS	DALLAS
75223	3	DALLAS	DALLAS
75235	3	DALLAS	DALLAS
75241	3	DALLAS	DALLAS
75246	3	DALLAS	DALLAS
75502	3	TEXARKANA	MILLER
76119	3	FORT WORTH	TARRANT
76304	3	WICHITA FALLS	WICHITA
76704	3	WACO	MCLENNAN
77004	3	HOUSTON	HARRIS
77009	3	HOUSTON	HARRIS
77021	3	HOUSTON	HARRIS
77029	3	JACINTO CITY	HARRIS
77036	3	HOUSTON	HARRIS
77038	3	HOUSTON	HARRIS
77039	3	HOUSTON	HARRIS
77045	3	HOUSTON	HARRIS
77050	3	HOUSTON	HARRIS
77053	3	HOUSTON	HARRIS
77060	3	HOUSTON	HARRIS
77087	3	HOUSTON	HARRIS
77091	3	HOUSTON	HARRIS
77506	3	PASADENA	HARRIS
77587	3	SOUTH HOUSTON	HARRIS
77972	3	PORT LAVACA	CALHOUN
77973	3	MCFADDIN	VICTORIA
78041	3	LAREDO	WEBB
78210	3	SAN ANTONIO	BEXAR
78214	3	SAN ANTONIO	BEXAR
78221	3	SAN ANTONIO	BEXAR
78225	3	SAN ANTONIO	BEXAR
78242	3	SAN ANTONIO	BEXAR
78243	3	SAN ANTONIO	BEXAR
78262	3	SAN ANTONIO	BEXAR
78338	3	ARMSTRONG	KENEDY
78401	3	CORPUS CHRISTI	NUECES
78406	3	CORPUS CHRISTI	NUECES
78407	3	CORPUS CHRISTI	NUECES
78408	3	CORPUS CHRISTI	NUECES
78417	3	CORPUS CHRISTI	NUECES
78501	3	MCALLEN	HIDALGO
78503	3	MCALLEN	HIDALGO
78539	3	EDINBURG	HIDALGO
78543	3	ELSA	HIDALGO
78545	3	FALCON HEIGHTS	STARR
78564	3	LOPENO	ZAPATA
78566	3	BAYVIEW	CAMERON
78568	3	LOZANO	CAMERON
78586	3	SAN BENITO	CAMERON

78593	3	SANTA ROSA	CAMERON
78596	3	WESLACO	HIDALGO
78827	3	ASHERTON	DIMMIT
78829	3	BATESVILLE	ZAVALA
78830	3	BIG WELLS	DIMMIT
78834	3	CARRIZO SPRINGS	DIMMIT
78839	3	CRYSTAL CITY	ZAVALA
79405	3	LUBBOCK	LUBBOCK
79836	3	CLINT	EL PASO
79839	3	FORT HANCOCK	HUDSPETH
79845	3	PRESIDIO	PRESIDIO
79903	3	EL PASO	EL PASO
79908	3	EL PASO	EL PASO
79930	3	EL PASO	EL PASO

**FIGURE 3: 28 TAC 5.206(c)**

**(c) Class 2 The following ZIP Codes are designated as Class 2 ZIP Codes:**

75092	2	SHERMAN	GRAYSON
75125	2	FERRIS	ELLIS
75172	2	WILMER	DALLAS
75204	2	DALLAS	DALLAS
75211	2	DALLAS	DALLAS
75219	2	DALLAS	DALLAS
75220	2	DALLAS	DALLAS
75224	2	DALLAS	DALLAS
75226	2	DALLAS	DALLAS
75253	2	DALLAS	DALLAS
75702	2	TYLER	SMITH
75705	2	TYLER	SMITH
75928	2	BON WIER	NEWTON
76102	2	FORT WORTH	TARRANT
76110	2	FORT WORTH	TARRANT
76111	2	FORT WORTH	TARRANT
76115	2	FORT WORTH	TARRANT
76127	2	FORT WORTH	TARRANT
76490	2	WHITT	PARKER
76541	2	KILLEEN	BELL
76544	2	KILLEEN	BELL
76707	2	WACO	MCLENNAN
76903	2	SAN ANGELO	TOM GREEN
76908	2	SAN ANGELO	TOM GREEN
77007	2	HOUSTON	HARRIS
77013	2	HOUSTON	HARRIS
77017	2	HOUSTON	HARRIS
77032	2	HOUSTON	HARRIS
77044	2	HOUSTON	HARRIS
77047	2	HOUSTON	HARRIS
77067	2	HOUSTON	HARRIS
77072	2	HOUSTON	HARRIS
77076	2	HOUSTON	HARRIS
77085	2	HOUSTON	HARRIS
77086	2	HOUSTON	HARRIS
77326	2	ACE	POLK
77423	2	BROOKSHIRE	WALLER
77484	2	WALLER	WALLER
77518	2	BACLIFF	GALVESTON
77545	2	FRESNO	FORT BEND
77547	2	GALENA PARK	HARRIS
77550	2	GALVESTON	GALVESTON
77701	2	BEAUMONT	JEFFERSON
77803	2	BRYAN	BRAZOS
77868	2	NAVASOTA	GRIMES
78069	2	SOMERSET	BEXAR
78073	2	VON ORMY	BEXAR
78076	2	ZAPATA	ZAPATA
78112	2	ELMENDORF	BEXAR

78201	2	SAN ANTONIO	BEXAR
78206	2	SAN ANTONIO	BEXAR
78215	2	SAN ANTONIO	BEXAR
78220	2	SAN ANTONIO	BEXAR
78226	2	SAN ANTONIO	BEXAR
78264	2	SAN ANTONIO	BEXAR
78285	2	SAN ANTONIO	BEXAR
78342	2	ALICE	JIM WELLS
78352	2	EDROY	SAN PATRICIO
78353	2	ENCINO	BROOKS
78355	2	FALFURRIAS	BROOKS
78369	2	MIRANDO CITY	WEBB
78385	2	SARITA	KENEDY
78416	2	CORPUS CHRISTI	NUECES
78549	2	HARGILL	HIDALGO
78550	2	HARLINGEN	CAMERON
78559	2	LA FERIA	CAMERON
78570	2	MERCEDES	HIDALGO
78578	2	PORT ISABEL	CAMERON
78583	2	RIO HONDO	CAMERON
78588	2	SAN ISIDRO	STARR
78594	2	SEBASTIAN	WILLACY
78656	2	MAXWELL	CALDWELL
78724	2	AUSTIN	TRAVIS
78741	2	AUSTIN	TRAVIS
78751	2	AUSTIN	TRAVIS
78840	2	LAUGHLIN AFB	VAL VERDE
78851	2	DRYDEN	TERRELL
79032	2	EDMONSON	HALE
79043	2	HART	CASTRO
79104	2	AMARILLO	POTTER
79107	2	AMARILLO	POTTER
79231	2	DOUGHERTY	FLOYD
79368	2	SOUTHLAND	GARZA
79380	2	WHITHARRAL	HOCKLEY
79402	2	LUBBOCK	LUBBOCK
79403	2	LUBBOCK	LUBBOCK
79415	2	LUBBOCK	LUBBOCK
79600	2	ABILENE	TAYLOR
79745	2	KERMIT	WINKLER
79763	2	ODESSA	ECTOR
79764	2	ODESSA	ECTOR
79772	2	PECOS	REEVES
79852	2	TERLINGUA	BREWSTER
79902	2	EL PASO	EL PASO
79904	2	EL PASO	EL PASO
79906	2	EL PASO	EL PASO
79920	2	EL PASO	EL PASO

**FIGURE 4: 28 FAC 5.206(d)**

**(d) Class 1. The following ZIP Codes are designated as Class 1 ZIP Codes:**

75101	1	BARDWELL	ELLIS
75118	1	ELMO	KAUFMAN
75157	1	ROSSER	KAUFMAN
75180	1	MESQUITE	DALLAS
75208	1	DALLAS	DALLAS
75227	1	DALLAS	DALLAS
75231	1	DALLAS	DALLAS
75232	1	DALLAS	DALLAS
75236	1	DALLAS	DALLAS
75239	1	DALLAS	DALLAS
75413	1	BAILEY	FANNIN
75449	1	LADONIA	FANNIN
75474	1	QUINLAN	HUNT
75487	1	TALCO	FRANKLIN
75602	1	LONGVIEW	GREGG
75933	1	CALL	NEWTON
75960	1	MOSCOW	POLK
76009	1	ALVARADO	JOHNSON
76010	1	ARLINGTON	TARRANT
76011	1	ARLINGTON	TARRANT
76041	1	FORRESTON	ELLIS
76071	1	NEWARK	WISE
76140	1	FORT WORTH	TARRANT
76301	1	WICHITA FALLS	WICHITA
76303	1	WICHITA FALLS	WICHITA
76555	1	MAYSFIELD	MILAM
76559	1	NOLANVILLE	BELL
76627	1	BLUM	HILL
76635	1	COOLIDGE	LIMESTONE
76690	1	WALNUT SPRINGS	BOSQUE
76880	1	STAR	MILLS
76886	1	VERIBEST	TOM GREEN
76934	1	CARLSBAD	TOM GREEN
76937	1	EOLA	CONCHO
77000	1	HOUSTON	HARRIS
77006	1	HOUSTON	HARRIS
77014	1	HOUSTON	HARRIS
77015	1	HOUSTON	HARRIS
77034	1	HOUSTON	HARRIS
77035	1	HOUSTON	HARRIS
77037	1	HOUSTON	HARRIS
77049	1	HOUSTON	HARRIS
77054	1	HOUSTON	HARRIS
77055	1	HOUSTON	HARRIS
77061	1	HOUSTON	HARRIS
77074	1	HOUSTON	HARRIS
77075	1	HOUSTON	HARRIS
77080	1	HOUSTON	HARRIS
77088	1	HOUSTON	HARRIS

77099	1	HOUSTON	HARRIS
77301	1	CONROE	MONTGOMERY
77327	1	CLEVELAND	LIBERTY
77357	1	NEW CANEY	MONTGOMERY
77363	1	PLANTERSVILLE	GRIMES
77365	1	PORTER	MONTGOMERY
77372	1	SPLENDORA	MONTGOMERY
77396	1	HUMBLE	HARRIS
77468	1	PLEDGER	MATAGORDA
77489	1	MISSOURI CITY	FORT BEND
77503	1	PASADENA	HARRIS
77520	1	BAYTOWN	HARRIS
77530	1	CHANNELVIEW	HARRIS
77551	1	GALVESTON	GALVESTON
77577	1	LIVERPOOL	BRAZORIA
77583	1	ROSHARON	BRAZORIA
77590	1	TEXAS CITY	GALVESTON
77640	1	PORT ARTHUR	JEFFERSON
77657	1	LUMBERTON	HARDIN
77702	1	BEAUMONT	JEFFERSON
77703	1	BEAUMONT	JEFFERSON
77801	1	BRYAN	BRAZOS
77977	1	PLACEDO	VICTORIA
77988	1	TELFERNER	VICTORIA
78002	1	ATASCOSA	BEXAR
78008	1	CAMPBELLTON	ATASCOSA
78017	1	DILLEY	FRIO
78021	1	FOWLERTON	LA SALLE
78065	1	POTEET	ATASCOSA
78074	1	WARING	KENDALL
78212	1	SAN ANTONIO	BEXAR
78223	1	SAN ANTONIO	BEXAR
78227	1	SAN ANTONIO	BEXAR
78228	1	SAN ANTONIO	BEXAR
78236	1	SAN ANTONIO	BEXAR
78241	1	SAN ANTONIO	BEXAR
78252	1	SAN ANTONIO	BEXAR
78332	1	ALICE	JIM WELLS
78339	1	BANQUETE	NUECES
78349	1	CONCEPCION	DUVAL
78351	1	DRISCOLL	NUECES
78368	1	MATHIS	SAN PATRICIO
78371	1	OILTON	WEBB
78372	1	ORANGE GROVE	JIM WELLS
78380	1	ROBSTOWN	NUECES
78400	1	CORPUS CHRISTI	NUECES
78404	1	CORPUS CHRISTI	NUECES
78415	1	CORPUS CHRISTI	NUECES
78469	1	CORPUS CHRISTI	NUECES
78473	1	CORPUS CHRISTI	NUECES
78580	1	RAYMONDVILLE	WILLACY
78617	1	DEL VALLE	TRAVIS
78722	1	AUSTIN	TRAVIS
78725	1	AUSTIN	TRAVIS



78742	1	AUSTIN	TRAVIS
78744	1	AUSTIN	TRAVIS
78752	1	AUSTIN	TRAVIS
78801	1	UVALDE	UVALDE
78873	1	LEAKEY	REAL
79009	1	BOVINA	PARMER
79041	1	HALE CENTER	HALE
79045	1	HEREFORD	DEAF SMITH
79085	1	SUMMERFIELD	CASTRO
79101	1	AMARILLO	POTTER
79111	1	AMARILLO	POTTER
79230	1	DODSON	COLLINGSWORTH
79322	1	CROSBYTON	CROSBY
79353	1	PEP	HOCKLEY
79401	1	LUBBOCK	LUBBOCK
79404	1	LUBBOCK	LUBBOCK
79539	1	O BRIEN	HASKELL
79701	1	MIDLAND	MIDLAND
79718	1	BALMORHEA	REEVES
79755	1	MIDKIFF	UPTON
79761	1	ODESSA	ECTOR
79783	1	TARZAN	MARTIN
79821	1	ANTHONY	EL PASO
79847	1	SALT FLAT	HUDSPETH
79932	1	EL PASO	EL PASO
79936	1	EL PASO	EL PASO

Figure 1 of 40 TAC 715.417(b)

Age of Youngest Child	Supervised by One Adult	Supervised by Two or more Adults	Maximum Group Size
0-12 months	4	10	10
13-17 months	5	12	12
18-23 months	7	15	15
2 years	9	18	18
3 years	13	26	26
4 years	16	28	28
5 years	20	30	30
6-8 years	22	35	35
9-13 years	25	35	35

7 Figure 2 of 40 TAC 715.417(b)(5)

Number of Children 0-17 months	Number of Children 18 months through 4 years	Number of Children 5 through 13 years	Maximum Allowed Number of Children
0	8 7 6 5 4 3 2 1 0	4 5 6 7 8 9 10 11 12	12
1	5 4 3 2 1 0	5 6 7 8 9 10	11
2	4 3 2 1 0	4 5 6 7 8	10
3	2 1 0	2 3 4	7
4	0	0	4

Figure 3 of 40 TAC 715.420(a)

Age of Youngest Child	Number of Staff	Number of Children
0-23 months	1	1
2 years	1	2
3 years	1	6
4 years	1	8
5 years	1	10
6 years and older	1	12



Name: Josh Allen  
Grade: 5  
School: Levi Fry Int. School, Texas City ISD

# 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 before 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 listed 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. All emergency meeting notices filed by governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

**Meeting Accessibility.** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

## Texas Department of Agriculture

Tuesday, November 15, 1994, 2:30 p.m.

Westin Oaks Hotel, 5060 West Alabama  
Houston

State Seed and Plant Board

### AGENDA:

Discussion and action on: minutes of last meeting, requests for certification eligibility of new varieties, request concerning PVP statements on labels, request for amendment of objective descriptions of All-Tex cotton variety, extension of peanut application date, appeal of rejected sorghum-sudangrass fields, applications for license as certified seed growers, requests for name change and request to change isolation requirements for old world bluestem. Discussion of: description of Deltapine SR383, and other business. Acknowledgement of receipt of materials on pending Board items.

Contact: Charles Leamons, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.

Filed: November 7, 1994, 10:25 p.m.

TRD-9450550

Thursday, November 17, 1994, 11:00 a.m.

Texas Department of Agriculture, 8918 Tesoro Drive, Suite 120

San Antonio

Revised Agenda

### AGENDA:

Administrative hearing to review alleged violations of Texas Agriculture Code Annotated §§103.001-103.015, 101.001-101.021, and/or §§102.001-102.172 (Vernon 1982) by The Vegetable Bin as petitioned by Produce Services and Procurement, Inc. was incorrectly posted for 10:00 a.m.; correct posting should be for 11:00 a.m.

Contact: Barbara Deane, P.O. Box 12847, Austin, Texas 78701, (512) 463-7448.

Filed: November 7, 1994, 10:25 a.m.

TRD-9450549

Friday, November 18, 1994, 8:00 a.m.

Harvey Hotel, 3100 I-40 West  
Amarillo

Texas Corn Producers Board

### AGENDA:

Call to order

Action: minutes of August meeting

Presentation and action: financial statements; end of year report; various committees report; and proposals; Dr. Steve Amosson's proposal; Max Jordan's contract employment; press release proposal; Finance Committee's report; presentation of various research proposals.

Discussion and action: amendments to 1994-1995 budget

Review: guidelines for evaluating research proposals

Executive session: discussion concerning Texas Corn Producer Board personnel in

accordance with Texas Government Code, Annotated, §551.074.

Adjourn executive session

Call to order

Action on executive section

Activity reports: Carl King; Lois Wales

Action on date and location of February 1995 meeting

Adjourn

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: November 8, 1994, 11:27 a.m.

TRD-9450608

Wednesday, November 30, 1994, 4:00 p.m.

Texas Department of Agriculture, Expressway 83, Two Blocks West of Morningside Road

San Juan

Office of Hearings

### AGENDA:

Administrative hearing to review alleged violation of Texas Agriculture Code, §§103.1-103.15 (Vernon 1982), by Double J Produce & Sun Belt Commodities, Inc. as petitioned by Pardi Produce, Inc.

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

Filed: November 3, 1994, Noon.

TRD-9450413

◆ ◆ ◆  
**Texas Commission on Alcohol and Drug Abuse**

Wednesday, November 16, 1994, 2:00 p.m.

710 Brazos, Eighth Floor CCR, Perry Brooks Building

Austin

Grant and Contract Review Committee

**AGENDA:**

Call to order; fiscal year 1995 prevention funding; unsolicited; fiscal year 1994 treatment services; fiscal year 1995 treatment services; Specialized Female Treatment Programs; HIV early intervention; fiscal year 1995 Court Committee Services (CCS); information items; new business; information items; next meeting; and adjourn.

Contact: Steve Casillas, 710 Brazos, Suite 433, Austin, Texas (512) 867-8265.

Filed: November 8, 1994, 8:24 a.m.

TRD-9450593

◆ ◆ ◆  
**Texas Commission on the Arts**

Friday, December 2, 1994, 8:30 a.m.

Worthington Hotel, 200 Main Street

Fort Worth

**AGENDA:**

- I. Call to order
- II. Public hearing
- III. Items for commission consent
- IV. Items for information only
- V. Executive session
- VI. Adjournment

Contact: Deborah Cole, P.O. Box 13406, Austin, Texas 78711-3406, (512) 463-5535.

Filed: November 9, 1994, 2:01 p.m.

TRD-9450746

◆ ◆ ◆  
**State Board of Barber Examiners**

Monday, November 14, 1994, 8:30 a.m.

9101 Burnet Road, Suite 103

Austin

Board Members

**AGENDA:**

Call the meeting to order with roll call, read and possibly approve minutes from September 13, 1994 and October 2, 1994 meetings, sign letters; read, discuss and possibly act on communication to or from the Board; old business; new business; then the board will go into executive session to consider and discuss the evaluation, performance and duties of the executive director, Mike Rice, pursuant to Texas Government Code, §551.074; return to open session for further consideration and discussion, and possible action involving the evaluation, performance and duties of the executive director, Mike Rice, pursuant to Texas Government Code, §551.074; and adjournment.

Contact: B. Michael Rice, 9101 Burnet Road, Suite 103, Austin, Texas 78758, (512) 835-2040.

Filed: November 4, 1994, 3:36 p.m.

TRD-9450506

◆ ◆ ◆  
**Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons**

Monday, November 21, 1994, 9:00 a.m.

General Services Commission, Central Services Building, 1711 San Jacinto, Room 20013

Austin

Pricing Subcommittee

**AGENDA:**

Call to order and introduction of subcommittee members and guests

Acceptance of minutes from August 26, 1994 meeting

Discussion and recommendation for action on new services; renewal services; temporary employment services; new products; and product changes and revisions

Adjournment

Contact: Pat Martin, P.O. Box 13047, Austin, Texas 78711, (512) 463-3443.

Filed: November 9, 1994, 9:12 a.m.

TRD-9450692

◆ ◆ ◆  
**Texas School for the Blind and Visually Impaired**

Friday, November 18, 1994, 9:00 a.m.

1100 West 45th Street, Room 151

Austin

Board of Trustees, Subcommittee on Personnel

**AGENDA:**

Update on internal auditor selection process

Approval of recommendation of Drug Testing Task Force

Review of workforce diversity methodology

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: November 10, 1994, 10:00 a.m.

TRD-9450785

Friday, November 18, 1994, 9:00 a.m.

1100 West 45th Street

Austin

Board of Trustees Subcommittee on Finance and Audit

**AGENDA:**

Approval of minutes of August 26, 1994, meeting

Budget status report

Legacy fund reports

Report on investments

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: November 10, 1994, 10:00 a.m.

TRD-9450784

Friday, November 18, 1994, 9:00 a.m.

1100 West 45th Street, Room 110

Austin

Board of Trustees, Subcommittee on Policies

**AGENDA:**

Review and discussion of policies: BE, BJA, BJCD, DBE, DF, DG, DGBA-R, DHC, DK, DNA, DOAB, DOCB, EMK, FNCF, FNCF, FNG, FO, GBA

Consideration of approval of temporary suspension of Policy DBA

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: November 10, 1994, 10:00 a.m.

TRD-9450783

Friday, November 18, 1994, 10:00 a.m.

1100 West 45th Street, Room 116

Austin

Board of Trustees

**AGENDA:**

Approval of minutes of August 26, 1994 meeting; approval of board policies; approval of recommendation of Drug Testing Task Force; approval of temporary suspen-



sion of Policy DBA; approval of consultants' contracts of \$5,000 and over; approval of 1994-1996 Drug Free Schools and Communities Plan; update of internal auditor selection process.

Contact: Marjorie L. Heaton, 1100 West 45th Street, Austin, Texas 78756, (512) 454-8631, Ext. 133.

Filed: November 10, 1994, 9:57 a.m.

TRD-9450782

### Texas Bond Review Board

Thursday, November 17, 1994, 10:00 a.m.

1400 North Congress Avenue, Capitol Extension, Room E1.012

Austin

Board Meeting

AGENDA:

I. Call to order

II. Approval of minutes

III. Consideration of proposed issues

A. Texas Water Development Board-Tax-Exempt General Obligation Texas Water Development Bonds, Series 1994A-D

B. Texas Department of Housing and Community Affairs-financing of acquisition of multifamily rental housing developments in Arlington, Texas, from the Resolution Trust Corporation

C. General Services Commission-lease purchase of audio conferencing bridge through Texas Public Finance Authority Master Lease Purchase Program

IV. Other business

A. Discussion of the construction of a state office building in downtown Austin

B. Discussion of disclosure regarding use of derivative products

V. Adjourn

Contact: Albert L. Bacarisse, 300 West 15th Street, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: November 9, 1994, 4:06 p.m.

TRD-9450757

### Texas Child Care Development Board

Tuesday, November 15, 1994, 10:00 a.m.

Sam Houston State Office Building, Room 710, 201 East 14th Street

Austin

AGENDA:

Welcome and introductory remarks. Work session on legislative issues. Adjourn.

Contact: Alice Embree, P.O. Box 12017, Austin, Texas 78711-2017, (512) 463-2181, Ext. 2220.

Filed: November 7, 1994, 4:49 p.m.

TRD-9450591

### Texas Board of Chiropractic Examiners

Monday, November 28, 1994, 10:30 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

Enforcement Committee

AGENDA:

The Enforcement Committee of the Texas Board of Chiropractic Examiners will meet on Monday, November 28, 1994 at 10:30 a.m. to conduct informal conferences on cases #95-23, #95-24, #95-25, #95-189, #94-194, #94-205, #94-167, #95-5 and #95-6 concerning possible violations by its licensees.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: November 7, 1994, 4:13 p.m.

TRD-9450587

Tuesday, November 29, 1994, 2:00 p.m.

105 West 15th Street, Room 103

Austin

AGENDA:

The Texas Board of Chiropractic Examiners will conduct a public hearing Tuesday, November 29, 1994 at 2:00 p.m., regarding proposed rules as published in the *Texas Register*, Volume 19, Number 84, November 15, 1994. Comments or suggestions may be presented in person at the hearing, or may be submitted in writing to the Texas Board of Chiropractic Examiners, 333 Guadalupe, Tower Three, Suite 825, Austin, Texas 78701.

Contact: Patte B. Kent, 333 Guadalupe, Tower Three, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: November 9, 1994, 3:50 p.m.

TRD-9450754

Tuesday, November 29, 1994, 10:00 a.m.

105 West 15th Street, Room 103, Reagan Building

Austin

Board

AGENDA:

Consideration, discussion, any appropriate action and/or approval of: 1) minutes of October 4, 1994 meeting; 2) report of the president; 3) report of the executive director; 4) committee reports: (a) Enforcement Committee: (1) enforcement report dated September 1-November 19, 1994; (2) temporary revocation, Dewayne Williams, D.C.; (3) permanent revocation, Dewayne Williams, D.C.; (b) Education Committee: (1) educational requirements to take December examination; 5) committee appointments; 6) consideration of response to correspondence regarding Board activities; 7) executive session: the Board may meet from time to time in executive session with its attorneys regarding matters authorized by §551.071 of the act concerning litigation including the Chiropractic Society of Texas et al v. the Texas Board of Chiropractic Examiners, Motion for Partial New Trial, Cause #9408315 in the 200th District Court of Travis County, Texas.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: November 9, 1994, 3:50 p.m.

TRD-9450755

### Texas Department of Commerce

Tuesday, November 15, 1994, 10:00 a.m.

1700 North Congress Avenue, 11th Floor

Austin

Tourism Advisory Committee

AGENDA:

The Texas Department of Commerce Tourism Advisory Committee will meet to conduct its quarterly meeting. There will be a presentation on travel trends and the 1995 outlook for the Texas travel industry. In addition, travel related issues that may arise during the coming legislative session will be reviewed. Staff will update the committee on the White House Conference on Tourism, the tri-agency memorandum of understanding (TxDOT, TDOC, and TP&WD), regional prosperity plans and Group of 60 and the procedures for the 1996 bid on Commerce advertising contract.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Audra McLaughlin at (512) 462-9191 at least two days before this meeting so the appropriate arrangements can be made. Please contact Adriana Jimenez (512) 936-0199 if you need assistance in having English translated to Spanish.

Contact: Renee Mauzy, P.O. Box 12728,

Austin, Texas 78711-2728, (512) 936-0178.

Filed: November 7, 3:42 p.m.

TRD-9450585

◆ ◆ ◆  
**Texas Corn Producers Board**

Thursday, November 17, 1994, 8:00 a.m.

Harvey Hotel, 3100 I-40 West

Amarillo

Committee Meetings

AGENDA:

8:00 a.m.—Research and proposals oversight

Action on committee minutes; review of guidelines for evaluating research proposals; presentation and discussion of research proposals and requests

2:00 p.m.—Advertising promotion and education

Action on report from August committee meeting; proposal presentation; reports on delinquent processors; farm and ranch shows, and State Fair; discussion of promotional and education projects

3:30 p.m.—C-O-R-N Committee

Action on August committee meeting; presentation on press release proposal; discussion of strategy planning; and discussion of committee recommendations

5:00 p.m.—Finance Committee

Action on August meeting Committee report; discussion of budget, financial statements; and committee recommendations

Contact: Carl King, 218 East Bedford, Dimmitt, Texas 79027, (806) 647-4224.

Filed: November 8, 1994, 11:28 a.m.

TRD-9450609

◆ ◆ ◆  
**Texas State Board of Examiners of Professional Counselors**

Saturday, November 5, 1994, 9:00 a.m.

Room S-400, the Exchange Building, 8407 Wall Street

Austin

Emergency Revised Agenda

AGENDA:

The board will discuss and possibly act on the financial impact to the Board regarding the recent court decision (Rettburg versus the Texas Department of Health).

Reason for emergency: Unforeseeable circumstances.

Contact: Kathy Craft, 1100 West 49th

Street, Austin, Texas 78756, (512) 834-6658. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: November 4, 1994, 2:04 p.m.

TRD-9450486

◆ ◆ ◆  
**Texas Department of Criminal Justice**

Wednesday, November 16, 1994, 1:00 p.m.

Hyatt Regency Hotel, 123 Losoya Street, Rio Grande East Room

San Antonio

Minority and Employee Relations Committee

AGENDA:

I. Human resources issues

II. Institutional Division

III. Paroles and Paroles Division

IV. Criminal Justice Assistance Division

V. Agency purchasing procedures

VI. Construction and architect/engineer selection procedures

VII. Industry contract opportunities and employment opportunities

VIII. Other items

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450659

Wednesday, November 16, 1994, 2:00 p.m.

Hyatt Regency Hotel, 123 Losoya Street, Rio Grande East Room

San Antonio

Substance Abuse Committee

AGENDA:

I. Call to order

II. Approval of minutes

III. Division updates

IV. Vendor updates

V. Criminal Justice peer intern designation

VI. Criminal Justice Policy Council evaluation update

VII. Management Information System

VIII. Old business

IX. New business

X. Adjourn

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450660

Wednesday, November 16, 1994, 3:00 p.m.

Hyatt Regency Hotel, 123 Losoya Street, Rio Grande East Room

San Antonio

Parole and Parole Policies Committee

AGENDA:

I. Parole legislative issues

II. Highlights of division activities

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450661

Wednesday, November 16, 1994, 3:30 p.m.

Hyatt Regency Hotel, 123 Losoya Street, Rio Grande East Room

San Antonio

Programs and Public Information Committee

AGENDA:

I. Miscellaneous legislative issues

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450662

Wednesday, November 16, 1994, 3:30 p.m.

Hyatt Regency Hotel, 123 Losoya Street, Rio Grande Central

San Antonio

Facilities Committee

AGENDA:

I. Authorization for construction/remodeling

II. Revised resolution directing emergency relief measures in response to statewide jail backlog-increase

III. "Follow-Up on Prison Construction in Texas" briefing to subcommittee on status of items required for submission to TBCJ by State Auditor

IV. Design and planning funds request—\$1,000,000

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450663

Wednesday, November 16, 1994, 4:30 p.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Rio Grande East Room

San Antonio

CJAD Liaison With Counties and CJ Agencies Committee

AGENDA:

I. Review of 1996/1997 legislation

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450664

Wednesday, November 16, 1994, 4:30 p.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Rio Grande Central Room

San Antonio

Administration Committee

AGENDA:

I. Miscellaneous legislative items

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450665

Wednesday, November 16, 1994, 5:00 p.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Rio Grande Central Room

San Antonio

Facilities Names Subcommittee of the Facilities Committee

AGENDA:

I. Consideration and formulation of recommendations for facility names

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450666

Thursday, November 17, 1994, 8:00 a.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Chula Vista Room

San Antonio

Construction/Repair/Site Selection Process Subcommittee Workshop

AGENDA:

I. Site selection criteria discussion

II. State Jail bed construction cost factors

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450667

Thursday, November 17, 1994, 10:00 a.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Rio Grande Ballroom

San Antonio

Windham School Committee

AGENDA:

I. Continuing education report

II. Windham School System legislation

III. Update of WSS performance review recommendations

IV. State Jail programs

V. Administrative update

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450668

Thursday, November 17, 1994, 11:00 a.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Rio Grande Ballroom

San Antonio

Windham School Committee

AGENDA:

Regular Session

I. Consent items

A. Minutes of the September 15, 1994 meeting

B. Employee contract

C. Dual employment requests

D. Approval of Windham Textbook Selection Committee

E. Addition appraisers for 1994-1995

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450658

Thursday, November 17, 1994, 1:00 p.m.

Hyatt Regency Hotel, 123 Losoya Street,  
Blanco Room

San Antonio

Texas Board of Criminal Justice

AGENDA:

I. Executive session

A. Discussion with attorneys concerning: Alberti; Angelina County; Carillo; Castillo v. Cameron County; DeVonish; Gaines; Gause; Haygood/Weaver; Hopper; Houston; Juarez; Lamar; Lyons; Martinez; Moore; Norwood; Ruiz; Smith; Sponsler; Strain cases; Zapalac. (Closed in accordance with §551.071, Government Code.)

B. Discussion of open records issues and other matters made confidential under State Bar Disciplinary Rules of Professional Conduct. (Closed in accordance with §551.071, Government Code.)

C. Terrell Unit personnel matters (Closed in accordance with §551.074, Government Code.)

Adjourn executive session

Contact: Meredith Johnson, P.O. Box 13084, Austin, Texas 78711, (512) 475-3250.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450657

Friday, November 18, 1994, 8:30 a.m.

City Council Chambers, 103 Main Plaza  
San Antonio

Texas Board of Criminal Justice

AGENDA:

II. Regular session:

A. Recognitions

B. Proclamation for 25th anniversary of Windham School System

C. Grant

D. Consent items

E. Board committee reports/division executive summaries-non-action items

F. Judicial Advisory Council report

G. Construction briefing

H. Managed health care briefing

I. Strategic planning and Texas Performance Review briefing

J. Task Force on Recidivism briefing

K. Briefing on frivolous litigation

L. Legislative package

M. Adopt repeal of rules governing inmate conduct

N. Adopt repeal of rules governing request for information

O. State Jail briefing

P. Initial briefing on classification/good time policies

Q. Easement request-Wynne Unit

R. Designation of TDCJ facility names

S. Tobacco free policy

T. Federal Crime bill-18 USC Section 3626  
Adjourn

Contact: Meredith Johnson, P.O. Box  
13084, Austin, Texas 78711, (512)  
475-3250.

Filed: November 8, 1994, 4:38 p.m.

TRD-9450656

◆ ◆ ◆  
**Texas Office for Prevention  
of Developmental  
Disabilities**

Thursday, November 17, 1994, 10:00 a.m.

5805 North Lamar Boulevard, Training Au-  
ditorium, Texas Department of Public  
Safety

Austin

Bicycle Helmet Coalition

AGENDA:

Call to order

Introductions

Guest speaker: Kyle J. Zimmer, Advocates  
for Highway and Auto Safety

City coalition/grant reports

Meeting schedule

Adjournment

Contact: Jerry Ann Robinson, 4900 North  
Lamar Boulevard, Austin, Texas 78756,  
(512) 483-5042.

Filed: November 4, 1994, 1:46 p.m.

TRD-9450485

◆ ◆ ◆  
**East Texas State University**

Thursday, November 17, 1994, 10:00 a.m.

McDowell Administration Building, ETSU,  
2600 Neal Street

Commerce

Board of Regents, Campus Planning, Fi-  
nance and Auditing Committee

AGENDA:

1. Adjustments in ETSU-Commerce fiscal  
year 1995 operating budget

2. Adjustments in ETSU-Texarkana fiscal  
year 1995 operating budget

3. Awarding of contract for Heritage House

4. Awarding of contract for roof replace-  
ment and roof repair project

5. Approval of budget and authorization to  
proceed with Agronomy building

6. Awarding of contract for asset manage-  
ment

7. Reappropriation of accounts and balances  
for ETSU-Commerce

8. Reappropriation of accounts and balances  
for ETSU-Texarkana

9. Report on transactions with disadvan-  
taged businesses

10. Request for Campus Space Study,  
ETSU-Texarkana

Contact: Charles Turner, East Texas State  
University, Commerce, Texas 75429, (903)  
886-5539.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450652

Thursday, November 17, 1994, 1:00 a.m.

McDowell Administration Building, ETSU,  
2600 Neal Street

Commerce

Board of Regents, Executive Committee

AGENDA:

1. Executive session to discuss pending liti-  
gation, personnel issues; and to receive re-  
ports from employees

2. Report on Equal Opportunity Plan

3. Foundation agreement, ETSU-Texarkana

4. Adjournment

Contact: Charles Turner, East Texas State  
University, Commerce, Texas 75429, (903)  
886-5539.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450651

Thursday, November 17, 1994, 1:00 p.m.

McDowell Administration Building, ETSU,  
2600 Neal Street

Commerce

Board of Regents, Student and University  
Advancement Committee

AGENDA:

1. Report on division activities

2. Report on housing

Contact: Charles Turner, East Texas State  
University, Commerce, Texas 75429, (903)  
886-5539.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450653

Thursday, November 17, 1994, 1:00 p.m.

McDowell Administration Building, ETSU,  
2600 Neal Street

Commerce

Board of Regents, Academic Affairs Com-  
mittee

AGENDA:

1. Report on division activities

2. Faculty workload report for summer and  
fall, 1994, ETSU-Commerce

3. Undersized class report for summer and  
fall 1994, ETSU-Commerce

4. Faculty workload report for summer and  
fall 1994, ETSU-Texarkana

5. Undersized class report for summer and  
fall 1994, ETSU-Texarkana

Contact: Charles Turner, East Texas State  
University, Commerce, Texas 75429, (903)  
886-5539.

Filed: November 8, 1994, 4:31 p.m.

TRD-9450654

Friday, November 18, 1994, 9:00 a.m.

McDowell Administration Building, ETSU,  
2600 Neal Street

Commerce

Board of Regents

AGENDA:

The Board will approve the agenda and the  
minutes of the meeting of July 22, 1994; it  
will receive and act on reports from the  
Student and University Advancement Com-  
mittee, the Academic Affairs Committee,  
the Campus Planning, Finance and Auditing  
Committee and the Executive Committee.  
The board will meet in executive session to  
consult with its attorney, consider personnel  
matters and receive reports from administra-  
tors under §§551.071, 551.074, and  
551.075, Texas Government Code.

Contact: Charles Turner, East Texas State  
University, Commerce, Texas 75429, (903)  
886-5539.

Filed: November 8, 1994, 4:30 p.m.

TRD-9450650

◆ ◆ ◆  
**Texas Education Agency**

Wednesday-Friday, November 16-18,  
1994, 10:00 a.m. (Wednesday) and 8: 30  
a.m. (Thursday-Friday).

Commons Building, J. J. Pickle Research  
Center, 10100 Burnet Road

Austin

Educational Technology Advisory Commit-  
tee (ETAC)

AGENDA:

Wednesday: announcements and informa-  
tion sharing; group reports; progress report  
on the Long-Range Plan for Technology;  
adjourn for the day at 6:00 p.m.

Thursday: distribute, read and study infor-  
mation from previous day's work; discuss  
proposed outcome as listed in the 1993  
Progress Report on the Long-Range Plan  
for Technology for the state; work and de-

velop concepts from previous discussions; wrap-up and consensus; adjourn at 6:00 p.m.

Friday: distribute, read and study information from previous day's work; continue work of proposed outcomes; reach consensus on draft committee report; wrap-up and final group reports; adjourn at 3:30 p.m.

Contact: Lane Scott, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9719.

Filed: November 8, 1994, 11:51 a.m.

TRD-9450612

Monday, November 21, 1994, 9:30 a.m.

Texas State Teacher's Association, 316 West 12th, Stergin Room

Austin

Commissioner's Statewide Committee on Site-Based Decision Making

AGENDA:

Discuss on-going work plans.

Hear presentations on site-based decision making research.

Update on agency legislative initiatives and training related to site-based decision making.

Contact: Deborah Nance, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9716.

Filed: November 8, 1994, 11:51 a.m.

TRD-9450611

◆ ◆ ◆  
**State Employee Charitable Campaign**

Saturday, December 3, 1994, 11:00 a.m.

2000 East Martin Luther King Boulevard  
Austin

State Policy Committee

AGENDA:

I. Welcome and introductions

II. Evaluation State Employee Charitable Campaign

A. Dollars raised

B. Results of survey

Contact: Becky Prince, P.O. Box 1925, Austin, Texas 78767-1925, (512) 472-6267, Fax: (512) 482-8309.

Filed: November 10, 1994, 8:44 a.m.

TRD-9450766

**Employees Retirement System of Texas**

Tuesday, November 15, 1994, 9:00 a.m.

ERS Auditorium, ERS Building, 18th and Brazos

Austin

ERS Board of Trustees

AGENDA:

Briefing on the Actuarial Experience Study of the ERS Retirement Funds

Adjournment

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: November 7, 1994, 10:26 a.m.

TRD-9450552

Tuesday, November 15, 1994, 2:00 p.m.

ERS Auditorium, ERS Building, 18th and Brazos

Austin

Board of Trustees

AGENDA:

Approval of minutes; appeals of contested cases; revision to investment policy and procedures; candidacy nomination for trustee-member election to the Board of Trustees of the Employees Retirement System of Texas; report on internal auditing activity for fiscal year 1994; executive director's report; next trustee meeting date; and adjournment.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: November 7, 1994, 10:27 a.m.

TRD-9450553

Tuesday, November 15, 1994, 4:30 p.m.

ERS Auditorium, ERS Building, 18th and Brazos

Austin

ERS Board of Trustees, ERS Audit Committee

AGENDA:

Report on internal auditing activity for fiscal year 1994

Future meeting date

Adjournment

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: November 7, 1994, 10:27 a.m.

TRD-9450554

**Texas Employment Commission**

Tuesday, November 15, 1994, 9:00 a.m.

Room 644, TEC Building, 101 East 15th Street

Austin

AGENDA:

Prior meeting notes; executive session to consider potential litigation regarding the Bryan local office; actions, if any, resulting from executive session; consideration and possible approval of bid for building renovations at the Big Spring agency-owned building; consideration and possible approval of bid for interior and exterior renovations at the Pecos agency-owned building; consideration and possible approval of bid for interior and exterior renovations at the Abilene agency-owned building; staff reports; internal procedures of Commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 46; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: November 7, 1994, 4:09 p.m.

TRD-9450586

◆ ◆ ◆  
**Texas Energy Coordination Council**

Thursday, November 17, 1994, 10:00 a.m.

J. J. Pickle Research Center, 1010 Burnet Road, Building 133, Room 1.202

Austin

AGENDA:

Approval of minutes

Executive director's report

NREL proposals

Building Energy Institute report

TECC's report to Governor Elect Bush

Council members appointments and replacements

DOE and EIA energy resources

Presentation by Ed Selig, President of Texas Energy Research Associates, Inc.

Presentation by Ben Sebree, Texas Mid-Continent Oil and Gas Association

Discussion of items pertinent to TECC mission and goals

Contact: Alan B. Sowards, 201 East 14th Street, Room 104, Austin, Texas 78701, (512) 463-1609.

Filed: November 9, 1994, 3:50 p.m.

TRD-9450753

◆ ◆ ◆  
**Texas Ethics Commission**

Friday, November 11, 1994, 9:30 a.m.

1101 Camino La Costa, Room 235

Austin

**AGENDA:**

The commission will take roll call; hear comments by the commissioners and the executive director, and communications from the public; approve the minutes of the October 14, 1994, meeting; briefing, discussion, and possible action to waive certain fines assessed for late filing of a report; briefing, discussion, and possible action regarding the project to establish an electronic database under Government Code, §571.066; briefing, discussion, and possible action concerning acquisition of an electronic imaging system to replace microfilming of archived records; briefing, discussion, and possible action concerning recommendations to be made to the 74th Legislature for any necessary statutory changes, and suggestions to the commission from the Legislative Advisory Committee for such recommendations; discussion and possible action to adopt proposed rule revisions (1 TAC §§32.51, 32.53, and 32.55) published in the September 30, 1994, issue of the *Texas Register*; discussion and possible action in response to the following Advisory Opinions Requests Numbers 259 and 260; adjournment.

Contact: John Steiner, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: November 3, 1994, 10:54 a.m.

TRD-9450403

◆ ◆ ◆  
**Finance Commission of Texas**

Friday, November 18, 1994, 9:30 a.m.

Finance Commission Building, 2701 North Lamar Boulevard, Third Floor

Austin

**Review Committee**

**AGENDA:**

I. Review and discussion of current structure and organization of Finance Commission agencies, of previous studies, and of any other information deemed necessary to making a recommendation to the full Finance Commission on consolidation of Finance Commission agencies.

II. Discussion and possible vote on recommendation to the full Finance Commission

regarding the consideration of the Finance Commission agencies.

Contact: Everette D. Jobe, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: November 9, 1994, 8:56 a.m.

TRD-9450683

◆ ◆ ◆  
**General Land Office**

Tuesday, November 15, 1994, 10:00 a.m.

Stephen F. Austin Building, Room 831, 1700 North Congress Avenue

Austin

**School Land Board**

**AGENDA:**

Approval of previous board meeting minutes; pooling applications, Henderson Canyon Field, Crockett County; Ellie C/Wilcox Field, Duval County; Laredo (Lobo) Field, Webb County; Wildcat Field, Nueces County; consideration of tracts, terms and conditions for a January 3, 1995 special oil and gas lease sale; consideration of reduction of royalty and interest on royalty due on Louisiana Land and Exploration Company settlement proceeds; applications to lease highway rights of way for oil and gas, Washington County; excess acreage application, Gillespie County; coastal public lands, commercial lease renewal, Matagorda Bay; St. Tr. 288, Matagorda County; structure permit renewals and amendments, Laguna Madre, Kenedy County; Laguna Madre, Kleberg County; Titlum-Tatum Bayou, Brazoria County; final approval of terms and conditions for the Travis County tract for the December 6, 1994 sealed bid land sale set by the Board at the October 28, 1994 meeting; executive session-pending and proposed litigation; executive session-consideration of acquisition of property in El Paso County; open session-consideration of acquisition of property in El Paso County.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: November 7, 1994, 4:20 p.m.

TRD-9450589

◆ ◆ ◆  
**General Services Commission**

Monday, November 14, 1994, 9:30 a.m.

Central Services Building, 1711 San Jacinto, Room 402

Austin

**AGENDA:**

1) Consideration of final adoption of §§126.1-126.5, 126.20, and 126.21; and the

repeal of corresponding §§113.71-113.76, concerning surplus and salvage property; 2) Consideration of proposed amendments to §§113.2, 113.4, 113.11, and 113.12, relating to central purchasing; 3) Revision to the General Services Commission's 1996-1997 appropriations request; 4) Consideration of amendments to state leases at 118, 150, and 200 East Riverside; 5) Presentation of proposed report of legislative amendments under Article 601b, §2.08; 6) Consideration of names for various buildings of the Texas School for the Deaf, South Campus, Austin, Texas; 7) Consideration of proposed change orders-various projects; 8) Division issues.

Contact: Judith M. Porras, 1711 San Jacinto, Austin, Texas 78701, (512) 463-3446.

Filed: November 4, 1994, 8:36 a.m.

TRD-9450446

◆ ◆ ◆  
**Governor's Office**

Friday-Saturday, November 18-19, 1994, 9:00 a.m.

111 North Post Oak Road, the Houstonian Houston

Friday, November 18

9:00 a.m.-Welcome and continental breakfast

9:30 a.m.-Approval of minutes from meeting September 8-9, 1994

10:00 a.m.-Report on Hall of Fame Subcommittee

11:00 a.m.-Database strategies discussion

Noon-Lunch break

1:30 p.m.-Final report discussion

3:30 p.m.-Plans for next meetings

5:00 p.m.-Adjourn

Saturday, November 19

9:00 a.m.-Welcome and continental breakfast

9:30 a.m.-Summary of yesterday's topics

10:00 a.m.-Report from Women's History Month Subcommittee

11:00 a.m.-Announcements-wrap-up

Noon-Adjourn

Contact: Janet Allen-Shapiro, P.O. Box 12428, Austin, Texas 78711, (512) 475-2615.

Filed: November 8, 1994, 9:42 a.m.

TRD-9450600

## Texas Department of Health

Thursday, November 17, 1994, 1:00 p.m.

Room M-739, Texas Department of Health,  
1100 West 49th Street

Austin

Texas Board of Health, Health and Clinical  
Services Committee

### AGENDA:

The committee will meet to discuss the approval of the minutes from the October 27, 1994 meeting, and discuss and possibly act on: proposed new immunization rules concerning the statewide immunization of children in Texas as mandated by Senate Bill 266; proposed revisions to the immunization requirements for children and students; emergency and proposed rules concerning the HIV/STD Medication Program to expand the formulary to include Ganciclovir, Megestrol Acetate and Azithromycin; final adoption of the rules concerning the Texas HIV Medication Program to expand the formulary to include Stavudine; final adoption of the rules concerning the Texas HIV/STD Medication Program to expand the formulary to include Clarithromycin and Ethambutol; final adoption of the rule concerning reimbursement for Chronically Ill and Disabled Children's out-of-state providers; final adoption of rules concerning midwifery practice standards and principles; final adoption of midwifery rules concerning the filing, processing, and investigation of complaints; final adoption of midwifery rules concerning fee increase; and recommendation to the State Medicaid Director for final adoption of the rules to allow special vaccines under the Early and Periodic Screening, Diagnosis, and Treatment/Comprehensive Care (EPSDT/CCP) Program.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: November 9, 1994, 4:18 p.m.

TRD-9450759

Thursday, November 17, 1994, 2:30 p.m.

Room M-739, Texas Department of Health,  
1100 West 49th Street

Austin

Texas Board of Health, Human Resources  
Committee

### AGENDA:

The committee will meet to discuss the approval of the minutes from the October 27, 1994 meeting, and discuss and possibly act on: proposed rules concerning the Community Oriented Primary Care Advisory

Committee; and final adoption of rules concerning the Oral Health Services Advisory Committee.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: November 9, 1994, 4:19 p.m.

TRD-9450760

Thursday, November 17, 1994, 3:30 p.m.

Room M-739, Texas Department of Health,  
1100 West 49th Street

Austin

Texas Board of Health, Regulatory Com-  
mittee

### AGENDA:

The committee will meet to discuss the approval of the minutes from the October 27, 1994 meeting, and discuss and possibly act on: proposed emergency medical services rules concerning certification and provider licensure; proposed Texas Regulations for the Control of Radiation rules concerning mammography systems; proposed Texas Regulations for Control of Radiation rule concerning decommissioning and financial assistance; final adoption of rules for the licensure of wholesale distributors of drugs including good manufacturing practices; final adoption of the rules concerning the definition, treatment, and disposition of special waste from health care-related facilities; proposed Texas Regulations for Control of Radiation rules concerning changes in references and notification of incidents; proposed Texas Regulations for Control of Radiation rule concerning physician training; proposed repeal and proposed new rules concerning licensing general and special hospitals under the Health and Safety Code, Chapter 241; memorandum of understanding between the Texas Natural Resource Conservation Commission and the Texas Department of Health concerning medical waste; and comments and announcements not requiring committee action.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: November 9, 1994, 4:19 p.m.

TRD-9450761

## Texas Historical Commission

Saturday, November 19, 1994, 9:00 a.m.

Central Services Building, Room 402, 1711

San Jacinto

Austin

State Board of Review Meeting

### AGENDA:

I. Announcements

II. Election of officers

III. Approval of minutes of previous meet-  
ing

IV. Review of nominations to the National  
Register

V. Presentation of federal nomination

Contact: Marlene Casarez, P.O. Box  
12276, Austin, Texas 78711, (512)  
463-6094.

Filed: November 8, 1994, 8:37 a.m.

TRD-9450594

## Texas Department of Human Services

Friday, November 18, 1994, 9:00 a.m.

701 West 51st Street, Commissioner's Con-  
ference Room, Sixth Floor, West Tower

Austin

Family Violence Advisory Committee

### AGENDA:

According to the complete agenda, the Family Violence Advisory Committee will be called to order; make introductions; review and approve the minutes from the September 9, 1994, meeting; make announcements on explanations of absences and scheduling of agenda items; discuss proposed meeting for orientation of new members/legislative briefing; work plan reports and advisory committee vacancies; hear reports from DHS, Family Violence Contract Unit and Texas Council on Family Violence; and adjourn.

Contact: Connie Berry, P.O. Box 149030,  
Austin, Texas 78714-9030, (512) 450-4151.

Filed: November 10, 1994, 8:19 a.m.

TRD-9450764

Friday, November 18, 1994, 10:30 a.m.

701 West 51st Street, Conference Room  
6W

Austin

Advisory Subcommittee on Nursing Facili-  
ties

### AGENDA:

According to the agenda, the Advisory Sub-  
Committee on Nursing Facilities will call  
the roll; introduce visitors and staff; ap-  
prove subcommittee minutes; hear an up-  
date on proposed rule changes; hear an up-



date from the Assistant Commissioner; hear an update on nursing home waiver program; discuss resident advocacy/nursing report on nurse aide study; discuss work-group requirements coordination; miscellaneous items; announce next meeting date; and adjourn.

Contact: Mary Sidelnik, P.O. Box 149030, Austin, Texas 78714-9030, (512) 834-6770.

Filed: November 8, 1994, 8:52 a.m.

TRD-9450598

Friday, November 18, 1994, 11:00 a.m.

701 West 51st, Public Hearing Room

Austin

Texas Board of Human Services

**AGENDA:**

According to the complete agenda, the Texas Board of Human Services will consider approval of minutes of September 16, 1994, meeting; chair's comments and announcements; adoption of policy changes regarding EBT in the AFDC and Food Stamp programs; reimbursements for nursing facility waiver program; nursing facility waiver rule changes; changes to rules regarding adult day care; cost determination rules for certain long-term care programs; amendments to policies and procedures; fiscal year 1995 budget adjustments; approval of fiscal year 1995 internal audit plan; and commissioner's report on Advisory Committee appointments, update on immunizations initiatives in the AFDC program, announcements and comments, and tracking of board action items.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: November 9, 1994, 4:25 p.m.

TRD-9450762

Tuesday, November 22, 1994, 9:00 a.m.

8407 Wall Street, Room S-400

Austin

Advisory Committee For Personal Care Facilities Sub-Committee

**AGENDA:**

According to the agenda, at 9:00 a.m. the Sub-Committee Advisory Committee for Personal Care Facilities will hear the final review of the construction requirements eligible for possible reduction and determination of response to Mr. Chouteau, Assistant Commissioner. At 11:00 a.m. the Sub-Committee Advisory Committee for Personal Care Facilities will review §92.2(c) and §92.4 of the licensing rules to determine if changes are needed and discuss complaint/incident investigation procedures.

Contact: Barbara Crenwelge, P.O. Box

149030, Mail Code Y-976, Austin, Texas 78714-9030, (512) 834-6697.

Filed: November 7, 1994, 2:34 p.m.

TRD-9450580

**Texas Department of Insurance**

Monday, November 14, 1994, 1:00 p.m. (Rescheduled from Thursday, August 19, 1993, at 1:30 p.m.)

300 West 15th Street, Suite 502, One Capitol Square

Austin

Commissioner of Insurance

**AGENDA:**

Docket Number 454-94-1731.C: To consider whether disciplinary action should be taken against Ronald Dale Dunlap, Houston, Texas, who holds a Group I Legal Reserve Life Insurance Agent's License and Variable Contract Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: November 3, 1994, 4:47 p.m.

TRD-9450436

Tuesday, November 15, 1994, 9:00 a.m. (Rescheduled from Thursday, August 19, 1993, at 1:30 p.m.)

300 West 15th Street, Suite 502, One Capitol Square

Austin

Commissioner of Insurance

**AGENDA:**

Docket Number 454-94-1582.C: To consider whether disciplinary action should be taken against Floyd Merritt Perry, Colleyville, Texas, who holds a Group I Legal Reserve Life Insurance Agent's License and a Group II Accident and Health Insurance Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: November 3, 1994, 4:47 p.m.

TRD-9450437

Thursday, November 17, 1994, 1:00 p.m. (Rescheduled from Thursday, August 19, 1993, at 1:30 p.m.)

300 West 15th Street, Suite 502, One Capitol Square

Austin

Commissioner of Insurance

**AGENDA:**

Docket Number 454-94-1705.C: To consider the application of Wilbert Randolph Elder, Longview, Texas, who holds a Group I Legal Reserve Life Insurance Agent's License to be issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: November 3, 1994, 4:47 p.m.

TRD-9450438

Monday, November 21, 1994, 1:00 p.m.

300 West 15th Street, Suite 502, One Capitol Square

Austin

Commissioner of Insurance

**AGENDA:**

454-94-1722.C: To consider whether disciplinary action should be taken against Johnny Louis Walker, Corpus Christi, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's license and Group II Insurance Agent's License issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: November 10, 1994, 9:37 a.m.

TRD-9450771

Tuesday, November 22, 1994, 9:00 a.m.

300 West 15th Street, Suite 502, One Capitol Square

Austin

Commissioner of Insurance

**AGENDA:**

454-94-1708.C: To consider whether disciplinary action should be taken against John Michael Douglas, Campbell, Texas, who holds a Group I, Legal Reserve Life Insurance Agent's license and Group II Insurance Agent's license issued by the Texas Department of Insurance.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: November 10, 1994, 9:37 a.m.

TRD-9450772

Tuesday, November 22, 1994, 9:00 a.m.

300 West 15th Street, Suite 502, One Capitol Square

Austin

Commissioner of Insurance

**AGENDA:**

454-94-1786.C: In the matter of the escrow

officer license application filed by Lupe Carmona, Jr.

Contact: Bernice Ross, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: November 10, 1994, 9:37 a.m.

TRD-9450773

### Commission on Jail Standards

Friday, November 18, 1994, 8:30 a.m.

William P. Clements Building, Room 509, 300 West 15th Street

Austin

AGENDA:

Internal audit committee report-request for proposal/selection of auditor/Fiscal Year 1994 audit responses.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: November 4, 1994, 8:09 a.m.

TRD-9450441

Friday, November 18, 1994, 8:30 a.m.

William P. Clements Building, Hearing Room 509, 300 West 15th Street

Austin

AGENDA:

Education Committee. Review staffs training efforts.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: November 4, 1994, 8:10 a.m.

TRD-9450442

Friday, November 18, 1994, 9:00 a.m.

William P. Clements Building, Room 509, 300 West 15th Street

Austin

AGENDA:

Call to order. Roll call of members. Reading and approval of minutes of last meeting of September 22, 1994. Executive session. Old business: Angelina County, status of felony backlog/payment to counties/jail population report/state jails, completed jail projects, active remedial orders/cancel/changes, changes to standards (adopt), Education Committee report, Internal Audit Committee report, payment for boot camp inmates and proposed legislation affecting jail commission. New business: memorandum of understanding TCOMI/TCLEOSE/TCJS, Harris County, change to standards (proposed). Applications for variances: Bexar, Lubbock, McCulloch, and Nacogdoches counties. Directors report. Other business. Adjourn.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: November 4, 1994, 8:10 a.m.

TRD-9450443

### Texas Juvenile Probation Commission

Thursday, November 17, 1994, 3:00 p.m.

2015 South IH-35

Austin

Basic and Special Services Committee

AGENDA:

Call to order; excuse absences; public comment; review and approve for submission to the TJPC Board the revised juvenile probation standards; review and discuss amended emergency funding contracts; and adjourn.

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: November 9, 1994, 3:39 p.m.

TRD-9450748

Friday, November 18, 1994, 8:30 a.m.

2015 South IH-35

Austin

Evaluation Committee

AGENDA:

Call to order; evaluation of the executive director; and adjourn. This meeting will be closed to the public under the authority of Article 6252.17, §2(g), Texas Civil Statutes.

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: November 10, 1994, 11:06 a.m.

TRD-9450700

### Board of Law Examiners

Friday-Sunday, November 18-20, 1994, 8:30 a.m.

Suite 500, Tom C. Clark Building, 205 West 14th Street

Austin

The Board will: call to order/determine quorum; hold public hearings and conduct deliberations on character and fitness of applicants/declarants (deliberations may be conducted in executive session pursuant to Texas Government Code, §82.003(c)); consider special requests; consider requests for excused absences; hear and act on staff reports; consider adoption of various policies; consider approval of minutes, financial

reports, and investment reports; meet with legal counsel (in executive session pursuant to Open Meetings Act, §2(e)) to discuss pending litigation; consider special requests; consider amendment to legal services contract; consider dissemination of lawyers' creed; review examination questions (conducted in executive session, pursuant to Texas Government Code, §82.003(b)); hear communications from the public; and adjourn.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: November 4, 1994, 5:31 p.m.

TRD-9450534

### Texas Department of Licensing and Regulation

Tuesday, November 15, 1994, 10:30 a.m.

920 Colorado Street, 11th Floor Conference Room

Austin

Policies and Standards Division

AGENDA:

To hear public comments on the proposal to adopt the following rules:

Chapter 72-Staff Leasing Services-16 TAC §72.80 and §72.82.

All facilities are accessible to persons with disabilities. Under the Americans with Disabilities Act, persons who plan to attend this meeting and require ADA assistance are requested to contact Caroline Jackson at (512) 463-7348 two working days prior to the meeting so that appropriate arrangements can be made.

Contact: Jimmy G. Martin, 920 Colorado, Austin, Texas 78711, (512) 463-7348.

Filed: November 3, 1994, 12:38 p.m.

TRD-9450422

### Texas Lottery Commission

Tuesday, November 15, 1994, 10:00 a.m.

6937 North IH-35, American Founders Building, First Floor Auditorium

Austin

Texas Lottery Commission

AGENDA:

According to agenda summary, the Texas Lottery Commission will call the meeting to order; swearing in of new commission member Jan Hart; public comment on any of the items on the agenda; approval of minutes of the August 10, 1994 meeting; consideration and possible proposal of rules

relating to the creation and operation of a Bingo Advisory Committee; consideration and possible action, including adoption, of rules relating to the administration of the Bingo Enabling Act for the following: 16 TAC §402.542 and 16 TAC §402.543; consideration and possible action, including adoption, of rules relating to the administration of the State Lottery Act for the following: 16 TAC §§401.201, 401.203, 401.204, 401.209, 401.211, 401.214, 401.219, 401.220, 401.223, 401.226-401.228; 16 TAC §401.302; and 16 TAC §401.368; Commission may meet in executive session with its attorneys to receive legal advice regarding pending litigation pursuant to §551.071 of Texas Government Code, including Wolverine Council Auxiliary v. Texas Lottery Commission, Capitol Bingo, Inc. v. Texas Lottery Commission, and Frenzel v. Sadberry, et al; consideration and possible proposal of a rule relating to charges for copies of public records; may consider the status and possible entry of an order in any lottery contested case if a Proposal for Decision has been received from the assigned Administrative Law Judge and the time period has lapsed for the filing of exceptions and replies; report by the executive direction and possible discussion and action on: Minority Participation Report, Legislative Appropriations Request, and financial status of the agency; may meet in executive session on any of the above-listed items as authorized by the Texas Open Meetings Act; and adjournment.

Contact: Michelle Guerrero, 6937 North IH-35, Austin, Texas 78758, (512) 323-3791.

Filed: November 4, 1994, 3:54 p.m.

TRD-9450518

◆ ◆ ◆  
**Texas Board of Licensure  
for Professional Medical  
Physicists**

Wednesday, November 16, 1994, 7:00 a.m.

Room S-400, the Exchange Building, 8407 Wall Street

Austin

Credentials Committee

AGENDA:

The committee will discuss and possibly act on applicants under 22 Texas Administrative Code, §601.6, relating to application procedures.

Contact: Jeanette A. Hilsabeck, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, contact Richard Butler at (512) 458-7695 or T.D.D.

(512) 458-7708 at least two days prior to the meeting.

Filed: November 8, 1994, 3:44 p.m.

TRD-9450642

Wednesday, November 16, 1994, 10:15 a.m.

Room S-400, the Exchange Building, 8407 Wall Street

Austin

AGENDA:

The board will discuss and possibly act on: approval of the minutes from the August 17, 1994 meeting; chairman's report; executive secretary's report; medical physicists examination; directors and officers liability insurance; Bureau of Radiation Control rules; proposed rules pertaining to the licensure of professional medical physicists, 22 Texas Administrative Code, Chapter 601; review of "Guidelines for Delineating the Practice of Medical Physics"; orders deny applications of: J. H. C.; N. F. R.; H. E. S.; W. D. S.; and J. N. T.; ratification of applications approved by the executive secretary; ratification of applications approved by the Credentials Committee; other matters relating to the regulation of professional medical physicists not requiring board action; and setting of next meeting date.

Contact: Jeanette A. Hilsabeck, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6655. For ADA assistance, contact Richard Butler at (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: November 8, 1994, 3:43 p.m.

TRD-9450641

◆ ◆ ◆  
**Texas State Board of Medi-  
cal Examiners**

Thursday, November 17, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Hearings Division

AGENDA:

Probation appearance, 9:00 a.m.—James Michael Stanton, M.D., Houston, Texas.

Termination request, 9:15 a.m.—Michael David McCord, M.D., Beaumont, Texas.

Probation appearance, 10:00 a.m.—John Alonzo Luker, M.D., Austin, Texas.

Probation appearance, 10:15 a.m.—Douglas Hall Rankin, M.D., Austin, Texas.

Executive session under authority of the Open Meetings Act, §551.071 of the Government Code, and Article 449b, §2.07(b) and §2.09(o), Texas Revised Civil Statutes,

regarding pending or contemplated litigation.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: November 9, 1994, 3:46 p.m.

TRD-9450751

◆ ◆ ◆  
**Texas Department of Mental  
Health and Mental Retar-  
dation**

Monday, November 14, 1994, 5:30 p.m.

United Way Building, 2000 East MLK, First Floor Meeting Room

Austin

Emergency Meeting

Travis State School Alternate Use Committee

AGENDA:

I. Chairman's report

II. Vision Village, Inc. progress report presentation

III. Committee discussion

IV. Consideration of a recommendation to the TXMHMR Board

V. Adjourn

Reason for emergency: This meeting is necessary to complete discussion that was begun at a regularly posted meeting held on November 3. The committee's recommendation is due on November 18.

Contact: Steve Craddock, 909 West 45th Street, Austin, Texas 78751, (512) 206-4579.

Filed: November 7, 1994, 2:34 p.m.

TRD-9450579

◆ ◆ ◆  
**Texas Mental Health and  
Mental Retardation Board**

Thursday, November 17, 1994, 9:00 a.m.

909 West 45th Street, Room 240

Austin

TXMHMR Board

AGENDA:

1. Interview candidates for the position of TXMHMR Commissioner

NOTE: All interviews will be held in closed session.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, RELAY TEXAS), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: November 7, 1994, 11:10 a.m.

TRD-9450557

Thursday, November 17, 1994, 1:30 p.m.

909 West 45th Street, Auditorium

Austin

TXMHMR Board

AGENDA:

1. Consideration of applicants for the position of TXMHMR Commissioner

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, RELAY TEXAS), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: November 7, 1994, 11:09 a.m.

TRD-9450555

Thursday, November 17, 1994, 1:45 p.m.

909 West 45th Street, Auditorium

Austin

Planning and Policy Development Committee

AGENDA:

1. Citizens comments

2. State school closure update

3. Medicaid briefing

4. Update regarding the Equity of Access Task Force

Additional issues to be considered per attached agenda

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, RELAY TEXAS), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: November 7, 1994, 11:10 a.m.

TRD-9450556

Friday, November 18, 1994, 8:30 a.m.

909 West 45th Street, Auditorium

Austin

Audit Committee

AGENDA:

1. Citizens comments

2. Internal audit for fiscal year 1994 annual report

3. Section highlight

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255

(voice, TDD, RELAY TEXAS), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: November 7, 1994, 11:10 a.m.

TRD-9450559

Friday, November 18, 1994, 9:30 a.m.

909 West 45th Street, Auditorium

Austin

Business and Asset Management Committee

AGENDA:

1. Citizens comments

2. Discussion of facility maintenance and asset management issues

3. Fiscal year 1996-1997 appropriations update

4. Consideration of approval of fiscal year 1995 operating budget adjustments

5. Consideration of approval of the Community MHMR Center bond report

6. Consideration of a recommendation from the Travis State School Alternative Use Committee

7. Consideration of a sublease on surplus property at Central Park

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, RELAY TEXAS), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: November 7, 1994, 11:10 a.m.

TRD-9450560

Friday, November 18, 1994, 1:30 p.m.

909 West 45th Street, Auditorium

Austin

TXMHMR Board

1. Call to order

2. Citizens comments

3. Approval of minutes of September 9, 1994 meeting

4. Issues to be considered per attached agenda

NOTE: All interviews will be held in closed session.

If ADA assistance or deaf interpreters are required, notify TXMHMR, (512) 323-3255 (voice, TDD, RELAY TEXAS), Ernest Fuentes, 72 hours prior to the meeting.

Contact: Ellen Hurst, P.O. Box 12668, Austin, Texas 78711, (512) 206-4506.

Filed: November 7, 1994, 11:10 a.m.

TRD-9450558

## Midwestern State University

Thursday, November 10, 1994, 3:00 p.m.

3410 Taft Boulevard, Hardin Board Room

Wichita Falls

Board of Regents Executive Committee

AGENDA:

The executive committee will review and approve August 4, 1994 committee minutes, receive recommendations concerning a nominating committee to review the president's contract, receive a report dealing with ADA compliance and accessibility, approve architectural services contract for 1994-1995, approve the Five-Year Campus Plan update, and consider recommendations concerning the Bolia Science Hall renovation project and the sale of the Southwest Parkway land. This committee reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 4, 1994, 4:05 p.m.

TRD-9450527

Thursday, November 10, 1994, 3:20 p.m.

3410 Taft Boulevard, Hardin Board Room

Austin

Board of Regents Finance and Audit Committee

AGENDA:

The Finance Committee will review minutes of the committee meeting August 4, 1994 and will consider the 1993-1994 Internal Audit Plan year-end summary report and the General Endowment Fund year-end report. Information will be presented concerning a utilities audit previously considered and the university's investments. The committee will consider recommendations concerning bond reserve funds, restoration of the Killingsworth Hall HVAC budget, an increase in the fee for the residual ACT test and ratification of items \$15,000 and under approved by President per Board authorization. This committee reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 4, 1994, 4:01 p.m.

TRD-9450526

Thursday, November 10, 1994, 3:40 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

Board of Regents Personnel and Curriculum Committee

**AGENDA:**

The Personnel and Curriculum Committee will review minutes of the committee meeting August 4, 1994 and will receive the enrollment reports and small class reports for the fall 1994 semester and the last day enrollment reports for the summer 1994 terms. They will consider the position changes in the fiscal year 1993-1994 and fiscal year 1994-1995 budgets, increased duties, title and compensation for part-time position in radiologic technology, addition of BBA with major in international trade, deletion of BA and BS in economics, proposal for a Bachelor of Science in Respiratory Care, and the Computing and Telecommunications Security Manual, Policy and Procedures. Policy Manual revisions will be presented including Policy 3.221 (holiday pay for employees during leave without pay status), Policy 3.223 (employee incentive program expansion), Policy 3.313 (vehicle operator's license requirements), Policy 4.135 (grant process revisions), Policy 4.165 (solicitation by salespersons or vendors), and Policy 4.184 (student records policy). This committee reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 4, 1994, 4:01 p.m.

TRD-9450525

Thursday, November 10, 1994, 4:00 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

Board of Regents Student Services Committee

**AGENDA:**

The Student Services Committee will review minutes of the committee meeting August 4, 1994 and will consider recommendations regarding the selection of a food service vendor, negotiation of a five-year food service contract, and food service board rates for spring 1995. A report regarding the 1994 Homecoming activities will be presented. This committee reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the

Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 4, 1994, 4:00 p.m.

TRD-9450524

Thursday, November 10, 1994, 4:20 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

Board of Regents University Development Committee

**AGENDA:**

The University Development Committee will review minutes of the committee meeting August 4, 1994. Summaries of gifts, grants and pledges September 1, 1993-August 31, 1994 and September 1, 1994-October 1, 1994, as well as a resolution of appreciation for a local donor will be presented for approval. The committee reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 4, 1994, 4:00 p.m.

TRD-9450523

Thursday, November 10, 1994, 4:30 p.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

Board of Regents Athletics Committee

**AGENDA:**

The Athletics Committee will review minutes of the committee meeting August 4, 1994 and will receive information concerning transition to NCAA Division II. This committee reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 4, 1994, 4:00 p.m.

TRD-9450522

Friday, November 11, 1994, 9:00 a.m.

3410 Taft Boulevard, Hardin Board Room  
Wichita Falls

Board of Regents

**AGENDA:**

The Board of Regents will consider the minutes of the August 5, 1994 Board of Regents meeting and review the financial reports for the months of July, August and September 1994. The Board will consider recommendations and receive information from the Executive, Finance, Personnel and Curriculum, Student Services, University Development and Athletics committees. Information will additionally be presented concerning the Continuing Education program as well as an overall update by the President of the university. The Board of Regents of Midwestern State University reserves the right to discuss any items in executive session whenever legally justified and properly posted in accordance with the Texas Open Meetings Act, Article 6252-17.

Contact: Deborah L. Barrow, 3410 Taft Boulevard, Wichita Falls, Texas 76308, (817) 689-4212.

Filed: November 7, 1994, 9:48 a.m.

TRD-9450542

**Texas Natural Resource Conservation Commission**

Wednesday, November 16, 1994, 9:30 a.m.

12118 North Interstate 35, Building E, Room 201S

Austin

**AGENDA:**

The Commission will consider approving the following matters on the contested agenda: water quality enforcements; petroleum storage tank enforcements; air quality enforcements; municipal solid waste enforcements; solid waste enforcement; air quality permit renewal; motion for reconsideration; rules; state implementation plan; executive session; 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 rescheduling an item in its entirety or for particular action at a future date or time.

(Registration begins at 8:45 a.m. until 9:30 a.m.)

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: November 4, 1994, 10:25 a.m.

TRD-9450455

Wednesday, November 16, 1994, 9:30 a.m.

12118 North Interstate 35, Building E, Room 201S

Austin

**AGENDA:**

The Commission will consider approving the following matters on the uncontested agenda: Class III modification to hazardous waste permit; water utility matter; district matters; settled hearings; 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 rescheduling an item in its entirety or for particular action at a future date or time.

(Registration begins at 8:45 a.m. until 9:30 a.m.)

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: November 4, 1994, 10:26 a.m.

TRD-9450458

**Wednesday, November 16, 1994, 9:30 a.m.**

12118 IH-35, Building H, Room 201S

Austin

**AGENDA:**

Addendum to the contested agenda for the TNRCC Commissioners to meet in executive session to confer with general counsel concerning Thomas McDill v. Texas Natural Resource Conservation Commission.

Contact: Doug Kitts, 12100 Park 35 Circle, Austin, Texas 78753, (512) 239-3317.

Filed: November 8, 1994, 3:43 p.m.

TRD-9450639

**Wednesday, November 16, 1994, 10:00 a.m.**

State Capitol Building, Capitol Extension Room E-1.012

Austin

Petroleum Storage Tank Advisory Committee

**AGENDA:**

Call to order.

Approval of previous meeting minutes.

Discussion of TNRCC Subchapter M, PST reimbursement cost guidelines.

Discussion of items tabled from previous meetings.

Schedule future meetings.

Contact: Dwight C. Russell, 7801 North Lamar Boulevard, Suite D-77, Austin, Texas 78752, (512) 452-8834.

Filed: November 3, 1994, 4:32 p.m.

TRD-9450435

**Thursday, November 17, 1994, 10:00 a.m.**

TNRCC Park 35 Office Complex, 12015 North IH-35, Building F, Room 246

Austin

Weather Modification Advisory Committee

**AGENDA:**

The committee will review minutes of its August 25, 1994 meeting; discuss completion of operational could-seeding programs in West Texas in 1994; review progress in could-seeding research project in the Big Spring area during 1994; and review renewals of weather-modification licenses for 1995.

Contact: George W. Bomar, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0770.

Filed: November 9, 1994, 8:30 a.m.

TRD-9450676

**Thursday, November 17, 1994, 4:00 p.m.**

6300 Ocean Drive, Texas A&M University Corpus Christi, Corpus Christi Hall, Room 117

Corpus Christi

Local Governments Advisory Committee and the Citizens Advisory Committee of the Corpus Christi Bay National Estuary Program

**AGENDA:**

I. Call to order/introduction/minutes

II. Preparation for video conference with Puget Sound

III. Video conference with Puget Sound Water Authority

IV. Continued discussion at end of video hook-up

V. Other business

VI. Adjourn

Contact: Richard Volk, TAMU-CC, Campus Box 290, Corpus Christi, Texas 78412, (512) 985-6767.

Filed: November 4, 1994, 10:54 a.m.

TRD-9450467

**Friday, November 18, 1994, 10:00 a.m.**

Building F, Room 31034, 12015 Park 35 Circle, Park 35 at Yager Lane

Austin

**AGENDA:**

Notice of public hearing on assessment of administrative penalties and requiring certain actions of Hill Country Utilities, Inc., Robert A. Morris, Robert A. Morris, Jr., George Yonge and Bob Morris, TNRCC Docket Number 94-0162-IWD.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 4:58 p.m.

TRD-9450533

**Monday, November 21, 1994, 10:00 a.m.**

Building B, Room 1014-A, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

**AGENDA:**

For a hearing before a hearings examiner on an appeal concerning Arledge Ridge Water Supply Corporation's fee for new connections in Fannin County, Texas. TNRCC Docket Number 94-0447-UCR.

Contact: Alexandre Bourgeois, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:39 p.m.

TRD-9450509

**Monday, November 28, 1994, 9:00 a.m.**

H. L. Stokely Hall, 600 International Boulevard, Fort Brown Civic Center Complex

Brownsville

Office of Hearings Examiners

**AGENDA:**

For a hearing before a hearings examiner on an application by Taiwan Shrimp Village Association, Inc. for proposed Permit Number 03596 to authorize a discharge of process wastewater at a combined volume not to exceed an average flow of 100,000,000 gallons per day via Outfalls 001-019. The plant site is on the south side of FM 2925 and approximately 1.4 miles east of the intersection of FM 2925 and FM 1897 near the City of Arroyo City, Cameron County, Texas.

Contact: Mike Rogan, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:57 p.m.

TRD-9450521

**Monday, November 28, 1994, 10:00 a.m.**

Building B, Room 1014-A, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

**AGENDA:**

For a hearing before a hearings examiner on a petition by Galveston County Water Control and Improvement District Number 19 appealing the wholesale water rates charged by the City of Hitchcock in Galveston County, Texas. TNRCC Docket Number 94-0387-UCR.

Contact: Sylvia McClellan, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:39 p.m.

TRD-9450508

Monday, November 28, 1994, 10:00 a.m.

Building B, Room 201-A, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Bryan-Stewart, Inc. doing business as Idlewood Utilities for a sewer rate increase in Angelina County, Texas. TNRCC Docket Number 94-0495-UCR.

Filed: Nina Fantl, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:42 p.m.

TRD-9450512

Wednesday, November 30, 1994, 10:00 a.m.

Room 201A, Building B, 12114 Park 35 Circle, TNRCC Park 35 Office Complex

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on Application Number 5497 (Docket Number 94-0648-WR) submitted by Concan Water Supply Corporation for a water use permit for authorization to divert and use not to exceed 150 acre-feet of water per annum from the Frio River, tributary of the Nueces River, Nueces River Basin, for municipal use. The proposed diversion point is in Uvalde County, approximately 0.5 miles northeast of Concan, Texas and 22 miles north of Uvalde, Texas.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:46 p.m.

TRD-9450514

Thursday, December 1, 1994, 10:00 a.m.

Building B, Room 1014-A, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

AGENDA:

For a hearing before a hearings examiner on an application by Steiner Utility Company to transfer a portion of its Certificate of Convenience and Necessity (CCN) Number 12024 to Travis County Water Control and Improvement District Number 17, CCN Number 12010 in Travis County, Texas.

TNRCC Docket Number 94-0573-UCR.

Contact: Cecile Hanna, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:37 p.m.

TRD-9450507

Wednesday, December 7, 1994, 9:30 a.m.

Room 201S, Building E, TNRCC Park 35 Complex, 12118 North Interstate 35

Austin

AGENDA:

For an agenda hearing on Northwest Harris County Municipal Utility District Number 15's application for authority to adopt and impose a standby fee on undeveloped property in the district. The nature and purpose of standby fees is to distribute a fair portion of the cost burden for operation and maintenance of the district facilities and for financing capital costs of the district facilities to owners of property who have not constructed improvements but have water and/or wastewater facilities or capacity available. Any revenues collected from the standby fees shall be used to pay operation and maintenance expenses and debt service on the bonds. Docket Number 94-0647-DIS has been assigned to this application.

Contact: Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6161.

Filed: November 4, 1994, 3:48 p.m.

TRD-9450516

Wednesday, December 7, 1994, 9:30 a.m.

TNRCC Park 35 Complex, Building E, Room 201S, 12118 North Interstate 35

Austin

AGENDA:

For an agenda hearing on Post Oak Water Supply Corporation's application to: 1) convert Post Oak Water Supply Corporation to Post Oak Special Utility District of Navarro, Hill and Limestone counties, 2) transfer Certificate of Convenience and Necessity (CCN) Number 10760 from Post Oak WSC to Post Oak SUD, and 3) amend CCN 10760 to certificate additional areas and to decertify other areas authorized under the CCN, which authorizes provision of water utility service in Navarro, Hill and Limestone counties. This matter has been assigned Docket Number 94-0637-DIS.

Contact: Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6161.

Filed: November 4, 1994, 3:49 p.m.

TRD-9450517

Wednesday, December 7, 1994, 9:30 a.m. (Rescheduled from January 5, 1995.)

TNRCC Park 35 Complex, Building E, Room 201S, 12188 North IH-35

Austin

Revised Agenda

AGENDA:

For an agenda hearing on a petition filed by Mauriceville Water Supply Corporation (Mauriceville WSC) requesting authorization to: (1) convert Mauriceville WSC to Mauriceville Special Utility District of Orange, Jasper and Newton counties (Mauriceville SUD), (2) transfer Certificate of Convenience and Necessity (CCN) Number 11722 from Mauriceville WSC to Mauriceville SUD, and (3) amend CCN 11722 to certificate additional areas and to decertify other areas authorized under CCN Number 11722, authorizing the provision of water utility service in Orange, Jasper and Newton counties. The proposed water utility service area is located primarily in Central Orange County west of downtown Orange, and extends into southern Jasper and Newton counties. The area is generally bounded on the south by IH-10, west by the City of Vidor, and east by the City of Orange. The total area being requested includes approximately 49,565 acres and 1,656 current customer connections. Mauriceville WSC is not presently serving any portion of the areas proposed to be excluded from the certificated area. The petition was filed and the hearing will be held under the authority of Chapter 65, Subchapter B and Chapter 13, Subchapter G and H of the Texas Water Code, 30 Texas Administrative Code §§293.11-293.14, and under the rules of procedure of the TNRCC. Docket Number 94-0492-DIS.

Contact: Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6161.

Filed: November 4, 1994, 3:44 p.m.

TRD-9450513

Wednesday, December 7, 1994, 9:30 a.m.

Room 201S, Building E, 12118 North Interstate 35, TNRCC Park 35 Complex

Austin

AGENDA:

For an agenda hearing on Application Number 5094A (Docket Number 94-0704-WR) submitted by the Brazos River Authority of Texas (BRA) for authorization to amend Water Use Permit Number 5094 pursuant to §11.122, Texas Water Code, and TNRCC Rules 30 TAC, §295-1 et seq.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4614.

Filed: November 4, 1994, 3:47 p.m.

TRD-9450515

Monday, December 12, 1994, 10:00 a.m.

William B. Travis State Office Building, Room 1-100, 1701 North Congress Avenue



Austin

Office of Hearings Examiners

**AGENDA:**

For a hearing before a hearings examiner on a water and sewer rate increase by Hill Country Utilities, Inc in Travis County, Texas. TNRCC Docket Number 94-0386-UCR.

Contact: Jim Bateman, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:42 p.m.

TRD-9450511

Friday, December 16, 1994, 10:00 a.m.

Building B, Room 1014-A, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

**AGENDA:**

For a hearing before a hearings examiner on an water rate increase by Sandy Harbor Construction, Inc. in Llano County, Texas. TNRCC Docket Number 94-0388-UCR.

Contact: Cecile Hanna, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:40 p.m.

TRD-9450510

Monday, December 19, 1994, 9:00 a.m.

Plainview City Hall, City Council Chambers, 901 Broadway

Plainview

Office of Hearings Examiners

**AGENDA:**

A hearing before a hearings examiner on an application by Billy F. Sylvester for proposed Permit Number 03697 to authorize the disposal of waste and wastewater from a dairy, which will consist of a maximum of 1999 milking head. The dairy is on the west side of FM 789, approximately one mile south of the intersection of FM 789 and U.S. Highway 70 in Hale County, Texas. TNRCC Docket Number 94-0674-AGR.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: November 4, 1994, 3:57 p.m.

TRD-9450520

Monday, December 19, 1994, 10:00 a.m.

TNRCC, 12124 Park 35 Circle, Building A, Room 310, Side A

Austin

**AGENDA:**

On an application by Citgo Refining Chemicals, Inc., to renew air quality permit number 3857A which authorizes the continued

operation of the Number 2 Barge Dock. The facility is located at 1801 Nueces Bay Boulevard in Corpus Christi, Nueces County, Texas.

Contact: Stephen E. Anderson, P.O. Box 13087, Austin, Texas 78711, (512) 239-1287.

Filed: November 4, 1994, 3:55 p.m.

TRD-9450519

**Texas State Board of Physical Therapy Examiners**

Friday, November 17, 1994, 8:00 a.m.

The Inn on Lake Travis, 1900 American Drive

Lago Vista

Austin

Investigation Committee

**AGENDA:**

I. Call to order.

II. Consideration and possible committee recommendations re: Case Numbers 94096, 94128, 95007, 95004, 93104, 93130, 94015, 94019, 94031, 94107, 94171, 95011.

III. Rules discussion.

IV. Adjournment.

Contact: Gerard Swain, 3001 South Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: November 4, 1994, 11:50 a.m.

TRD-9450470

Thursday-Friday, November 17-18, 1994, 10:00 a.m.

The Inn on Lake Travis, 1900 American Drive

Lago Vista

Education/Rules Committee

**AGENDA:**

I. Call to order.

II. Public comment.

III. Review of information from surveys sent to schools, state agencies, and Continuing Education providers.

IV. Review and possible recommendation on rules relating to remuneration.

V. Review and possible recommendation of new rules recently adopted by the Texas Board of Physical Therapy Examiners.

VI. Discussion and possible recommendation on rules relating to complaint processing.

VII. Discussion and possible recommendation on the conversion of clinical education hours.

VIII. Review and possible recommendation on rules relating to continuing education.

IX. Review and possible recommendation relating to the American Physical Therapy Association's new Continuing Education System.

X. Review and possible recommendation on rules relating to licensure requirements for foreign-trained applicants.

XI. Review and possible recommendation on rules relating to the registration of physical therapy facilities.

XII. Adjournment.

Contact: Gerard Swain, 3001 North Lamar Boulevard, Suite 101, Austin, Texas 78704, (512) 443-8202.

Filed: November 4, 1994, 11:51 a.m.

TRD-9450471

**Texas Department of Protective and Regulatory Services**

Thursday, November 17, 1994, Noon and 5:00 p.m.

Fort Worth City Council Chambers, 1000 Throckmorton

Fort Worth

Texas Board of Protective and Regulatory Services

**AGENDA:**

According to the complete agenda, the Texas Board of Protective and Regulatory Services will conduct site visits of agency-related programs in Region 3-Dallas/Fort Worth from Noon until 5:00 p.m. The Board will convene at 5:00 p.m. at the Fort Worth City Council Chambers to hear a presentation on agency programs in the Fort Worth area followed by public testimony on agency-related issues, recessing at 7:00 p.m.

Contact: Michael Gee, P.O. Box 149030, Mail Code E-554, Austin, Texas 78714-9030.

Filed: November 8, 1994, 4:02 p.m.

TRD-9450643

Friday, November 18, 1994, 9:30 a.m.

Dallas County Commissioners Court, 411 Elm Street

Dallas

Texas Board of Protective and Regulatory Services

**AGENDA:**

According to the complete agenda, the Texas Board of Protective and Regulatory Services will address the following items:

approval of the minutes of October 20, 1994 and October 21-23, 1994; board recognition of WFAA-TV Channel 8; board recognition of the University of Texas at Arlington's commitment to youth in agency foster care; continuation of public testimony; chair's comments and announcements; comments and announcements from the board; executive director's report—comments and announcements; overview of Region 3; consideration and selection of members to agency advisory committees; establishment of an interagency committee with the Juvenile Probation Commission; consideration and approval of rules for Ombudsman office; consideration and approval of agency communication plan; consideration and approval of amendments to the MOU for coordinated services to children and youth; report from the Statewide Youth Advisory Committee; overview of preparation for adult living program; quarterly report on the child and adult protection system; Ombudsman office quarterly report.

Contact: Michael Gee, P.O. Box 149030, Mail Code E-554, Austin, Texas 78714-9030, (512) 450-3645.

Filed: November 8, 1994, 4:03 p.m.

TRD-9450644

## Texas Department of Public Safety

Thursday, November 10, 1994, 9:00 a.m.  
5805 North Lamar Boulevard  
Austin

Texas Department of Public Safety

### AGENDA:

8:30 a.m.—Sign-in

9:00 a.m.—Begin testimony

The purpose of the hearing is to receive comment from all interested persons regarding adoption of new Administrative Rule regarding Administrative License Revocation (ALR)—Subsection 17.1-17.16 pursuant to Texas Civil Statutes, Article 6687b; Texas Civil Statutes, Article 6687b-1; Texas Civil Statutes, Article 67011-5; and Texas Penal Code, Chapter 49. The proposed new rule was published in the October 14, 1994 issue of the *Texas Register* (19 TexReg 8099), regarding Administrative License Revocation (ALR).

The hearing is in response to two requests for public hearing: one request from Texas Criminal Defense Lawyers Association and another from the Austin Criminal Defense Lawyers Association. In addition, the department has received three letters expressing interest or commenting on the proposed rules: two letters from individuals, and another from the Office of Court Management

of the Harris County Criminal Courts at Law.

Persons interested in attending this hearing are encouraged to submit advance written notice of their intent to attend the hearing and to submit a written copy of their comments. Letters should be addressed to John C. West, Jr., Chief of Legal Services, Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001.

This hearing will be conducted in accordance with the Texas Department of Public Safety's General Rules of Practice and Procedure, Subsection 29.1-29.49.

Contact: John C. West, Jr., 5805 North Lamar Boulevard, Austin, Texas 78752, (512) 465-2890.

Filed: November 3, 1994, 4:49 p.m.

TRD-9450439

## Public Utility Commission of Texas

Wednesday, November 16, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard  
Austin

Hearings Division

### AGENDA:

A prehearing conference is scheduled for the above date and time in Docket Number 13587—joint complaint of Texas Ratepayers' Organization to Save Energy and the Environmental Defense Fund.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1994, 8:26 a.m.

TRD-9450445

Monday, November 21, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard  
Austin

Hearings Division

### AGENDA:

A prehearing conference will be held at the above date and time in Docket Number 13564—complaint of Alan Jeffries against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1994, 8:57 a.m.

TRD-9450449

Monday, November 21, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard  
Austin

Hearings Division

### AGENDA:

A prehearing conference is scheduled for the above date and time in Tariff Number 13065; application of Jasper-Newton Electric Cooperative, Inc. to revise tariff.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 8, 1994, 3:06 p.m.

TRD-9450628

Monday, November 21, 1994, 1:30 p.m.

7800 Shoal Creek Boulevard  
Austin

Hearings Division

### AGENDA:

A prehearing conference will be held at the above date and time in Docket Number 13510—complaint of Cooper and Associates telephone bill auditing on behalf of Merrill Lynch against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1994, 8:57 a.m.

TRD-9450447

Monday, November 21, 1994, 3:00 p.m.

7800 Shoal Creek Boulevard  
Austin

Hearings Division

### AGENDA:

A prehearing conference will be held at the above date and time in Docket Number 13561—complaint of Communications Management Systems against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 4, 1994, 8:57 a.m.

TRD-9450448

Tuesday, January 24, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard  
Austin

Hearings Division

### AGENDA:

The hearing on the merits has been scheduled for the above date and time in Docket Number 13575—application of Texas Utilities Electric Company for approval of its 1995 integrated resource plan and the demand-side management programs and contracts, renewable resource agreement,

and notices of intent associated therewith, and for approval of certain cost recovery mechanisms, and for other relief.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: November 10, 1994, 10:51 a.m.

TRD-9450787

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**Railroad Commission of Texas**

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

The commission will consider and act on the Personnel Division director's report on division administrations, budget, procedures, and personnel matters. The commission may meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline, and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: November 4, 1994, 10:26 a.m.

TRD-9450460

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

1. Division director's report on AFRED administration, procedures, budget, program contracts, grants, personnel and policy matters relating to propane research, marketing and public education programs.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: November 4, 1994, 10:27 a.m.

TRD-9450461

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

The Commission will consider and act on the Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: November 4, 1994, 10:27 a.m.

TRD-9450462

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

The Commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions and personnel matters. The Commission will consider and act on the Information Resource Manager's report on information resource planning documents.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: November 4, 1994, 10:28 a.m.

TRD-9450463

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

The Commission will consider and act on the Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.E., P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: November 4, 1994, 10:28 a.m.

TRD-9450464

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

The Commission will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: November 4, 1994, 10:29 a.m.

TRD-9450465

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

According to the complete agenda, the Railroad Commission of Texas will consider

various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the attached agenda. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: November 4, 1994, 10:30 a.m.

TRD-9450466

Monday, November 14, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

Consideration of proposed repeal of Subchapters C-J, Chapter 5, Title 16 TAC, and proposes new Subchapters FF-MM that will contain the text of repealed Subchapters C-J in their entirety.

Consideration of publication for public comment.

Contact: Craig H. Smith, P.O. Box 12967, Austin, Texas 78711, (512) 463-7094.

Filed: November 4, 1994, 1:04 p.m.

TRD-9450477

Monday, November 21, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

The Commission will consider and act on the agency budget, fiscal and administrative matters and the Administrative Services Division director's report on division administration, budget, procedures and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

TRD-9450777

Monday, November 21, 1994, 9:30 a.m.  
1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

**AGENDA:**

1. Division director's report on AFRED administration, procedures, budget, program contracts, grants, personnel and policy matters relating to propane research, marketing and public education programs.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: November 10, 1994, 9:44 a.m.

TRD-9450778

Monday, November 21, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.E., P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: November 10, 1994, 9:44 a.m.

TRD-9450779

Monday, November 21, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: November 10, 1994, 9:45 a.m.

TRD-9450780

Monday, November 21, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

According to the complete agenda, the Railroad Commission of Texas will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified on the attached agenda. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The Commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-7033.

Filed: November 10, 1994, 9:48 a.m.

TRD-9450781

Monday, November 21, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The Commission will consider and act on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions and personnel matters. The Commission will consider and act on the Information Resource Manager's report on information resource planning documents.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: November 10, 1994, 9:42 a.m.

TRD-9450776

Monday, November 21, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

AGENDA:

The commission will consider and act on the Personnel Division director's report on division administration, budget, procedures, and personnel matters. The commission may be in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6981.

Filed: November 10, 1994, 9:41 a.m.

TRD-9450775

Monday, November 21, 1994, 2:00 p.m.

1701 North Congress Avenue, 12th Floor Conference Room 12-126

Austin

AGENDA:

The Commission will hold its monthly statewide hearing on oil and gas to determine the lawful market demand for oil and gas and to consider and/or take action on matters listed on the agenda posted with the Secretary of State's Office.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: November 10, 1994, 9:38 a.m.

TRD-9450774

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**Center for Rural Health Initiatives**

Tuesday, November 15, 1994, 1:30 p.m.

211 East Seventh Street, Fourth Floor Conference Room

Austin

Center for Rural Health Initiatives Executive Committee will meet and possibly act on: minutes from October 20, 1994 meeting; executive director's report; report to the 74th Legislature; and adjourn.

Contact: Laura M. Jordan, P.O. Box 1708, Austin, Texas 78767, (512) 479-8891.

Filed: November 4, 1994, 4:31 p.m.

TRD-9450529

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**Texas Senate**

Tuesday-Wednesday, November 15-16, 1994, 10:00 a.m. and 9:00 a.m. respectively.

El Paso Convention and Performing Arts Center, Juarez Room

El Paso

Revised Agenda

Senate Finance Committee

AGENDA:

Tuesday, November 15

I. Call to order

II. Clerk call the roll

III. Overview of the 1996-1997 biennial budget

IV. Welcoming remarks

V. El Paso state funding issues

VI. Recess

Wednesday, November 16

I. Call to order

II. Continue with El Paso state funding issues

III. Public testimony

IV. Adjourn

Contact: John Opperman, P.O. Box 12068, Austin, Texas 78711, (512) 463-0370.

Filed: November 7, 1994, 4:13 p.m.

TRD-9450588

Thursday, November 17, 1994, 10:00 a.m.

1400 Congress Avenue, Capitol Extension, Room E2.014

Austin

Select Committee on Rate and Policy Form Regulation

AGENDA:

I. Call to order and roll call

II. Public testimony

III. Adjournment

Contact: Clark Jobe, P.O. Box 2910, Austin, Texas 78768, (512) 463-1681.

Filed: November 9, 1994, 8:14 a.m.

TRD-9450674

Monday, November 28, 1994, 10:00 a.m.

1400 Congress Avenue, Capitol Extension, E1.012

Austin

Senate Interim Committee on Rural Transportation Infrastructure

AGENDA:

I. Call to order

II. Roll call

III. Opening remarks

IV. Presentation by the Texas Department of Transportation

V. Discussion

VI. Adjournment

Contact: Holly Jacques, P.O. Box 12068, Austin, Texas 78711, (512) 463-0124.

Filed: November 9, 1994, 1:33 p.m.

TRD-9450738

### State Soil and Water Conservation Board

Wednesday, November 16, 1994, 8:00 a.m.

311 North Fifth Street, Hearings Room

Temple

AGENDA:

Review and take appropriate action on the following:

Minutes from September 21 and October 27, 1994 Board meetings; District Director appointments; update on District Director elections; division and reorganization of Montgomery-Walker Soil and Water Conservation District #425; final report on 1994 annual state meeting of Soil and Water Conservation District Directors; allocation of 1995 Subchapter H Technical Assistance Funds; financial statements and audits status report; fiscal year 1994 Technical Assistance Grants report; expenditure report for two-months ended October 31, 1994; board member travel; reports from agencies and guests; public information/education report; emergency amendments to 31 TAC, Part XVII, Chapter 523, Agricultural/Silvicultural Water Quality Management; proposed amendment to 31 TAC, Part XVII, Chapter 523, Agricultural/Silvicultural Water Quality Management; Senate Bill 503 rules, policy, guidelines and status; identification of areas for Senate Bill 503 implementation; allocation of fiscal year 1995 cost share

funds; statewide nonpoint source management activities; fiscal years 1994 and 1995 Section 319 Grant Program; Corpus Christi Bay National Estuary Program; Coastal Zone Management Program; Clean Water Act Reauthorization; Gulf of Mexico Program; legislative issues; NACD National Convention; update on Association of Texas Soil and Water Conservation District activities; Human Resources report; next regular board meeting-January 18, 1995.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, TEX-AN 820-1250.

Filed: November 4, 1994, 9:38 a.m.

TRD-9450453

### The Texas A&M University System, Board of Regents

Wednesday, November 9, 1994, 9:00 a.m.

814 Lavaca, Hirshfeld-Moore House, Conference Room

Austin

Committee for Service Units

AGENDA:

Consider the following: license agreements with Biosis, Sociedad Anomina for Calcium Hydroxide Pretreatment of Biomass, Highland Interest, Inc. for Calcium Hydroxide Pretreatment of Biomass, Trinity Industries Inc. for the Slotted Rail Terminal, Energy Absorption Systems, Inc. for the Slotted Rail Terminal; memos of agreement to establish regional divisions of TTI at TAMU at Galveston and Texas A&M International University.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: November 4, 1994, 4:32 p.m.

TRD-9450530

Friday, November 18, 1994, 1:30 p.m.

Board of Regents Meeting Room, Texas A&M University, Clark Street

College Station

Policy Revision Task Force

AGENDA:

Review and discuss existing and proposed policies for the Texas A&M University System.

Contact: Vickie Running, the Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: November 3, 1994, 12:00 p.m.

TRD-9450414

### Texas Southern University

Thursday, November 17, 1994, 12:30 p.m.

Texas Southern University, 3100 Cleburne, University Library, Fifth Floor

Houston

Development Committee, Board of Regents

AGENDA:

Meeting to consider: reports from the administration on university fund-raising efforts.

Contact: Madison Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: November 7, 1994, 9:56 a.m.

TRD-9450548

Thursday, November 17, 1994, 2:00 p.m.

Texas Southern University, 3100 Cleburne, Hannah Hall, Room 111

Houston

Finance and Buildings and Grounds Committee, Board of Regents

AGENDA:

Meeting to consider: matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments; contract awards; and informational items.

Contact: Madison Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: November 7, 1994, 9:55 a.m.

TRD-9450547

Thursday, November 17, 1994, 4:00 p.m.

Texas Southern University, 3100 Cleburne, Hannah Hall, Room 111

Houston

Personnel, Student Services and Academic Affairs Committee Meeting

AGENDA:

Meeting to consider: progress reports of academic activities and programs; personnel activities.

Contact: Madison Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: November 7, 1994, 9:54 a.m.

TRD-9450545

Friday, November 18, 1994, 8:30 a.m.

Texas Southern University, 3100 Cleburne, University Library, Fifth Floor

Houston

Board of Regents

AGENDA:

Meeting to consider: minutes; report of the president; reports from standing committees; executive session.

Contact: Madison Scott, 3100 Cleburne, Houston, Texas 77004, (713) 529-8911.

Filed: November 7, 1994, 9:55 a.m.

TRD-9450546

Friday, November 18, 1994, 1:30 p.m.

Board of Regents Meeting Room, Texas A&M University, Clark Street

College Station

Revised Agenda

System Policies Committee

AGENDA:

This agenda, has been revised to show that this is a meeting of the System Policies Committee rather than the Policy Revision Task Force, as originally posted. The agenda for the meeting remains the same; review and discuss existing and proposed policies for the Texas A&M University System.

Contact: Vickie Running, the Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: November 8, 1994, 3:07 p.m.

TRD-9450630

## Texas State Technical College System

Friday, November 18, 1994, 12:45 p.m.

Marshall Civic Center, 2501 East End Boulevard, South

Marshall

Board of Regents

AGENDA:

Discussion and review of the following TSTC Policy Committee minute orders and reports:

Committee of the Whole-12:45 p.m.

Policy Committee for Instruction and Student Services-1:15 p.m.

Policy Committee for Human Resources and Development-1:45 p.m.

Policy Committee for Facilities-2:15 p.m.

Policy Committee for Fiscal Affairs-2:45 p.m.

Committee of the Whole-3:45 p.m.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: November 9, 1994, 1:35 p.m.

TRD-9450743

Saturday, November 19, 1994, 8:00 a.m.

TSTC East Texas Center at Marshall, 2400 East End Boulevard, South

Marshall

Board of Regents Audit Committee

AGENDA:

The Board of Regents Audit Committee will discuss and act on the following agenda items:

Staffing

Internal audit annual report

Annual audit plan for fiscal year 1995

Audits completed

Staffing

Audit Committee meeting dates

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: November 9, 1994, 1:36 p.m.

TRD-9450744

Saturday, November 19, 1994, 9:00 am.

TSTC East Texas Center at Marshall, 2400 East End Boulevard, South

Marshall

Board of Regents

AGENDA:

The Board of Regents will discuss and act on the following minute orders:

Rescission of educational services minute orders, Certificate Program instruction by TSTC Waco/Marshall for the Department of the Army at Fort Hood, Texas, requests for budget change, policy for control of cash, cash receipts and cash refunds, amended tuition and fees for fiscal year 1995 effective September 1, 1994, audit plan for fiscal year 1995, lease agreement with Central Texas Economic Development, short-term lease agreement with Jasie, Inc., execute extension of food service agreement with Marriott Management Services Corporation, lease agreement between TSTC Harlingen and Neighbors in Need of Services, Inc., construction of central energy plant, policy for discipline and dismissal of non-faculty and non-contract employees, resolution recommending Dean Mayberry as a Trustee to the Cooper Foundation Board, resolution in memory of Dale Anthony and Arthur Young, settlement in the case of Vaughn v. David L. Beckley and Wiley College, policy for control of network access, acceptance of report relative to legislative agenda, adoption of the report and resolution relative to TSTC Amarillo.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: November 9, 1994, 1:36 p.m.

TRD-9450745

Saturday, November 19, 1994, 9:30 a.m.

TSTC East Texas Center at Marshall, Room 160, 2400 East End Boulevard, South

Marshall

Board of Regents Executive Session

AGENDA:

Following Item VII of the agenda and shown as Item VIII the Board of Regents will go into executive session in accordance with Chapter 551 of the Texas Government Code for the specific purpose provided in §§551.071, 551.072, 551.074, and 551.075 and will discuss the following:

Jasie, Inc. v. TSTC, et al, discuss sexual harassment claim and potential lawsuit, chancellor's evaluation, golf course at Amarillo

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: November 9, 1994, 1:35 p.m.

TRD-9450742

## The Texas State University System

Thursday, November 10, 1994, 10:00 a.m.

The Landing Conference Center, Aquarena Springs, Southwest Texas State University

San Marcos

Board of Regents

AGENDA:

Review of matters of the Board and the four universities in the System including: all matters reviewed by the Curriculum Committee (see Curriculum Committee agenda), the Construction and Planning Committee (see Construction and Planning Committee agenda), the Finance Committee (see Finance Committee agenda), and the Minority Enhancement Committee as submitted to the full Board for review and approval; personnel actions including new employees, promotions, resignations, retirements, terminations, tenure, salaries/salary supplements and special appointment of any system employee including the Presidents and Chancellor; discussion of litigation; budgetary changes, operating budgets and contract approvals for each university and the system administration; acceptance of gifts; admission requirements and fees; room rates; land leases, purchases, easements and sales. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

**Filed:** November 4, 1994, 1:05 p.m.

TRD-9450478

**Thursday, November 10, 1994, 2:30 p.m.**

The Landing Conference Center, Aquarena Springs, Southwest Texas State University

San Marcos

Curriculum Committee

**AGENDA:**

Review of matters of the Board and the four universities in the System including: all matters of curriculum, including Fourth and Twelfth Class Day reports, substantive and non-substantive program changes, new degree programs, additions, deletions and retention of courses, additions and deletions of degree courses, admission standards, out-of-state and out-of-country studies and Southwest Texas State University's Curriculum Master Plan. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

**Filed:** November 4, 1994, 1:05 p.m.

TRD-9450480

**Thursday, November 10, 1994, 3:15 p.m.**

The Landing Conference Center, Aquarena Springs, Southwest Texas State University

San Marcos

Planning and Construction Committee

**AGENDA:**

Review of construction projects and documents for the four universities in the System including: final acceptance of the air conditioning modifications for the High Rise Dormitory; the fire sprinkler system in the Men's High Rise Dormitory and the Central Plant modifications, HVAC replacements in the Academic Building, ADA modifications, repairs to the President's home and repairs and replacements in various university buildings at Angelo State University; final acceptance of the Art Laboratory-V Building and the Johnson Coliseum roof repairs, selection of consultants for the renovation of the Post Office, section of engineer for modifications to the Art Complex, contract award for conversion of Central Plant chillers, purchase and sale of property, granting of utility easements, lease of office space in Sam South, removal of Frels/Wilson from the housing inventory and design of the Employee Golf Course at Sam Houston State University; final acceptance of the Harris Plant chiller replacement, the Child Development Center and

Flowers Hall, employment of architect for chiller for Cogeneration Plant, approval of the Campus Master Plan, award of construction contract for relocation of utilities for the Student Center Project, employment of an engineering firm for the Energy Conservation Grant funding, appointment of an architect for the Glade Theater, purchase orders for testing-balancing services in the General Classroom Building and the LBJ Student Center at Southwest Texas State University; and, final acceptance of the front of campus parking lot at Sul Ross State University. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

**Filed:** November 4, 1994, 1:06 p.m.

TRD-9450481

**Thursday, November 10, 1994, 3:45 p.m.**

The Landing Conference Center, Aquarena Springs, Southwest Texas State University

San Marcos

Finance Committee

**AGENDA:**

Review of financial matters of the System Office and the four universities in the System including approval of expenditures, adjustment of budgets, System investment policies, approval of fees and internal audit reports from Angelo State University, Southwest Texas State University and Sul Ross State University. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

**Filed:** November 4, 1994, 1:06 p.m.

TRD-9450482

**Thursday, November 10, 1994, 4:30 p.m.**

The Landing Conference Center, Aquarena Springs, Southwest Texas State University

San Marcos

Governmental Relations Committee

**AGENDA:**

Discussion regarding legislative agenda for the 1995 session. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

**Filed:** November 4, 1994, 1:06 p.m.

TRD-9450483

**Friday, November 11, 1994, 8:00 a.m.**

Room 1112, Eleventh Floor, J. C. Kellam Building, Southwest Texas State University

San Marcos

Board of Regents

**AGENDA:**

Review of matters of the Board and the four universities in the System including: all matters reviewed by the Curriculum Committee (see Curriculum Committee agenda), the Construction and Planning Committee (see Construction and Planning Committee agenda), the Finance Committee (see Finance Committee agenda) and the Minority Enhancement Committee as submitted to the full Board for review and approval; personnel actions including new employees, promotions, resignations, retirements, terminations, tenure, salaries/salary supplements and special appointment of any system employee including the Presidents and Chancellor; discussion of litigation; budgetary changes, operating budgets and contract approvals for each university and the system administration; acceptance of gifts; admission requirements and fees; room rates; land leases, purchases, easements and sales. (Where appropriate and permitted by law, executive sessions may be held for the above listed subjects.)

**Contact:** Lamar Urbanovsky, 333 Guadalupe, Tower III, Suite 810, Austin, Texas 78701, (512) 463-1808.

**Filed:** November 4, 1994, 1:05 p.m.

TRD-9450479

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**University of Texas M. D.  
Anderson Cancer Center**

**Tuesday, November 15, 1994, 9:00 a.m.**

1515 Holcombe Boulevard, Room AW7.707

Houston

Institutional Animal Care and Use Committee

**AGENDA:**

Review of protocols for animal care and use and modifications thereof.

**Contact:** Anthony Mastromarino, Ph.D., 1515 Holcombe Boulevard, Box 101, Houston, Texas 77030, (713) 792-3220.

**Filed:** November 9, 1994, 3:41 p.m.

TRD-9450749

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**The University of Texas System**

**Monday, November 14, 1994, 3:30 p.m.**

Ashbel Smith Hall, Ninth Floor, 201 West Seventh Street

Austin

Executive and Facilities Planning and Construction Committees of the Board of Regents

**AGENDA:**

The Executive and Facilities Planning and Construction Committees will meet in a joint session to review and consider recommendations from the System Process Review Committee and capital improvement projects.

Contact: Arthur H. Dilly, P.O. Box N, U.T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: November 8, 1994, 2:12 p.m.

TRD-9450620

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**Texas Board of Veterinary  
Medical Examiners**

Tuesday, December 13, 1994, 11:00 a.m.

Room 140, Memorial Student Center, Texas A&M University

College Station

Examination Review Committee

**AGENDA:**

The committee will meet to review the December examination results. The committee will convene in open session and then go into executive session in accordance with AG Opinions H-484, 1974, and JM 640, 1987.

Contact: Ron Allen, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: November 7, 1994, 2:14 p.m.

TRD-9450578

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**Board of Vocational Nurse  
Examiners**

Monday-Tuesday, December 5-6, 1994, 8:00 a.m.

Austin North Hilton and Towers, 6000 Middle Fiskville Road

Austin

Board Meeting

**AGENDA:**

Monday, December 5, 1994-8:00 a.m.-Call to order; introduction of board members, introduction of new staff; approval of minutes; education report (program matters, program actions, meetings/conferences/seminars attended, update on NCLEX-PN results, update on Western Pacific Tech Institute in El Paso); unfinished business (budget presentation, TPAPN, Health Professions Council, school nurse update); ex-

ecutive director's report; new business (rule changes/new rules (amend §§235.48, 237.19, and 239.54, new rule re: Inactive Status, Board Members Duties/Role)

Tuesday, December 6, 1994-8:00 a.m.-Administrative hearings; any unfinished business and adjournment

ON CALL-Executive session to discuss personnel changes/matters

Contact: Marjorie A. Bronk, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

Filed: November 10, 1994, 8:19 a.m.

TRD-9450765

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**Texas Water Development  
Board**

Wednesday, November 16, 1994, 3:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Audit Committee

**AGENDA:**

1. The committee will consider approval of the minutes of the meeting of September 14, 1994.

2. The committee will be briefed on external audit activities of the Development Fund Audit Section.

3. The committee will be briefed on annual financial reporting requirements and selected reporting issues.

4. The committee will be briefed on current audit activities of the Internal Auditor.

5. The committee will be briefed on the Annual Internal Audit Report for fiscal year 1994.

6. The committee may discuss items on the agenda of the November 17, 1994 board meeting.

Contact: Craig D. Pedersen, P.O. Box 12321, Austin, Texas 78711, (512) 463-7847.

Filed: November 8, 1994, 3:22 p.m.

TRD-9450636

Wednesday, November 16, 1994, 4:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

Policy and Finance Committee

**AGENDA:**

1. Consider approval of the minutes of the meeting of October 19, 1994.

2. Consider an additional \$1,613,009 grant/loan to the City of Mission (Hidalgo County) increasing the city's existing commitment from \$2,890,000 to \$4,503,009 and include funding available from the State of Texas Colonia Wastewater Treatment Assistance Program to finance water and wastewater system improvements (Economically Distressed Areas Account and State Water Pollution Control Revolving Fund).

3. Consider a \$5,977,404 grant/loan to Homestead Municipal Utility District (El Paso County) for the construction of a new internal distribution system (Economically Distressed Areas Account and Water Supply Account).

4. Approve a \$1,173,967 grant/loan to Webb County, Texas for the construction of wastewater improvements to provide service to the Larga Vista subdivision (Economically Distressed Areas Account).

5. Briefing and discussion on the results of the \$7,000,000 State of Texas Agricultural Water Conservation Bonds, Taxable Series 1994-B, senior managed by Artemis Capital Group, Inc.

6. Briefing on present and future EDAP projects.

7. May consider items on the agenda of the November 17, 1994 board meeting.

8. Presentation of On-Site Assistance Smoke Testing video and status report on program.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: November 8, 1994, 3:21 p.m.

TRD-9450635

Thursday, November 17, 1994, 9:00 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

Texas Water Development Board

**AGENDA:**

The Board will consider: minutes; executive, financial and committee reports; election of a vice-chairman; extension of time on commitment to City of Mission; financial assistance for cities of Colorado City, Pineland, South Houston, Gilmer, and Travis County WCID #14, Wharton County WCID #1, Lakeway MUD, Medina County UWCD, Homestead Municipal Utility District, and Sabine River Authority and transfer of funds; waiver of condition for Hill Country WSC; transfer of proceeds from the Water Quality Enhancement Account of the Water Development Fund to the State Water Pollution Control Revolving Fund to provide state match requirement for federal grant funds; applications for Agricultural



Water Conservation grants to districts; extension of current financial advisory contract with First Southwest Company; resolutions authorizing the issuance, sale, delivery, and necessary actions for sale of Texas Water Development Bonds, \$55,000,000 Series 1994A and B and \$10,000,000 Series 1994C and D; management agreement with Sabine River Authority regarding Board ownership in Toledo Bend; legislative initiatives; and environmental rule revisions.

**Contact:** Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

**Filed:** November 9, 1994, 2:29 p.m.

TRD-9450747

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**Texas Workers' Compensation Insurance Facility**

**Monday, November 14, 1994, 9:45 a.m.**

Guest Quarters Hotel, 303 West 15th Street  
Austin

Governing Committee Meeting

**AGENDA:**

Approval of minutes of October 12, 1994 Governing Committee meeting; consideration and possible action on servicing company request for reimbursement of legal fees and expenses; recommendations from the Appeals Committee; executive director's report; and executive session(s) regarding personnel matters and pending legal matters. Following the closed executive session(s), the Governing Committee will reconvene in open and public session and take any action as may be desirable or necessary as a result of the closed deliberations, including possible approval of settlements of potential or existing litigation, possible approval of facility transition plans and personnel policies.

**Contact:** Peter E. Potemkin, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759, (512) 345-1222.

**Contact:** November 3, 1994, 1:50 p.m.

TRD-9450429

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**Texas Workers' Compensation Insurance Fund**

**Wednesday, November 16, 1994, 8:30 a.m.**

100 Congress Avenue, Suite 600

Austin

Board of Directors

**AGENDA:**

Call to order; roll call; review and approval of the minutes of the October 26, 1994, board meeting and the minutes of the October 21-23, 1994, board retreat; proposed amendments to the governance policy; Organizational Effectiveness Committee election; Board of Directors' self-evaluation report; report of the Administrative Committee; report of the Finance Committee; report of the Operations Committee; fund status report; financial report; discussion of "What's Up," the fund's performance and evaluation reporting system, public participation; executive session; action items resulting from executive deliberations; announcements; and adjourn

**Contact:** Jeanette Ward, 100 Congress Avenue, Austin, Texas 78701, (512) 404-7142.

**Filed:** November 8, 1994, 3:20 p.m.

TRD-9450634

**Wednesday, November 16, 1994, 8:30 a.m.**

100 Congress Avenue, Suite 600

Austin

Revised Agenda

Board of Directors

**AGENDA:**

Call to order; roll call; review and approval of the minutes of the October 26, 1994, board meeting and the minutes of the October 21-23, 1994, board retreat; proposed amendments to the governance policy; Organizational Effectiveness Committee election; Board of Director's self-evaluation report, report of the Administrative Committee, report of the Finance Committee, report of the Operations Committee; fund status report; financial report; discussion of "What's Up," the fund's performance and evaluation reporting system, public participation; executive session; action items resulting from executive deliberations; announcements; and adjourn.

**Contact:** Jeanette Ward, 100 Congress Avenue, Austin, Texas 78701, (512) 404-7142

**Filed:** November 8, 1994, 3:42 p.m.

TRD-9450637

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**Regional Meetings**

**Meetings Filed November 3, 1994**

The Austin-Travis County MHRM Center Board of Trustees, Human Resources Committee met at 1430 Collier Street, Board Room, Austin, November 9, 1994, at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031 TRD-9450428

The Bi-County WSC met at the Office, FM 2254, Pittsburg, November 8, 1994, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburg, Texas 75686, (903) 856-5840. TRD-9450416

The Deep East Texas Quality Work Force, Region XIV will meet at 303 South Temple Drive, Temple-Inland, Diboll, November 16, 1994, at 11:00 a.m. Information may be obtained from Jerry Whitaker, P.O. Box 1768, Lufkin, Texas 75902, (409) 633-5370. TRD-9450427.

The Denton Central Appraisal District Appraisal Review Board will meet at 3911 Morse Street, Denton, November 16, 1994, at 9:00 a.m. Information may be obtained from Kathy Pierson, P.O. Box 2816, Denton, Texas 76202-2816, (817) 566-0904. TRD-9450412.

The Education Service Center, Region I Region I ESC Board met at 1900 West Schunior, Edinburg, November 8, 1994, at 7:00 p.m. Information may be obtained from Dr. Roberto Zamora, 1900 West Schunior, Edinburg, Texas 78539, (210) 383-5611. TRD-9450434.

The Falls County Appraisal District Board of Directors met at Interstate of Highways 6 and 7, Falls County Courthouse, First Floor, Marlin, November 14, 1994, at Noon. Information may be obtained from Joyce Collier, P. O. Box 430, Marlin, Texas 76661, (817) 883-2543. TRD-9450426

The Hays County Appraisal District Board of Directors met at 21001 North IH-35, Kyle, November 10, 1994, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9450432

The Hays County Appraisal District Appraisal Review Board will meet at 21001 North IH-35, Kyle, November 15, 1994, at 9:00 a.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas 78640, (512) 268-2522. TRD-9450419.

The Appraisal District of Jones County Board of Directors will meet at 1137 East Court Plaza, Anson, November 17, 1994, at 8:30 a.m. Information may be obtained from Susan Holloway, P.O. Box 348, Anson, Texas 79501, (915) 823-2422. TRD-9450420

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, November 17, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9450433

The Lower Rio Grande Valley Tech Prep/Associate Degree Consortium (also

known as Tech Prep of the Rio Grande Valley, Inc.) Board of Directors met in the Board Room, Conference Center, Texas State Technical College, Corner of Loop 499 and Oak Street, Harlingen, November 9, 1994, at Noon. Information may be obtained from Pat Bubb, Conference Center, TSTC, Harlingen, Texas 78550-3697, (210) 425-0729. TRD-9450431.

The Texas Municipal Power Agency (TMPA) Board of Directors (Workshop) met at the Chamber of Commerce Offices, 4001 East 29th, Suite 175, Bryan, November 9, 1994, at 6:30 p.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9450423.

The Texas Municipal Power Agency (TMPA) Board of Directors met at the Gibbons Creek Steam Electric Station, Administration Building, 2-1/2 Miles North of Carlos on FM 244, Carlos, November 10, 1994, at 9:00 a.m. Information may be obtained from Carl Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9450424.

The Nortex Regional Planning Commission Executive Committee will meet at the Galaxy Center Building, Suite 200, 4309 Jacksboro Highway, Wichita Falls, November 17, 1994, at Noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281. TRD-9450425.

The North Central Texas Council of Governments Private Industry Council met at 616 Six Flags Drive, Centerpoint Two, Second Floor, Arlington, November 14, 1994, at 10:00 a.m. Information may be obtained from Grant Whittenberg, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 695-9179 or (817) 640-3300. TRD-9450415.

The North Plains Ground Water Conservation District Number Two Board of Directors met at the District Office, 603 East First, Dallas, November 8, 1994, at 10:00 a.m. Information may be obtained from Richard S. Bowers, Box 795, Dumas, Texas 79029, (806) 935-6401. TRD-9450421.

The Sabine Valley Center Care and Treatment Committee met at 107 Woodbine Place, Judson Road, Longview, November 10, 1994, at 6:00 p.m. Information may be obtained from Mack Blackwell or Laverne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9450409.

The Sabine Valley Center Finance Committee met at 107 Woodbine Place, Judson Road, Longview, November 10, 1994, at 6:00 p.m. Information may be obtained from Mack Blackwell or Laverne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9450410.

The Sabine Valley Center Personnel Committee met at 107 Woodbine Place, Judson Road, Longview, November 10, 1994, at

6:00 p.m. Information may be obtained from Mack Blackwell or Laverne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9450408.

The Sabine Valley Center Grant Review Committee met at 107 Woodbine Place, Judson Road, Longview, November 10, 1994, at 6:30 p.m. Information may be obtained from Mack Blackwell or Laverne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9450411.

The Sabine Valley Center Board of Trustees met at 107 Woodbine Place, Judson Road, Longview, November 10, 1994, at 7:00 p.m. Information may be obtained from Mack Blackwell or Laverne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 237-2362. TRD-9450407.

The West Central Texas Council of Governments Board of Directors and General Membership met at 1100 North Sixth Street, Abilene, November 14, 1994, at 7:00 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9450440.

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**Meetings Filed November 4,  
1994**

The Archer County Appraisal District Appraisal District Board of Directors met at 101 South Center, Archer City, November 9, 1994, at 5:00 p.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9450459.

The Bexar-Medina-Atascosa Counties WCID Number One Board of Directors met at 226 State Highway 132, Natalia, November 9, 1994, at 6:00 p.m. Information may be obtained from J. W. Ward, P.O. Box 170, Natalia, Texas 78059, (210) 665-2312. TRD-9450535.

The Coleman County Water Supply Corporation Board of Directors met at 214 Santa Anna Avenue, Coleman, November 9, 1994, at 1:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9450468.

The Dallas Area Rapid Transit Committee-of-the-Whole met in Conference Room C, 1401 Pacific Avenue, Dallas, November 8, 1994, at 11:00 a.m. Information may be obtained from Vanessa Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9450473.

The Dallas Area Rapid Transit Board of Directors met in the DART Board Room, 1401 Pacific Avenue, Dallas, November 8, 1994, at 6:30 p.m. Information may be obtained from Vanessa Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9450472.

The East Texas Council of Governments JTPA Board of Directors met at the Roy H. Laird Country Club, 1306 Houston Street, Kilgore, November 10, 1994, at 11:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9450474.

The Elm Creek WSC Board met at the Willow Grove Baptist Church, Moody, November 14, 1994, at 7:00 p.m. Information may be obtained from Paulette Richardson, 417 East Payne Branch, Moody, Texas 76557, (817) 853-2339. TRD-9450488.

The El Oso Water Supply Corporation Board of Directors met at FM 99 at their Office, Karnes City, November 8, 1994, at 7:00 p.m. Information may be obtained from Judith Zimmermann, P.O. Box 309, Karnes City, Texas 78118, (210) 780-3539. TRD-9450454.

The Galveston Bay National Estuary Program (Texas Natural Resource Conservation Commission) Management Committee will meet at the Holiday Inn-NASA, 1300 Nasa Road 1, Houston, November 16, 1994, at 9:30 a.m. Information may be obtained from Judy Eernisse, 711 West Bay Area Boulevard, Suite 210, Webster, Texas 77598, (713) 332-9937. TRD-9450456.

The Harris County Appraisal District Board of Directors met at 2800 North Loop West, Eighth Floor, Houston, November 11, 1994, at 8:00 a.m. Information may be obtained from Susan Jordan, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5222. TRD-9450487.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2005 South Bridge Street, Brady, November 10, 1994, at 7:00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas (915) 597-2785. TRD-9450469.

The Hunt County Appraisal District Board of Directors met at 4801 King Street, Greenville, November 10, 1994, at 7:00 p.m. Information may be obtained from Shirley Smith, P.O. Box 1339, Greenville, Texas 403, (903) 454-3510. TRD-9450484.

The Panhandle Ground Water Conservation District Number Three (Public Meeting) Board of Directors met at 300 South Omohundro Street, White Deer, November 9, 1994, at 7:30 p.m. Information may be obtained from C. E. Williams, Box 637, White Deer, Texas 79097, (806) 883-2501. TRD-9450498.

The Sulphur-Cypress Soil and Water Conservation District Number 419 met at 1809 West Ferguson, Suite D, Mt. Pleasant, November 10, 1994, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 West Ferguson, Suite D,

Mt. Pleasant, Texas 75455, (903) 572-5411. TRD-9450452.

The Upshur County Appraisal District Board of Directors met at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, November 14, 1994, at 1:00 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280. TRD-9450457.

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Meetings Filed November 7,  
1994

The Barton Springs/Edwards Aquifer Conservation District (Called Meeting.) Board of Directors met at 1124A Regal Row, Austin, November 10, 1994, at 5:30 p.m. Information may be obtained from Bill E. Couch, 1124A Regal Row, Austin, Texas 78748, (512) 282-8441, Fax: (512) 282-7016. TRD-9450573.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main, Suite 201, Room 202, Cleburne, November 17, 1994, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main, Cleburne, Texas 76031, (817) 645-3986. TRD-9450562.

The Central Appraisal District of Nolan County Board of Directors will meet at Mis Amigos Restaurant, Main Dining Room, Interstate 20, Sweetwater, November 15, 1994, at 7:00 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9450567.

The Dewitt County Appraisal District Board of Directors will meet at 103 Bailey Street, Cuero, November 15, 1994, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9450584.

The Ellis County Appraisal District Appraisal Review Board met at 400 Ferris Avenue, Waxahachie, November 10, 1994, at 8:30 a.m. Information may be obtained from Dorothy Phillips, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552. TRD-9450536.

The Gray County Appraisal District Board of Directors met at 815 North Sumner, Pampa, November 8, 1994, at 5:00 p.m. Information may be obtained from Sherri Schaible, P.O. Box 836, Pampa, Texas 79066-0836, (806) 665-0791. TRD-9450505.

The Hockley County Appraisal District Board of Directors met at 1103 Houston, Levelland, November 14, 1994, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654. TRD-9450590.

The Hood County Appraisal District Appraisal Review Board will meet at 1902 West Pearl Street, District Office, Granbury, November 15, 1994, at 9:00 a.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76043, (817) 573-2471. TRD-9450571.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, November 15, 1994, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76043, (817) 573-2471. TRD-9450572.

The Jack County Appraisal District Board of Directors will meet at 210 North Church Street, Jacksboro, November 15, 1994, at 7:00 p.m. Information may be obtained from Gary L. Zeidler or Vicky L. Easter, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9450561.

The Kendall Appraisal District Committee on Policies/Procedures for AG Use Properties will meet at 121 South Main Street, Boerne, November 17, 1994, at 5:00 p.m. Information may be obtained from Mick Mikulenska or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax: (210) 249-3975. TRD-9450577.

The Kendall Appraisal District Board of Directors will meet at 121 South Main Street, Boerne, November 17, 1994, at 5:30 p.m. Information may be obtained from Mick Mikulenska or Helen Tamayo, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax: (210) 249-3975. TRD-9450576.

The Lampasas County Appraisal District (Called Meeting.) Board of Directors met at 109 East Fifth Street, Lampasas, November 12, 1994, at 8:00 a.m. Information may be obtained from Katrina Perry, P.O. Box 175, Lampasas, Texas 76650, (512) 556-8058. TRD-9450504.

The Lower Neches Valley Authority LNVA Industrial Development Corporation will meet at 7850 Eastex Freeway, Beaumont, November 15, 1994, at 10:00 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9450582.

The Lower Neches Valley Authority Board of Directors will meet at 7850 Eastex Freeway, Beaumont, November 15, 1994, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9450583.

The Manville Water Supply Corporation Board met at Spur 277, Board Room, Coupland, November 10, 1994, at 7:00 p.m. Information may be obtained from Tony Graf, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9450528.

The Nortex Regional Planning Commission (Revised Agenda.) Executive Committee will meet at 4309 Jacksboro Highway, The Galaxy Center, Suite 200, Wichita Falls, November 17, 1994, at Noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281. TRD-9450592.

The Rio Grande Council of Governments Board of Directors will meet at 1100 North Stanton, Main Conference Center, Fourth Floor, El Paso, November 18, 1994, at 9:30 a.m. Information may be obtained from Lidia Flynn, 1100 North Stanton, Suite 610, El Paso, Texas 79902, (915) 533-0098. TRD-9450575.

The San Antonio River Authority Board of Directors will meet at 100 East Guenther Street, Boardroom, San Antonio, November 16, 1994, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9450543.

The San Antonio River Authority Trustees of the SARA Employees Retirement Trust will meet at 100 East Guenther Street, Boardroom, San Antonio, November 16, 1994, at 3:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9450544.

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Meetings Filed November 8,  
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The Angelina and Neches River Authority Board of Directors will meet at the Crown Colony Country Club, the Azalea Room, 900 Crown Colony, Lufkin, November 17, 1994, at 3:30 p.m. Information may be obtained from Gary L. Neighbors, P.O. Box 387, Lufkin, Texas 75901, (409) 632-7795, Fax (409) 632-2564. TRD-9450606.

The Austin Transportation Study Policy Advisory Committee met at 26th and Red River, Room 1.110, Joe C. Thompson Conference Center, Austin, November 14, 1994, at 6:00 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78767, (512) 499-2275, Fax (512) 499-2269. TRD-9450633.

The Brazos Valley Development Council (Emergency Revised Agenda.) Executive Committee met at 1706 East 29th, Bryan, November 9, 1994, at 1:30 p.m. (Reason for emergency: TRACS application received requiring immediate review by agency.) Information may be obtained from Tom Wilkinson, Jr., P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9450638.

The Burnet County Appraisal District Board of Directors will meet at 110 Avenue H, Suite 106, Marble Falls, November 17, 1994, at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9450607.

The Canyon Regional Water Authority Board met at the Guadalupe Fire Training Facility, 850 Lakeside Pass Drive, New Braunfels, November 14, 1994, at 7:00 p.m. Information may be obtained from Gloria Kaufman, Route 2 Box 654 W, New Braunfels, Texas 78130-9579, (210) 609-0543. TRD-9450629.

The Deep East Texas Council of Governments Solid Waste Task Force will meet at Camp Cho-Yeh and Conference Center, 2200 South Washington, Livingston, November 17, 1994, at 10:00 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9450595.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, November 15, 1994, at 5:30 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9450640.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, November 15, 1994, at 8:45 a.m. Information may be obtained from Rowena Ballas, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9450647.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Conference Room A, Second Floor, Houston, November 15, 1994, at 9:30 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9450648.

The Johnson County Rural Water Supply Corporation Finance Committee met at 2849 Corporation Office, Highway 171 South, Cleburne, November 11, 1994, at 10:00 a.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9450602.

The Johnson County Rural Water Supply Corporation Credentials Committee met at 2849 Corporation Office, Highway 171 South, November 11, 1994, at 7:00 p.m. Information may be obtained from Peggy Johnson, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9450603.

The Mills County Appraisal District Board of Directors will meet at the Mills County Courthouse, Jury Room, Fisher

Street, Goldthwaite, November 17, 1994, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844-0565, (915) 648-2253. TRD-9450614.

The Nueces-Jim Wells-Kleberg-Kenedy Soil and Water Conservation District Board of Directors will meet at the SCS Office, 548 South Highway 77, Suite B, Robstown, November 15, 1994, at 2:00 p.m. Information may be obtained from Denise Lawhon, 548 South Highway 77, Suite B, Robstown, Texas 78380, (512) 668-8363. TRD-9450601.

The South Plains Quality Work Force South Plains Community Action met at Wayland Baptist University, 4601 83rd Street, Lubbock, November 10, 1994, at 11:00 a.m. Information may be obtained from Rebecca Alcazar, P.O. Box 610, Levelland, Texas 79336, (806) 894-7293. TRD-9450599.

The West Central Texas Council of Governments Executive Committee met at 1100 North Sixth Street, Abilene, at November 14, 1994, at 6:00 p.m. Information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544. TRD-9450615.

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The Ark-Tex Council of Governments Executive Committee will meet at Two Senoritas, Mt. Pleasant, November 17, 1994, at 5:30 p.m. Information may be obtained from Pam Koelling, P.O. Box 5307, Texarkana, Texas 75505-5307, (903) 832-8636. TRD-9450700.

The Bexar-Medina-Atascosca Counties Water Control and Improvement District Number One Board of Directors met at 226 Highway 132, Natalia, November 14, 1994, at 8:00 a.m. Information may be obtained from John W. Ward III, P.O. Box 170, Natalia, Texas 78059, (210) 665-2132. TRD-9450673.

The Brazos River Authority Board of Directors will meet at 4400 Cobbs Drive, Waco, November 17-18, 1994, at 7:30 p.m. and 8:00 a.m., respectively. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9450691.

The Brown County Appraisal District Board of Directors met at 403 Fisk Avenue, Brownwood, November 14, 1994, at 7:00 p.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9450741.

The Central Appraisal District of Rockwall County Appraisal Review Board

will meet at 106 North San Jacinto, Rockwall, November 15, 1994, at 8:30 a.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 771-2034. TRD-9450704.

The Central Texas Area Consortium (General Meeting) met at the Super 8 Motel, Conference Room, 5505 South General Bruce Drive, Temple, November 14, 1994, at Noon. Information may be obtained from Michael B. Herring, 3311 Southwest HK Dodgen Loop #248, Temple, Texas 76502, (817) 791-9102, Fax (817) 774-9508. TRD-9450727.

The Concho Valley Council of Governments Private Industry Council will meet at 5014 Knickerbocker, San Angelo, November 16, 1994, at 3:00 p.m. Information may be obtained from Monette Molinar, P.O. Box 60050, San Angelo, Texas (915) 944-9666. TRD-9450750.

The Deep East Texas Council of Governments Grants Application Review Committee will meet at Camp Cho-Yeh and Conference Center, 2200 South Washington, Livingston, November 17, 1994, at 11:00 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9450703.

The Deep East Texas Council of Governments Board of Directors will meet at Camp Cho-Yeh and Conference Center, 2200 South Washington, Livingston, November 17, 1994, at 1:00 p.m. Information may be obtained from Walter G. Diggles, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9450710.

The Education Service Center, Region VIII Board of Directors will meet at 2502 West Ferguson Road, Hot Biscuit, Mt. Pleasant, November 18, 1994, at 8:30 a.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75456-1894, (903) 572-8551. TRD-9450734.

The Guadalupe-Blanco River Authority Audit Committee will meet at 933 East Court Street, Seguin, November 15, 1994, at 1:00 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9450730.

The Guadalupe-Blanco River Authority Retirement and Benefit Committee will meet at 933 East Court Street, Seguin, November 15, 1994, at 3:00 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9450729.

The Guadalupe-Blanco River Authority Industrial Development Corporation will meet at 933 East Court Street, Seguin, November 15, 1994, at 3:30 p.m. Information

may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9450728.

The Guadalupe-Blanco River Authority Long Range Planning Committee will meet at 933 East Court Street, Seguin, November 15, 1994, at 4:30 p.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9450732.

The Guadalupe-Blanco River Authority Board of Directors will meet at 933 East Court Street, Seguin, November 16, 1994, at 10:00 a.m. Information may be obtained from W. E. West, Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9450731.

The Gulf Bend MHMR Center Local Interagency Community Management Team will meet at 1502 East Airline, Suite 25, Victoria, November 16, 1994, at Noon. Information may be obtained from Judy Bolton, 1502 East Airline, Victoria, Texas 77901, (512) 575-0611, Ext. 150. TRD-9450756.

The Kempner Water Supply Corporation Board of Directors will meet at Highway 190, Kempner, November 15, 1994, at 6:30 p.m. Information may be obtained from Donald W. Guthrie, P.O. Box 103, Kempner, Texas 76539, (512) 932-3701. TRD-9450711.

The Lamar County Appraisal District Board of Directors will meet at 521

Bonham, Paris, November 15, 1994, at 4:00 p.m. Information may be obtained from Joe A. Welch, P.O. Box 400, Paris, Texas 75460, (903) 785-7822. TRD-9450735.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, November 16, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9450739.

The Limestone County Appraisal District Board of Directors will meet at 200 State Street, LCAD Office, Ground Floor, County Courthouse, Groesbeck, November 15, 1994, at 1:00 p.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009, Fax (817) 729-5534. TRD-9450695.

The Central Counties Center for MHMR Services Board of Trustees met at the Stagecoach Inn, 1 Main Street, Salado, November 12, 1994, 9:00 a.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9450675.

The North Central Texas Council of Governments Executive Board will meet at Centerpoint Two, 616 Six Flags Drive, Second Floor, Arlington, November 17, 1994, at Noon. Information may be obtained from Edwina J. Shires, P.O. Box 5888, Arlington, Texas 76005-5888, (817) 640-3300. TRD-9450740.

The Wood County Appraisal District Board of Directors will meet at 217 North Main, Quitman, November 17, 1994, at 1:30 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 518, Quitman, Texas 75783-0518, (903) 763-4891. TRD-9450699.

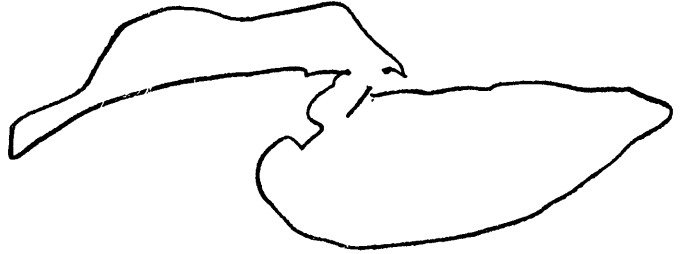
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The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, November 16, 1994, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9450768.

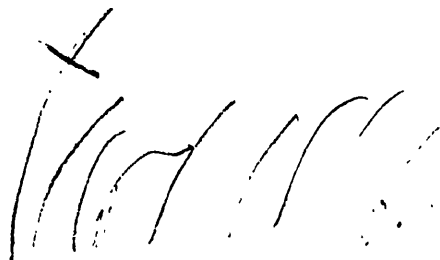
The San Antonio River Authority Board of Directors will meet at 100 East Guenther Street, Boardroom, San Antonio, November 16, 1994, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9450769.

The Swisher County Appraisal District Board of Directors will meet at the Conestoga Restaurant, North Highway 87, Tulia, November 17, 1994, at 7:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (805) 995-4118. TRD-9450767.

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**Name: Tommy Bear**  
**Grade: 5**  
**School: Levi Fry Int. School, Texas City ISD**



# 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 Agriculture TEXAS-ISRAEL Exchange (TIE) Research and Development Program, Request for Proposals

Within the framework of the agreement between the Ministry of Agriculture of Israel (MAI) and the Texas Department of Agriculture (TDA), a scientific and technological cooperation in the field of agriculture was established. The implementing agency for the MAI is the Agricultural Research Organization (ARO). The implementing agency in Texas is the Texas Department of Agriculture. The two parties have initiated a Joint TEXAS-ISRAEL Exchange (TIE) Research and Development Program.

A Joint TEXAS-ISRAEL Steering Committee (SC) will review and priority-rank the scientific and technological proposals in the field of agricultural research simultaneously and independently in Israel and in Texas. The Joint Steering Committee includes representatives from the ARO and the TDA. The Scientific Director of ARO and a person designated by the Texas Commissioner of Agriculture serve alternately as Chairman and Co-Chairman of the Joint Steering Committee of TIE.

Final decision for granting awards is made by the Board of Directors of TIE on the basis of recommendations from the Steering Committee.

TIE is funded in the amount of \$250,000 each from the Israel Government and the Texas Legislature for a total of \$500,000 for the current year.

### A. GENERAL.

A1. Areas of Research Supported by TIE: TIE will support cooperative research projects of mutual interest to Israel and Texas in accordance with the goals and objectives established by the two parties in accordance with Chapter 45 of the Texas Agriculture Code. Only proposals which address areas of mutual interest will be considered for funding.

The projects of Research & Development eligible for support by TIE should be in the area of agriculture under semi-arid and water-shortage conditions. The following are priority fields of mutual interest: (1) Irrigation: methods and technologies; Fertigation; Marginal water for irrigation (recycled brackish waste water and brackish water). (2) New crops and varieties highly efficient in water use and adaptable to semi-arid conditions. (3) Intensive crop and livestock production. (4) Greenhouse culture: vegetables, flowers, ornamentals and spices. Greenhouse equipment and technologies. (5) Natural resource management, use and conservation, with emphasis on water. (6) Innova-

tive sources of energy for agricultural production or improvement of energy utilization.

All proposed projects should be environmentally friendly.

Multi-disciplinary projects with a strong probability of providing immediate benefit to the agricultural economies of Israel and Texas will be given higher priority.

Cooperative research projects are defined by TIE as research which involves active collaboration between Texas and Israeli scientists.

All research proposals must be prepared jointly by Texas and Israeli investigators and should describe the areas of planned cooperation between them. The head of each of the two participating research groups will be a principal investigator. One of the two principal investigators will serve as the project leader.

The project leader is responsible for the submission of scientific reports and for maintaining contacts with the lead implementing offices in his state and the participating institutions. The administrative detail is handled by the respective participating institution.

TIE reserves the right to dissolve the association between cooperators and to continue with either one of them, or to terminate the project if TIE deems the cooperation unsatisfactory.

TIE will assist applicants who are unable to find cooperators by themselves.

A2. Eligibility. TIE will accept research proposals from institutions of higher education, from Government research institutions, and from other public or private organizations with research as an important activity. Scientists who wish to apply for grants should submit their proposals through such legally constituted entities.

For the first year, universities, research stations, other non-profit organizations, and public or private entities who can demonstrate their commitment to the TIE Fund's objectives on the Texan side are encouraged to apply.

For the first year, participation of the Israeli side is limited to the ARO only.

### B. PROCEDURE FOR SUBMISSION OF JOINT RESEARCH PROPOSALS TO TIE.

B1. Introduction. Research proposals submitted should be for a period not exceeding one year. The total budget requested per project should not exceed \$60,000 per year.

Submission of research proposals to TIE should be done in two stages: (a) Submission of pre-proposals. This is the first stage in applying to TIE for a grant. Following the evaluation of pre-proposals, the applicant or research

group will be notified whether their pre proposal has been approved for further consideration. (b) Submission of proposals. Following a positive notification a full research proposal should be submitted. The pre-proposal and the proposal should present a plan for research in one of the areas listed in section A1.

The pre-proposal should be self-contained, thorough, and include all data essential for evaluation by TIE's review panels.

The pre-proposal should be written in English and typed double-spaced on size A-4 paper (8.25" x 11.8"), with a reasonably sized typeface, both sides of the page may be typed upon. Twenty-five copies of each pre-proposal are to be submitted and should be stapled together and not bound. Each copy of the pre-proposal should be legible. Pre-proposals which do not meet these requirements will not be considered by TIE. No additions or amendments to the proposal will be accepted after it has been submitted.

**B2. Pre-proposals.** The pre-proposal must provide a clear and accurate summary of the intended full research proposal. The cover page will be the first page of the pre proposal and contain the following: title, names of the principal researchers and project leader, other participating researchers, and names of the cooperating institutions accompanied by the signatures of the officers authorizing their participation. Other than the cover page, the pre proposal should be no longer than three pages of approximately 200 words each and must include: (a) title of the pre-proposal; (b) definition of the research problem; (c) specific objectives and importance of the research, emphasizing the novelty of the research; (d) short description of the research plan and the methodology to be used; (e) expected contribution of the research, especially to the agriculture of Israel and Texas; (f) relation to ongoing research and experience of the researchers in the pertinent fields; and (g) potential for expanding the world market share of Texas and Israeli agricultural goods.

**B3. Proposals.** (1) Cover Page. The cover page will be the first page of the proposal and will contain the following: title, names of the principal researchers and project leader, other participating researchers, and names of the cooperating institutions accompanied by the signatures of the officers authorizing their participation. (2) Table of Contents. (3) Abstract. The abstract of a proposal should be limited to one separate page of approximately 200 words and should include: title of the proposal; definition of the research problem; specific objectives and importance of the research, emphasizing its novelty; research plan and methodology; and expected contribution of the research, especially to agriculture. (4) Detailed Description of the Research. The investigators must limit the description of items "a" through "d" inclusive to a maximum of ten pages to include. (a) Title. (b) Background, description of the problem, hypothesis and preliminary research. (c) Objectives and importance of the research project, with emphasis on the claimed novelty of the research. (d) Description of the Research Plan. The description should be clear, concise and comprehensive. It should include the plan of operation, the methodology, specific experimental design and statistical analysis to be used. It is advisable to describe how the research plan will test the scientific hypotheses and will enable achievement of the stated objectives. The work to be conducted in each country should be specified clearly, indicating the responsibility of each group and the time schedule of the work plan. (e) Cooperation. The research plan should describe the mode

of cooperation. Researchers are requested to provide a detailed description of the cooperative arrangements to be employed in conducting the work, and of previous cooperation, if any. (f) Description and Contribution of Expected Results. This section should incorporate a description of the expected results, including their contribution to agriculture in Israel and Texas, as well as to an understanding of the problem as a whole. (g) Facilities and Equipment. Details must be given on the grantees' facilities and of other facilities to be made available to the project. (h) Relevant bibliography relating to the research area. (5) Professional Biography of Researchers. A brief curriculum vitae of each investigator should be given, including a list of his/her relevant publications (up to two pages for each investigator). (6) Budget Details. Funds provided by either party will be spent in the respective country but the responsibility for all the operations of a TIE research project, including the management of the budget, will be held jointly. A budget must be submitted in US dollars. The budget for each institution must be listed separately. The following items should be included in the detailed budget: (a) Personnel Services. All personnel should be listed according to their proposed role in the project, along with the amount of time devoted to the project by each person. Names of researchers should be given. (b) Operating Expenses. Expected operating expenses should be listed in general terms, together with the estimated costs; categories to be identified include supplies, computer services, in-country travel and reports. Where substantial funds are requested, a more detailed breakdown is required. (c) Foreign Travel. For each participating group not more than one one-week trip to the other cooperating country for one person may be included in the budget. Each allowance will include a round trip economy airfare plus per diem expenses in accordance with the terms prevailing in the person's home country. (d) Non-expendable Equipment. TIE will consider allowing the purchase of specific items of equipment for use in the supported research, without which the research could not be conducted. Full justification must be given for each piece of equipment. (e) Applicants must have at least a 50% match from other funding sources. These can be federal, state, or private. (f) Overhead Costs. Allowance is made for 20% of total direct costs.

During the implementation of the research project, a shift of budget allocation between different items is allowed up to the amount of 20% of the items in question. For amounts exceeding this percentage, written approval must be obtained from the TIE office.

The recipient institutions must agree to be responsible for all costs exceeding the grant award, and that the project will be executed once a grant is awarded, without claims for additional financial support by TIE.

**B6. Submission of Pre-proposals and Proposals** Scientists of either country may, at their convenience, submit their pre-proposals and proposals to either of the following addresses:

TEXAS: Miss V. A. Stephens, Coordinator for Special Issues, Texas Department of Agriculture, 1700 North Congress Avenue, Ninth Floor, Austin, Texas 78701 (USA), Telephone: (512) 463-7519, Fax: (512) 463-1104;

ISRAEL: Dr. H. Frenkel, Scientific Director, Agricultural Research Organization, The Volcani Center, P.O. Box 6, Bet Dagan 50250, Israel; Telephone: 972-3-9683226, Fax: 972-3-9665327.



**C. EVALUATION PROCEDURE.**

**C1. Evaluation Panels.** Each pre-proposal is evaluated simultaneously and independently by evaluation panels in Texas and in Israel.

The evaluation panels are nominated by the respective Ministries of Agriculture of Israel and Commissioner of Agriculture of Texas. They are composed of scientists competent in the proposed areas of research. The evaluation panels take into consideration the following factors, with no single factor necessarily being given more weight than any other: (a) Anticipated benefit to agriculture and to the promotion of commercial exchange between Israel and Texas. (b) Scientific and technological merit and novelty of the research. (c) Feasibility of the objectives. (d) The research plan and its suitability regarding the attainment of the research goals. (e) Cooperative arrangements between the Israeli and Texan investigators. (f) The capability of the investigators and the means at their disposal. (g) The budget requested for the research in relation to its objectives and the proposed time schedule. (h) Other TIE projects in which the investigators are involved. (i) For a continuing project, the relation between this pre-proposal and any former TIE project and justification for continuation, if relevant.

The results of the review panels will be presented to the Board of Directors Joint Scientific Committee through the offices of TIE.

**C2. The Joint Evaluation Panel and Joint Steering Committee.** In the pre-proposal stage, the evaluation panels will prepare a priority-ranked portfolio of evaluated pre proposals for the consideration of the Joint Steering Committee. The top-ranking pre-proposals research groups shall be notified that they are eligible to submit full proposals by December, 15, 1994. Full proposals shall be submitted by January 15, 1995.

In the second stage of evaluation, the Joint Steering Committee will prepare a priority-ranked portfolio of evaluated full research proposals. This portfolio of projects which have been recommended for funding will be presented to the TIE Board of Directors for ratification.

**TARGET TIMELINE FOR 1994-1995:** (1) Submission of pre proposals-December 6, 1994; (2) Notification for preparation of full proposals-December 15, 1994; (3) Submission of full proposals-January 15, 1995; (4) Notification of approval/rejection of grant-February 1, 1995.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450655      Dolores Alvarado Hibbs  
Chief Administrative Law Judge  
Texas Department of Agriculture

Filed: November 8, 1994

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**Office of Attorney General, Workers'  
Compensation Division**  
**Request for Proposal**

The Office of the Attorney General (OAG) Workers' Compensation Division is requesting proposals for consulting services consisting of the following:

- (1). an actuarial analysis of the State of Texas Workers' Compensation Self-Insurance Program as of August 31, 1994, so as to assist in determining prospective funding recommendations for future fiscal periods; and

- (2). recommendations for implementing case reserves in compliance with GASB 10.

This request by the Office of the Attorney General Workers' Compensation Division for consultant services is filed under the provisions of Texas Government Code, Section 2254.028 (formerly Article 6252-11c).

Contact: Parties interested in submitting a proposal and obtaining a complete copy of the RFP should contact Alvin Miller, Director, Workers' Compensation Division, Office of the Attorney General, P.O. Box 13777, Austin, Texas 78711, (512) 475-1440.

Due Date and Submittal Location: Proposals must be received by 2:00 p.m. (CST) on Monday, December 16, 1994, by: Alvin Miller, Director, Workers' Compensation Division, Office of the Attorney General, P.O. Box 13777, Austin, Texas 78711 (512) 475-1440.

Award Procedure: All proposals will be subject to evaluation using the criteria set forth in the RFP. A proposer may be asked to clarify its proposal. The selection of a consultant will be based on demonstrated competence, knowledge and qualifications, and on the reasonableness of the proposed fee for the services. If other considerations are equal, preference will be given to a consultant whose principal place of business is in the State of Texas or who will manage the consulting contract wholly from an office within Texas. The State of Texas and the Office of the Attorney General are committed to providing procurement and contracting opportunities for historically underutilized businesses (HUBs). We encourage HUBs to bid on this procurement and any others for this agency.

The OAG reserves the right to accept or reject any of the proposals received. The OAG is under no legal obligation to execute a resulting contract on the basis of this notice or the distribution of the RFP. Neither this notice nor the RFP commits the OAG to pay for any costs incurred prior to the execution of a contract.

Anticipated Schedule of Events: The anticipated schedule of events is as follows: RFP available for request on November 15, 1994; Deadline for written questions on November 28, 1994; Proposals must be received by 2:00 p.m. CST December 16, 1994; Review of Proposals December 19-23, 1994; Notice of award on December 28, 1994; enter into contract on January 11, 1995, or as soon as possible thereafter.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450649      Jerry Benedict  
Assistant Attorney General  
Office of the Attorney General

Filed: November 8, 1994

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**Office of Consumer Credit  
Commissioner**  
**Notice of Rate Ceilings**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Article 1.04, as amended (Texas Civil Statutes, Article 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	11/14/94-11/20/94	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on November 7, 1994.

TRD-9450697      Leslie L. Pettijohn  
Acting Commissioner

Filed: November 9, 1994

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**Texas Education Agency**  
**Contract Award for Services**

After publication of a request for proposals (RFP) in the August 26, 1994 issue of the *Texas Register* (19 TexReg 6786), the Texas Education Agency (TEA) on November 2, 1994, executed a contract with the Center for Assessment and Demographic Studies, Gallaudet University, Washington D.C. The center will help the TEA Division of Services for the Deaf refine and continue to implement an objective, data-based accountability system for measuring educational outcomes within the regional day school program for the deaf.

The total amount of the contract is \$40,000. The beginning date of the contract was adjusted from October 1, 1994, as

published in the RFP, to September 1, 1994. The ending date of the contract is August 31, 1995.

The delivery date of the final report is October 31, 1995.

Issued in Austin, Texas, on November 9, 1994.

TRD-9450698      Criss Cloudt  
Executive Associate Commissioner for  
Policy Planning and Information  
Management  
Texas Education Agency

Filed: November 9, 1994

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**Texas Department of Health**  
**Licensing Actions for Radioactive  
Materials**

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

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Austin	Seton Medical Center	L02896	Austin	33	10/12/94
Austin	Seton Medical Center	L02896	Austin	34	10/28/94
Bedford	Harris Methodist Hospital - HEB	L02303	Bedford	21	10/13/94
Carrollton	Philips Lighting Company	L03823	Carrollton	7	10/04/94
Commerce	Sherwood Medical	L03314	Commerce	10	10/24/94
Commerce	East Texas State University	L00604	Commerce	31	10/25/94
Corpus Christi	Hoechst Celanese Corporation	L00409	Corpus Christi	54	10/17/94
Corpus Christi	Radiology Associates	L04169	Corpus Christi	12	10/19/94
Corpus Christi	Valero Refining Company	L03360	Corpus Christi	9	10/27/94
Dallas	Methodist Hospitals of Dallas	L00659	Dallas	30	10/19/94
Dallas	NME Hospitals Dallas	L02314	Dallas	30	10/05/94
Dallas	The Dallas Heart Group	L04694	Dallas	4	10/20/94
Dallas	Baylor University Medical Center	L01290	Dallas	31	10/26/94
Dallas	Mallinckrodt, Inc.	L03580	Dallas	22	10/27/94
Deer Park	Quantum Chemical Corporation	L00204	Deer Park	39	10/21/94
Evadale	Temple-Inland Forest Products, Inc.	L01095	Silsbee	39	10/26/94
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	55	10/19/94
Fort Worth	All Saints Episcopal Hospital	L02212	Fort Worth	33	10/27/94
Hallsville	Southwestern Electric Power Company	L03297	Hallsville	9	10/27/94
Houston	Ben Taub General Hospital	L01303	Houston	39	10/11/94
Houston	Mallinckrodt Medical, Inc.	L03008	Houston	37	10/28/94
Karnack	Thiokol Corporation	L00082	Marshall	26	10/20/94
La Grange	Lower Colorado River Authority	L02738	Austin	13	10/14/94
La Porte	E. I. du Pont de Nemours & Company	L00314	La Porte	62	10/20/94
Longview	Good Shepherd Medical Center	L02411	Longview	44	10/05/94
Odessa	Medical Center Hospital	L01223	Odessa	48	10/25/94
Odessa	Medical Center Hospital	L01223	Odessa	49	10/28/94
San Angelo	Concho Valley Regional Hospital	L02343	San Angelo	19	10/20/94
San Antonio	Baptist Memorial Hospital System	L00455	San Antonio	63	10/18/94
San Antonio	Cancer Therapy and Research Center	L01922	San Antonio	38	10/19/94
San Antonio	Advanced Medical Imaging	L04305	San Antonio	9	10/12/94
San Antonio	MedCenter Imaging	L04098	San Antonio	13	10/24/94
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	67	10/27/94
Sea Drift	Union Carbide Corporation	L03105	Port Lavaca	10	10/19/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

The Woodlands	Houston Biotechnology, Inc.	L04029	The Woodlands	4	10/27/94
Throughout Texas	Southwest Research Institute	L00775	San Antonio	50	10/14/94
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	72	10/10/94
Throughout Texas	Conam Inspection, Inc.	L00478	Houston	68	10/19/94
Throughout Texas	Southern Services, Inc.	L02683	Lake Jackson	47	10/18/94
Throughout Texas	Isotag Specialist	L04498	Midland	6	10/18/94
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	39	10/18/94
Throughout Texas	Schlumberger Technology Corporation	L01833	Houston	96	10/17/94
Throughout Texas	McBride-Ratcliff & Associates, Inc.	L02346	Houston	12	10/17/94
Throughout Texas	Century Inspection, Inc.	L00062	Dallas	64	10/20/94
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Aransas Pass	40	10/20/94
Throughout Texas	TERRA-MAR	L03157	Houston	22	10/20/94
Throughout Texas	HQS Inspection Incorporated	L00087	Houston	61	10/21/94
Throughout Texas	Fina Oil and Chemical Company	L03498	Port Arthur	12	10/21/94
Throughout Texas	General Inspection Services	L02319	Houston	26	10/20/94
Throughout Texas	IDM Corporation	L04113	Austin	16	10/24/94
Throughout Texas	Jones Brothers Dirt & Paving Contractors	L04783	Odessa	3	10/24/94
Throughout Texas	Corpus Christi Inspection Engineering, Inc.	L04379	Corpus Christi	34	10/24/94
Throughout Texas	Raba-Kistner Consultants, Inc.	L01571	San Antonio	35	10/13/94
Throughout Texas	GCT Inspection, Inc.	L02378	South Houston	45	10/26/94
Throughout Texas	Pitt-Des Moines, Inc.	L04502	Pittsburgh, PA	7	10/26/94
Throughout Texas	Longview Inspection	L01774	Houston	86	10/26/94
Throughout Texas	Glovier and Associates, Inc.	L02839	Dumas	13	10/27/94
Throughout Texas	Halliburton Energy Services	L03284	Fort Worth	20	10/27/94
Tyler	NuTech Inc.	L04274	Tyler	12	10/28/94
Victoria	EI Du Pont De Nemours & Co., Inc.	L00386	Victoria	62	10/20/94
Victoria	Karl K. Chen, M.D., Ph.D.	L04327	Victoria	3	10/25/94
Waco	Baylor University	L01136	Waco	18	10/13/94
Waller	Progressive Metals	L02831	Waller	34	10/19/94
Weslaco	Knapp Medical Center	L03290	Weslaco	16	10/25/94

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Austin	Robert A. Laibovitz, M.D.	L02246	Austin	7	10/19/94
Mesquite	Medical Center of Mesquite	L02428	Mesquite	20	10/24/94
Round Rock	Round Rock Community Hospital	L03469	Round Rock	16	10/13/94
Sherman	Wilson N. Jones Memorial Hospital	L02384	Sherman	14	10/14/94
Throughout Texas	Houston, Inc.	L04362	Andrews	3	10/27/94

**TERMINATIONS OF LICENSES ISSUED:**

Location	Name	License#	City	Amend- ment #	Date of Action
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Beeville	Samy Y. Ayoub, M.D.	L03293	Beeville	5	10/14/94
El Paso	Oregon Imaging Center	L03979	El Paso	4	10/26/94
Goliad	Goliad County Hospital	L04682	Goliad	1	10/13/94
Midland	The Imaging Center	L03850	Midland	9	10/28/94
San Angelo	Angelo Electric Service Company	L02588	San Angelo	8	10/27/94
San Antonio	Mary H. Arno, M.D.	L03087	San Antonio	5	10/11/94
Throughout Texas	Union Wireline Services, Inc.	L04176	Odessa	4	10/12/94
Throughout Texas	Wireline Services, Inc.	L03732	Tyler	2	10/21/94

**AMENDMENTS TO EXISTING LICENSES DENIED:**

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	0	09/23/94
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	0	10/20/94

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

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

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and

state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on November 2, 1994.

TRD-8450451 Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health

Filed: November 4, 1994

**Notice of Intent to Revoke Certificates of Registration**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Diagnostic Marketing Corporation, Farwell, R16749; Max Medical and Dental, San Antonio, R08814; Fitzsimmons Dental, Inc., Houston, R06676; Wayne A. Wolf, D.D.S., Columbus, R06478; Joseph E. Leal, D.D. S., McAllen, R04646; Kelley Veterinary Clinic, Waxahachie, R20460; Golden Plains Medical Clinic, Borger, R20386; Robert E. Coats, D.O., Seagoville, R19731; Cal-Am Chiropractic Clinic, Houston, R19679; Southwest Houston X-Ray Clinic, Houston, R18899; Spring Oaks Radiology, Houston, R18960; Charles M. Singleton, M.D., San Antonio, R14203; Hendrick Animal Hospital, P.C., Pampa, R12353; Fairfield Veterinary Hospital, Fairfield, R11365.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., 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 or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450626 Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health

Filed: November 8, 1994

### Notice of Intent to Revoke Radioactive Material Licenses

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Carlos Arroyo, M.D., Beaumont, G01549; Laboratory for Genetic Services, Inc., Houston, L04658; Larry McVay Operating Company, Inc., Powell, L04391.

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the licensees for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., 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 or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation

Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450627 Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health

Filed: November 8, 1994

### Texas Department of Human Services Notice of Public Hearing—Capacity Assessment Tool

Senate Bill 236, passed by the 73rd Texas Legislature, directed the Texas Health and Human Services Commission to develop a uniform tool for assessing the decision-making capacity of persons who are elderly, persons with mental retardation, or persons with a developmental disability who reside in facilities regulated by the Texas Department of Human Services (DHS), Texas Department of Health, and the Texas Department of Mental Health and Mental Retardation. The capacity assessment tool is used to recommend referral for guardianship or a recommendation for a surrogate decision maker for informed consent. Capacity to provide informed consent for major medical and dental treatment, use of psychotropic medication, and use of highly restrictive behavior can be assessed with the uniform tool. Capacity to make decisions about activities of daily living, personal safety, management of finances, and management of property can be assessed by the uniform tool to recommend referral for a guardian.

DHS will conduct a public hearing to accept comments on the capacity assessment tool at 10:00 a.m., Thursday, December 22, 1994, in Classroom 1, Second Floor, West Tower, John H. Winters Building, 701 West 51st Street, Austin. Copies of the capacity assessment tool are available from Wendy Francik in DHS's Institutional Policy Section by telephoning (512) 450-3167.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450605 Nancy Murphy  
Section Manager, Media and Policy  
Services  
Texas Department of Human Services

Filed: November 8, 1994

### Notice of Rescheduled Public Hearing—Long-Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

The Texas Department of Human Services (DHS) has rescheduled its public hearing concerning its proposed repeals and new sections in its Long-Term Care Nursing Facility Requirements for Licensure and Medicaid Certification rules. DHS is canceling the hearing originally scheduled for Monday, November 14, 1994. The notice of the public hearing was published in October 25, 1994, issue of the *Texas Register* (19 TexReg 8561). The new date for the hearing is 1:00 p.m., Wednesday, November 30, 1994, in the Public Hearing Room, First Floor, East Tower, John H. Winters Building, 701 West 51st Street, Austin. The purpose of the hearing will be to receive

comments on the rules published in the September 30, 1994, issue of the *Texas Register* (19 TexReg 7765); the October 21, 1994, issue of the *Texas Register* (19 TexReg 8349); and the October 28, 1994, issue of the *Texas Register* (19 TexReg 8589). The proposal combines nursing facility licensure standards and certification requirements into one chapter in compliance with Texas Civil Statutes, Article 4413(502) historical note (Vernon Supplement 1994) (Act of August 9, 1991, 72nd Legislature, First Called Session, Chapter 15, §1.11, 1991 Texas General Laws 298).

Issued in Austin, Texas, on November 4, 1994.

TRD-9450496 Nancy Murphy  
Section Manager, Media and Policy  
Services  
Texas Department of Human Services

Filed: November 4, 1994

## Texas Department of Insurance Company License Applications

The following applications have been filed with the Texas Department of Insurance and are under consideration:

Application for incorporation in Texas for Atlantic Pacific Insurance Inc., a domestic fire and casualty company. The home office is in El Paso, Texas.

Application for name change and conversion to a property and casualty company by Northwestern National Lloyd Insurance Company, a domestic Lloyds company. The proposed new name is Vik Brothers Indemnity Company. The home office is in Austin, Texas.

Application for name change by General Services Life Insurance Company, a foreign life insurance company. The proposed new name is Medco Containment Life Insurance Company. The home office is in Cedar Rapids, Iowa.

Application for name change by Credit General Insurance Company of Texas, a domestic fire and casualty company. The proposed new name is General Auto Insurance Company. The home office is in Fort Worth, Texas.

Application for a name change by Seguros Olmeca, S.A., a Mexican casualty insurance company. The proposed new name is CBI Seguros, S.A. The home office is in Mexico City, Mexico.

Any objections must be filed within 20 days after this notice was filed with the Texas Department of Insurance, addressed to the attention of Cindy Thurman, 333 Guadalupe Street, M/C 305-2C, Austin, Texas 78701.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450497 D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 4, 1994

## Notice

On November 2, 1994, in Order Number 94-1177, the Commissioner of Insurance adopted the Texas Automobile Insurance Association Plan of Operation. Notice of the possible adoption was published in the October 14, 1994, issue of the *Texas Register* (19 TexReg 8239).

For copies of Commissioner's Order Number 94-1177 and the Texas Automobile Insurance Association Plan of Operation, contact Angie Arizpe at (512) 463-6326 (refer to File Number A-1094-23).

Issued in Austin, Texas, on November 8, 1994.

TRD-9450810 D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 8, 1994

## Notices of Hearing

The Texas Department of Insurance proposes new 28 Texas Administrative Code (TAC), §21.1002, which would prohibit the use of unfair underwriting guidelines by private passenger automobile and residential property insurers. Unfair underwriting guidelines are defined as those which are not related to the risk of loss for insuring a hazard (person, property or vehicle) or the expense in issuing or servicing the policy and those which are based, in whole or in part, on race, color, religion, national origin or familial status. The new section is necessary to prevent the unfair practice in the business of insurance by some insurers in using unfair underwriting guidelines. Use of unfair underwriting guidelines causes consumers to either be denied insurance or be placed in insurance companies with higher rates than those companies for which the consumer would otherwise qualify. The new section also provides safe harbors for companies to comply with or determine whether they are in compliance with the rule.

The Department will consider the adoption of new §21.1002 in a public hearing under Docket Number 2125, scheduled for 8:00 a.m. on December 16, 1994, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

The new rule is proposed under Insurance Code, Articles 1.03A, 5.98, and 21.21, §13. Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.21, §13, authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21. Article 5.98 authorizes the Department to adopt reasonable rules that are appropriate to accomplish the purposes of Insurance Code, Chapter 5, including Article 5.09 (prohibiting any distinction or discrimination in favor of an insured having a like hazard, which occurs when an underwriting guideline unrelated to risk or expense is used to place a consumer in a different company within a company group).

Issued in Austin, Texas, on November 7, 1994.

TRD-9450538 D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 7, 1994

The Texas Department of Insurance proposes new 28 Texas Administrative Code (TAC), §21.1004, which would prohibit discrimination on the basis of race, color, religion, or national origin and, to the extent not justified by sound actuarial principles, on the basis of geographic location, disability, sex, or age, in making a decision whether to sell or cancel a policy or certificate of insur-

ance. The new section is necessary to prevent the unfair practice in the business of insurance of using underwriting guidelines based on race, color, religion, or national origin and, to the extent not justified by sound actuarial principles, on the basis of geographic location, disability, sex, or age, in making a decision whether to sell or cancel a policy or certificate of insurance and thereby causing those consumers to either be denied insurance or be placed in insurance companies with higher rates than those companies for which the consumer would otherwise qualify.

The Department will consider the adoption of new §21.1004 in a public hearing under Docket Number 2126, scheduled for 8:00 a.m. on December 16, 1994, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas. The Department encourages any interested party with data or statistical analyses regarding the types of discrimination which are the subject of this rule to provide the Department with that data and statistical analyses at or before the hearing. This request includes, but is not limited to, data and statistical analyses related to whether the types of discrimination meet the three requirements for being "related to risk or expense" set out in proposed §21.1002(c) of this title.

The new rule is proposed under Insurance Code, Articles 1.03A and 21.21, §13. Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.21, §13, authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21.

Issued in Austin, Texas, on November 7, 1994.

TRD-9450539      D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 7, 1994

The Texas Department of Insurance proposes new 28 Texas Administrative Code (TAC), §21.1005, which would prohibit the use of underwriting guidelines by private passenger automobile insurers based on the purchase of types or amounts of coverage in excess of the minimum automobile liability coverage required by law. The new section is necessary to prevent the unfair practice in the business of insurance by some insurers in using underwriting guidelines based on the purchase of types or amounts of coverage in excess of the minimum automobile liability coverage required by law and thereby causing those consumers to either be denied insurance or be placed in insurance companies with higher rates than those companies for which the consumer would otherwise qualify. This rule was proposed in a petition for rule making by James Mallett of Dallas, Texas.

The Department will consider the adoption of new §21.1005 in a public hearing under Docket Number 2127, scheduled for 8:00 a.m. on December 16, 1994, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas. The Department encourages any interested party with data and statistical analyses regarding the underwriting guideline which is the subject of this rule to provide the Department with that data and statistical analyses at or before the hearing. This

request includes, but is not limited to, data and statistical analyses related to whether the underwriting guideline meets the three requirements for being "related to risk or expense" set out in proposed §21.1002(c) of this title.

The new rule is proposed under Insurance Code, Articles 1.03A, 5.98, and 21.21, §13. Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.21, §13, authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21. Article 5.98 authorizes the Department to adopt reasonable rules that are appropriate to accomplish the purposes of Insurance Code, Chapter 5, including Article 5.09 (prohibiting any distinction or discrimination in favor of an insured having a like hazard, which occurs when this underwriting guideline unrelated to risk or expense is used to place a consumer in a different company within a company group).

Issued in Austin, Texas, on November 7, 1994.

TRD-9450540      D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 7, 1994

The Texas Department of Insurance proposes new 28 Texas Administrative Code (TAC), §21.1006, which would prohibit the use by private passenger automobile and residential property insurers of underwriting guidelines involving the credit history of a person or persons applying for insurance. The new section is necessary to prevent the unfair practice in the business of insurance by some insurers in using underwriting guidelines involving the consumer's credit history and thereby causing those consumers to be denied insurance or be placed in insurance companies with higher rates than those companies for which the consumer would otherwise qualify.

The Department will consider the adoption of new §21.1006 in a public hearing under Docket Number 2128, scheduled for 8:00 a.m. on December 16, 1994, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas. The Department encourages any interested party with data and statistical analyses regarding the underwriting guideline which is the subject of this rule to provide the Department with that data and statistical analyses at or before the hearing. This request includes, but is not limited to, data and statistical analyses related to whether the underwriting guideline meets the three requirements for being "related to risk or expense" set out in proposed §21.1002(c) of this title.

The new rule is proposed under Insurance Code, Articles 1.03A, 5.98, and 21.21, §13. Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.21, §13, authorizes the Department to promulgate rules and regulations to accomplish the purposes of Insurance Code, Articles 21.20 and 21.21. Article 5.98 authorizes the Department to adopt reasonable rules that are appropriate to accomplish the purposes of Insurance Code, Chapter 5, including Article 5.09 (prohibiting any distinction or discrimination in favor of an insured having a like hazard,



which occurs when this underwriting guideline, which is unrelated to risk or expense, is used to place a consumer in a different company within a company group).

Issued in Austin, Texas, on November 7, 1994.

TRD-9450541      D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 7, 1994

◆      ◆      ◆

The Texas Department of Insurance proposes new §5.206, which designates geographic areas as underserved for automobile liability insurance for purposes of determining credits to offset an insurer's quota of assignments through the Texas Automobile Insurance Association. The new section is necessary to designate the ZIP Codes within Texas that are underserved and for which policies written in the ZIP Code will give rise to credits under the Plan of Operation for the Texas Automobile Insurance Plan Association.

The Department will consider the adoption of new §5.206 in a public hearing under Docket Number 2129, scheduled for 8:00 a.m. on December 16, 1994 in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas.

The new rule is proposed under Insurance Code, Articles 1.03A and 21.81 §3(e). Article 1.03A authorizes the Commissioner to adopt rules and regulations for the conduct and execution of the duties and functions of the department as authorized by statute. Article 21.81 requires that the Commissioner designate underserved geographic areas by rule.

Issued in Austin, Texas, on November 9, 1994.

TRD-9450709      D. J. Powers  
Chief Clerk and General Counsel  
Texas Department of Insurance

Filed: November 9, 1994

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### Notice of Public Hearing-Promulgation of Title Insurance Premium Rates and Amendments to the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas-Docket Number 2124

Notice is hereby given that a hearing under Docket Number 2124 will be held before the Commissioner of Insurance at 10:00 a.m. on December 12, 1994, and continuing thereafter at dates, times and places designated by the Commissioner until conclusion. The purpose of the hearing will be consideration of the adoption of premium rates and any and all rate rules for the writing of title insurance in Texas and consideration of possible amendments to §9.1 of Title 28 of the Texas Administrative Code and to the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas. The hearing will be held in room 100 of the first floor of the Texas Department of Insurance Building, 333 Guadalupe Street, Austin, Texas 78701.

Authority, Jurisdiction and Statutes and Rules Involved.

The Commissioner of Insurance has jurisdiction over the promulgation of rules and premium rates, over amendments to or promulgation of approved forms, and over other matters set out in this notice pursuant to Texas

Insurance Code, Articles 1.02, 1.04, 9.01, 9.02, 9.07, 9.21, and 9.30, and pursuant to the Texas Administrative Code, Title 28, §9.1 and §9.401.

The procedure of the hearing will be governed by the Rules of Practice and Procedure before the Department of Insurance (Texas Administrative Code, Title 28, Chapter 1, Subchapter A) and the Administrative Procedure Act (Texas Government Code, Chapter 2001).

This docket is not being sent to the State Office of Administrative Hearings (SOAH) for two reasons. First, Texas Insurance Code, Article 9.47 provides that no provision of the Insurance Code or any law enacted after the passage of Article 9.47 (which includes Article 1.33B) shall apply to title insurance unless such subsequent enactment expressly states that it shall apply to title insurance. Article 1.33B, which provides for certain hearings to be held at SOAH, does not expressly mention title insurance, nor is it listed in Article 9.47, §2. Therefore, Article 1.33B does not apply to title insurance.

Second, Article 1.33B (a)(2) provides that Article 1.33B does not apply to a proceeding related to the promulgation of rules. Pursuant to Article 9.07(c), the biennial title hearing relates to both rates and rules. Since the hearing relates, in part, to the promulgation of rules, the hearing is exempt from Article 1.33B. Moreover, SOAH does not have jurisdiction over rule making and could not conduct the rule making portion of this hearing.

Matters to be Considered.

The commissioner will consider testimony presented and information filed by title insurers, title agents, the Office of Public Insurance Counsel and other interested parties relating to the following issues:

1. The adoption of a formula to set title insurance premium rates, the adoption of a Schedule of Basic Premium Rates for Title Insurance, and the division of premium between title insurance underwriters and agents.
2. Submission by Texas Land Title Association to adopt a "Schedule of Basic Premium Rates for Title Insurance" for the calendar year 1995, and to adopt a rating formula or formulae considering the expense and loss experience of the industry, investment income and incorporating appropriate trending methods.
3. Submission by Texas Land Title Association to amend Procedural Rule P-23 and adopt a formula for division of premiums between title insurance agents and companies for the calendar year 1995.
4. Submission by Texas Land Title Association to adopt a new Insured Closing Service Letter form for purchaser and seller.
5. Submission by Texas Land Title Association to adopt a new Procedural Rule P-\_\_ permitting a Company to computer generate or electronically produce a hard copy of any Texas promulgated endorsement form.
6. Submission by Texas Land Title Association to revise Form T-35, Revolving Credit Endorsement to the Mortgage Policy to except bankruptcies and government statutory liens and to clarify that it does not extend the date of the Mortgage Policy.
7. Submission by Texas Department of Insurance to amend the Minimum Escrow Accounting Procedures and Internal Controls, in Section V of the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas. This will strengthen accounting

controls over trust funds held by the industry, and revise the reporting instructions to facilitate better understanding of the minimum standards for trust fund audits thereby increasing the quality of audits.

8. Submission by Texas Department of Insurance to amend the Insured Closing Service form for lenders to include licensed Texas direct operations in addition to licensed Texas agents.

9. Submission by Texas Department of Insurance to amend and add definitions to Procedural Rule P-1 consistent with legislative requirements.

10. Submission by Texas Department of Insurance to amend Procedural Rule P-34 due to the repeal of Article 9.37.B(5).

11. Submission by Texas Department of Insurance to amend the Arbitration Provisions in Procedural Rule P-36, Form T-1, Owner Policy of Title Insurance, Form T-2, Mortgagee Policy of Title Insurance, and Commitment for Title Insurance form to provide for consistency in punctuation, spelling and grammar and correct typographical errors in previous amendments to the rule and forms, and to amend Commitment for Title Insurance form to correct an omission of the words "is furnished" in Schedule B, Exceptions from Coverage, number 7, and to amend the forms for Mortgagee Title Policy on Interim Construction Loan and the Immediately Available Funds Procedure Agreement to reflect the elimination of State Board of Insurance.

12. Submission by Texas Department of Insurance to amend Form T-40, Texas Title Insurance Proof of Loss Form to include a jurat.

13. Submission by Texas Department of Insurance to amend Form T-20, Owner Title Policy Commitment to the Texas State Highway Department and the Owner Title Policy Commitment for Eminent Domain Proceedings form to reflect the name change of the Texas State Highway Department to the Texas Department of Transportation and the elimination of State Board of Insurance.

14. Submission by the Office of Public Insurance Counsel to amend Procedural Rule P-2 and adopt new Procedural Rule P-41 to require title insurers to accept an affidavit by the mortgagor in lieu of a current survey.

The Department's Title Agents Statistical Report for calendar year 1993 may be obtained from Publications, Mail Code 999, P.O. Box 149104, Austin, Texas 78714-9104. The report may be obtained in either hard copy or computer diskette for \$5.40 each. Complete copies of the requested rule changes in paragraphs 2 through \_\_\_ may be obtained from the Office of the Chief Clerk, Mail Code 113-2A, P.O. Box 149104, Austin, Texas 78714-9104.

#### Motions for Admission as a Party.

Anyone who wishes to participate in the hearing as a party must file a motion for admission as a party by 5:00 p.m. on November 28, 1994.

#### Pre-Hearing Conference.

An initial pre-hearing conference will be held at 4:00 p.m. on November 30, 1994, in room 100 of the first floor of the Texas Department of Insurance Building, 333 Guadalupe Street, Austin, Texas 78701. The pre-hearing conference will be held for the following purposes:

- (1) ruling on the motions for admission of parties;
- (2) setting the procedural deadlines for discovery, motions, and prefiled testimony; and
- (3) such other matters as may aid in the simplification of the proceedings.

Subsequent pre-hearing conferences will be scheduled as necessary to rule on other matters as may aid in the simplification of the proceedings.

#### Conduct of the Hearing.

Each page of any exhibit offered in evidence at a hearing before the Department of Insurance, including prefiled testimony, must be numbered consecutively at the center of the bottom margin, be on 8-1/2" by 11" paper, and must be three-hole-punched along the left margin. The front page of each exhibit should indicate that the exhibit would be part of the record of a public hearing before the Department of Insurance and should identify the subject of the hearing, the docket number, the date of the hearing, and the party offering the exhibit. On the front page, the party offering the exhibit should also describe the exhibit and leave a space for numbering the exhibit. For example:

### FIGURE 1: Conduct of the Hearing

#### Public Hearing before the Department of Insurance

Subject of Hearing: Promulgation of Title Insurance Premium Rates and Amendments to the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas

Docket No. 2124

Date: \_\_\_\_\_

Party: \_\_\_\_\_

Exhibit # \_\_\_\_\_

Description of Exhibit \_\_\_\_\_

Parties offering exhibits into evidence at the hearing should be prepared with sufficient copies of each proposed exhibit to furnish the following:

1. the original exhibit, which will be tendered to the Commissioner for marking and retention for the official record, after which the attorneys shall use an exact photocopy of such marked exhibit in the examination of the witness;

2. one copy each for every other party admitted to the hearing.

#### Prefiled Testimony.

Parties who intend to offer evidence at the hearing must prepare their direct and rebuttal testimony in writing for incorporation into the record in lieu of live direct and rebuttal testimony at the hearing. Testimony shall be pre-filed for both fact and expert witnesses. All pre-filed testimony shall include an affidavit verifying the truth and accuracy of the testimony. The party offering the testimony of a fact witness must identify the witness as a fact witness at the time the testimony is filed.

Each witness may take up to fifteen minutes to summarize his or her prefiled testimony. No other live direct or rebuttal testimony will be permitted, unless for good cause shown. Good cause exists when the party could not have reasonably anticipated the need for the testimony and shows that the party will not gain an unfair advantage if the testimony is permitted. A party offering a witness shall be permitted to allow the witness to identify himself or herself, identify the pre-filed direct and/or rebuttal testimony, state that the statements made in the prefiled testimony are true, and provide a summary of the prefiled testimony of no longer than 15 minutes. The witness shall then be offered for cross-examination.

The deadline for the filing of direct testimony is 5:00 p.m. on December 2, 1994. The deadline for the filing of rebuttal testimony 5:00 p.m. on December 8, 1994. Pre-filed testimony shall include any exhibits referred to in the testimony or that will be offered by the party as part of its direct or rebuttal case. No late-filed or supplemental direct or rebuttal testimony will be permitted without a showing of good cause and a showing that the party will not gain an unfair advantage if the late-filed or supplemental testimony is permitted.

Objections to pre-filed direct testimony shall be filed by 5:00 p.m. on December 8, 1994. Objections to pre-filed rebuttal testimony may be made at the time the testimony is offered for inclusion in the record.

Parties who do not present direct or rebuttal testimony shall file a statement of position by 5:00 p.m. on December 8, 1994.

All deadlines in this notice are subject to change at the Commissioner's discretion to the extent permitted by statute and rule.

In contested cases, all parties are entitled to the assistance of their counsel before administrative agencies. This right may be expressly waived.

Issued in Austin, Texas, on November 3, 1994.

TRD-9450417      D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 3, 1994

### Third Party Administrator Applications

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

Application for incorporation in Texas for Tarrant Health Care Association, a domestic third party administrator. The home office is in Fort Worth, Texas.

Application for admission to Texas for CTI Administrators, Inc., a foreign third party administrator. The home office is in Des Moines, Iowa.

Application for admission to Texas for Reinsurance Management, Inc. (doing business under the assumed name of Managed Health Funding Insurance Administrators), a foreign third party administrator. The home office is in Woodland Hills, California.

Application for admission to Texas for Managed Access Risk Corporation, a foreign third party administrator. The home office is in Phoenix, Arizona.

Application for admission to Texas for Anthem Benefit Services, Inc., a foreign third party administrator. The home office is in Indianapolis, Indiana.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe Street, Austin, Texas 78714-9104.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450645      D. J. Powers  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: November 8, 1994

### Legislative Budget Board

#### Tax Relief Amendment Implementation- Limit on Growth of Certain State Appropriations

Article VIII, §22, Texas Constitution, approved by the voters in November 1978, states that: In no biennium shall the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the estimated rate of growth of the state's economy. The Legislature shall provide by general law procedures to implement this subsection. This provision does not alter, amend, or repeal Article III, §49a, of the Texas Constitution, the well known "pay-as-you-go" provision. To implement this provision of the Texas Constitution, the Sixty-sixth Legislature enacted Article 9, Chapter 302, Laws 1979 (Texas Government Code, §316) which placed with the Legislative Budget Board the responsibility for initial approval of a limitation on the growth of certain state appropriations. A part of the procedure for approving the limitation is set forth in §316.003 and §316.004 as follows: §316.003. Before the Legislative Budget Board approves the items of information required by §316.002, the board shall publish in the *Texas Register* the proposed items of information and a description of the methodology and source used in the calculations. Section 316.004. Not later than December 1 of each even-numbered year, the Legislative Budget Board shall hold a public hearing to solicit testimony regarding the proposed items of information and the methodology used in making the calculations required by §316.002. The items of information mentioned above are identified as follows in §316.002.

- (1). the estimated rate of growth of the state's economy from the current biennium to the next biennium;
- (2). the level of appropriations for the current biennium from state tax revenues not dedicated by the constitution, and

(3). the amount of state tax revenues not dedicated by the constitution that could be appropriated for the next biennium within the limit established by the estimated rate of growth of the state's economy. In this memorandum, each item of information is taken up in the order listed previously. Estimated Rate of Growth of the State's Economy A definition of the "estimated rate of growth of the state's economy" is set forth in paragraph (b) of §316.002 in the following words.

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

(c). If a more comprehensive definition of the rate of growth of the state's economy is developed and is approved by the committee established by §316.005, the board may use that definition in calculating the limit on appropriations. The Commerce Department's Bureau of Economic Analysis defines state personal income as follows: "...the income received by persons from all sources, that is, from participation in production, from both government and business transfer payments, and from government interest. Personal income is the sum of wage and salary disbursements, other labor income, proprietors' income, rental income of persons, personal dividend income, personal interest income and transfer payments, less personal contributions for social insurance. Table 1 displays the Commerce Department's personal income account for Texas for calendar year 1993. The largest component of Texas personal income is wage and salary disbursements, estimated at \$205.2 billion during calendar 1993. Salary and wage disbursements are added with other labor income—primarily employer contributions to private pensions and welfare funds—and proprietors' income to arrive at total earnings by place of work. Texas total earnings by place of work reached an estimated \$270.8 billion in calendar 1993. In deriving Texas total personal income, two adjustments are made to total earnings by place of work. Personal contributions for social insurance contributions—principally social security payroll taxes paid by employees and self-employed—are deducted. A place-of-resident adjustment is also made to reflect the earnings of workers who cross state borders to live or work. Dividends, interest and rent income are then added, along with transfer payments. The major types of transfer payments include social security, various retirement and unemployment insurance benefits, welfare, and disability and health insurance payments. Texas total personal income is estimated to be \$353.3 billion for calendar 1993. The U.S. Department of Commerce reports personal income estimates by calendar quarter and year. Since the state's fiscal year begins on September 1 and ends August 31, an adjustment is required to present these data on a biennial basis. The Legislative Budget Board uses the data for the first three calendar quarters of a year plus the fourth quarter of the preceding year to represent the state's fiscal year. A biennium is the sum of two fiscal years. The historical record of the rate of growth in Texas personal income for the past fifteen completed biennia using data published by the U.S. Department of Commerce is shown in Table 4. Forecasting Texas Personal Income In reviewing standard statistical techniques for forecasting or projecting Texas personal income, the Legislative Budget

Board has obtained the latest economic forecasts from the following sources:

- (1). Perryman Consulting, Inc.,
- (2). the Texas Comptroller of Public Accounts, and
- (3). Data Resources, Inc.. These forecasts are based on econometric models developed and maintained by the forecasting services listed. While each forecasting service brings its own approach to the development of economic projections, there are several characteristics common to the econometric models from which the Texas total personal income estimates are derived. First, each assumes that the U.S. economy is the driving force behind Texas economic activity. As a result, forecasts of U.S. economic variables are needed to drive each model. Secondly, each of the econometric models is structural in nature, representing certain assumptions about the structure of the Texas economy, consistent with economic theory. Structural models normally entail detailed modeling of key sectors of the state's economy, followed by statistical testing to establish relationships with other sectors of the economy. Previous memoranda published on the constitutional limit include more detailed discussion of the forecasting methods used. See the following issues of the *Texas Register*: (5 TexReg 4272), (7 TexReg 3727), (9 TexReg 5219), (11 TexReg 4590) and (13 TexReg 4599), (15 TexReg 6876), (17 TexReg 7700). Table 2 details the Texas personal income growth rates of the various forecasting services for the 1996-1997 biennium over the 1994-1995 biennium. These forecasts range from 1.1225 or 12.95 percent to 1.1556 or 15.56 percent. Table 5 outlines briefly the sources and dates for the Texas personal income growth rates presented in Table 2. The personal income growth rates shown in Table 2 or any more recent forecasts will be presented to the Legislative Budget Board for its consideration in adopting this item of information. The Board is not limited to one or any combination of the growth rates shown in adopting a Texas personal income growth rate for the 1996-1997 biennium. Appropriations from State Tax Revenue Not Dedicated by the Constitution—1994-1995 Biennium The amount of appropriations from state tax revenue not dedicated by the Constitution in the 1994-1995 biennium—the base biennium—is the second item of information to be determined by the Legislative Budget Board. As of November 7, 1994, the staff estimates this amount to be \$31,210,544,112. This item multiplied by the estimated rate of growth of Texas personal income from the 1994-1995 biennium to the 1996-1997 biennium produces the limitation on appropriations for the 1996-1997 biennium under Article VIII, §22, of the Texas Constitution. Calculating the 1996-1997 Limitation The limitation on appropriations of state tax revenue not dedicated by the State Constitution in the 1996-1997 biennium may be illustrated by selecting a growth rate and applying it to the 1994-1995 appropriations base. This is shown in Table 3, using the lowest and highest growth rates shown in Table 2. Depending on which personal income growth rate is adopted, current estimates suggest a limitation on 1996-1997 biennial appropriations from non-dedicated state taxes ranging from \$35.3 billion to \$36.1 billion. Method of Calculating the 1994-1995 Appropriations from State Tax Revenue not Dedicated by the Constitution The amount of appropriations from state tax revenue not dedicated by the Constitution in the 1994-1995 biennium—the base biennium—is the second item of information to be determined by the Legislative Budget Board. As of October 15, 1994, the staff estimates this item to be

\$31,210,544,112. This section details the sources of information used in this calculation. Total appropriations for the 1994-1995 biennium include those in the General Appropriations Act, Senate Bill Number 5, 73rd Legislature plus any additional appropriations made in legislation passed by the 73rd Legislature for the 1994-1995 biennium. Any subsequent appropriations made by the 74th Legislature for the 1994-1995 biennium would also be included in total appropriations. Section I of Table 6, shows for General Revenue Related Funds the total amount of appropriations, the amount financed from constitutionally dedicated tax revenue, from non-tax revenue and the remainder—the amount financed from tax revenue not dedicated by the Constitution—which is the amount subject to the limitation. General Revenue Related Funds include General Revenue as well as the Available School Fund, the State Textbook Fund, and the Foundation School Fund. The Mixed Drinks Gross Receipts Tax Fund and State Board of Insurance maintenance taxes which affect the limitation are also included in the calculation of the limitation.

#### I. General Revenue Related Funds

A. Appropriations are classified in this table as the following:

- (1). revenue allocations;
- (2). priority allocations;
- (3). line item appropriations; and
- (4). related appropriations.

##### 1. Revenue allocations:

a. The State Parks Account receives the portion of the sales tax imposed on the sale, storage, or use of sporting goods. For the 1994-1995 biennium, this amount is equal to one cent per pack of the cigarette tax. The amount shown is calculated, based on the actual transfer in fiscal year 1994 and the estimated cigarette tax for 1995.

b. Texas Recreation and Parks also receives the portion of the sales tax imposed on the sale, storage, or use of sporting goods. For the 1994-1995 biennium, this amount is equal to one cent per pack of the cigarette tax. The amount is calculated based on actual 1994 revenues plus the estimated cigarette tax for 1995.

c. The amounts for restricted fees collected by the Health Department are based on actual 1994 fees and estimated appropriations for fiscal year 1995 shown on page II-31 and in rider 6, page II-32 of Senate Bill 5.

d. The amount of Hotel-Motel tax allocated to the Department of Commerce is based on actual 1994 revenues and estimated revenue for 1995.

##### 2. Priority Allocations:

a. The estimated transfer to the Teacher Retirement System is based on actual 1994 state contributions and estimated appropriations for 1995 as shown on page III-29 of Senate Bill 5. It should be noted that state contributions for the final three months of fiscal year 1995 will be delayed to the next biennium resulting in lower appropriations for fiscal years 1994-1995.

b. The appropriated state contribution for the Optional Retirement Program is based on actual 1994 state contributions and the 1995 appropriation as shown in Senate Bill 5, P. III-29.

3. Line Item Appropriations: Each of these items under the subheading "estimated-to-be" may change under certain circumstances. For purposes of this calculation, the fiscal year 1994 amounts are based on actual 1994 expenditures. Amounts for 1995 are taken from Senate Bill 5. The amount shown for the Employees Retirement System includes the financing from the General Revenue Fund, the Comptroller's Operating Fund, and that portion of the Department of Human Services' Welfare Administration Operating Fund financed by transfers from the General Revenue Fund. The figure shown for "All Other Line Items" is the difference between total appropriations and the items listed separately. (See Table 7.)

##### 4. Related Appropriations:

a. Contingency appropriation rider 161, as shown on page V-106, Senate Bill 5, appropriates \$100 million to the Central Education Agency for the purposes of supplementing funding for the Foundation School Program.

b. Senate Bill 1243 provides for the transfer of \$120 million from General Revenue to the Petroleum Storage Tank Remediation Fund for the purpose of paying reimbursement claims against the fund and the administration expenses of the fund.

B. Source of Funding—General Revenue: Table 6, Part B shows that of the \$36,492,265,237 of General Revenue Fund appropriations, \$30,988,275,516 is subject to the limitation because it is financed from state tax revenue not dedicated by the Constitution. By subtracting the appropriations financed from the known sources listed in items one through six from the total of \$36,492,265,237, it can be established that appropriations totaling \$34,592,898,988 remain to be financed (see item 6). Dedicated state tax revenues deposited in the General Revenue Fund are estimated to total \$611,120,000 during the 1994-1995 biennium. Appropriations from the General Revenue Fund financed from non-tax revenue are estimated at \$4,892,869,721 for the 1994-1995 biennium. (See third column.) General Revenue Fund appropriations to be financed from non-dedicated tax revenue are shown in column four. This amount totals \$30,988,275,516 for the 1994-1995 biennium.

C. Source of Funding—Available School Fund: The transfer from motor fuel taxes originates with tax revenue dedicated to public schools by the Texas Constitution. Interest and dividend income is earned from the investment activity of the Permanent School Fund and is classified as non-tax revenue. The Comptroller's 1993 Annual Report showed a beginning cash balance of \$37,740,000 for fiscal year 1994. Subtracting the accrued interest of \$18,872,000 leaves an effective beginning balance of \$18,868,000.

D. Source of Funding—State Textbook Fund 003: The State Textbook Fund retains interest on its deposits and receives income from the sale of used textbooks. The revenue received by the Fund is deducted from the textbook appropriation in determining how much Available School Fund revenue must be transferred in order to fund the textbook program. The revenue for the 1994-1995 biennium is based on actual 1994 revenues and estimated revenue for fiscal year 1995.

E. Source of Funding—Foundation School Fund 193: In addition to the occupation tax transfers shown under the General Revenue Fund, the Foundation School Fund re-

ceives a distribution of escheated estate income and revenues from certain professional fees each year.

II. **Mixed Drinks Gross Receipts Fund 068.** The state levies a fourteen percent gross receipts tax on the sale of mixed drinks, of which 78.57% is deposited into the General Revenue Fund and the remaining 21.43 percent is distributed among the cities and counties in which the sale occurred. The local share of this tax is included as an appropriation from tax revenue not dedicated by the Constitution.

III. **Board of Insurance Taxes.** There are a number of taxes paid by insurance companies, the rates of which are set by the Board of Insurance with the statutory intent of producing the revenue necessary to help pay the administrative costs of the Board. Over a period of years, the revenue from these taxes should match the portion of the

Board's administrative costs that is subject to the limitation on the growth of appropriations. In specific years this match may be imperfect because of additions to or reductions in balances in the various funds controlled by the Board. The amount shown is based on actual 1994 revenues and estimated 1995 maintenance tax collections. Grand Total A grand total of \$39,259,409,317 in 1994-1995 biennial appropriations is included in this analysis. Of this amount, \$1,540,281,994 is financed out of taxes dedicated by the State Constitution. Another \$6,508,583, 211 is financed out of non-tax revenue. The remaining \$31,210,544,112 is financed out of tax revenue not dedicated by the State Constitution. This is the amount which serves as a base for calculating the limitation on 1996-1997 biennial appropriations from non-dedicated state taxes, as required by Article VIII, §22, of the Texas Constitution.

**TABLE 1**  
**U.S. DEPARTMENT OF COMMERCE PERSONAL**  
**INCOME ACCOUNT FOR TEXAS, CALENDAR YEAR 1993**  
(In Millions of Current Dollars)

	Amount	Percent of Total
<b>Earnings by Place of Work</b>		
Wage and Salary Disbursements	\$205,185	75.8%
Other Income	25,551	9.4
Proprietors' Income		
Farm	\$ 4,079	
Nonfarm	<u>36,009</u>	
Subtotal	<u>40,088</u>	<u>14.8</u>
<b>Total Earnings by Place of Work</b>	<b>\$270,824</b>	<b>100.0%</b>
<b>Derivation of Total Personal Income</b>		
Earnings by Place of Work (from above)	\$270,824	
Less: Personal Contribution for Social Insurance	16,017	
Plus: Adjustment for Residence	<u>-676</u>	
<b>Equals: Net Earnings by Place     of Residence</b>	<b>\$254,131</b>	<b>71.9</b>
Plus: Dividends, Interest and Rent	46,569	13.2
Plus: Transfer Payments	<u>52,570</u>	<u>14.9</u>
<b>Total Personal Income</b>	<b><u>\$353,269</u></b>	<b><u>100.0%</u></b>

*Source: U.S. Department of Commerce, Bureau of Economic Analysis, Quarterly Personal Income By Major Source and Earnings by Industry, October 1994. Totals may not add due to rounding.*

**TABLE 2**  
**ESTIMATED GROWTH RATES FOR TEXAS PERSONAL INCOME**  
**USING THREE ECONOMETRIC MODELS**  
**1994-95 BIENNIUM TO 1996-97 BIENNIUM**

<b>Source of Forecast</b>	<b>1996-97 Texas Personal Income Growth Rate</b>
1. Perryman Consulting, Inc.	1.1556
2. Comptroller of Public Accounts	1.1398
3. Data Resources, Inc. (DRI)	1.1295

**Note:** The growth rates shown above can be interpreted in percentage terms. For example, the growth rate of 1.1295 for the DRI forecast of Texas personal income indicates estimated personal income growth of 12.95% for the 1996-97 biennium.



**TABLE 3**  
**TWO ILLUSTRATIONS OF A POSSIBLE**  
**LIMIT ON 1996-97 BIENNIUM APPROPRIATIONS**  
**OF STATE TAX REVENUE NOT DEDICATED BY**  
**THE TEXAS CONSTITUTION**

1. 1994-95 Base	\$ 31,210.5	\$ 31,210.5
2. Illustrative Growth Rates	<u>X 1.1295</u>	<u>X 1.1556</u>
3. 1996-97 Limitation on Growth in Appropriations	<u>\$ 35,253.6</u>	<u>\$ 36,066.9</u>

**TABLE 4**  
**BIENNIUM-TO-BIENNIUM GROWTH RATES IN TEXAS PERSONAL INCOME**  
**1960-61 TO 1992-93 BIENNIA**

<b>Base Biennium</b>	<b>Target Biennium</b>	<b>Growth Rate</b>	<b>Percent Increase</b>
1960-61	1962-63	1.102	10.2%
1962-63	1964-65	1.131	13.1
1964-65	1966-67	1.187	18.7
1966-67	1968-69	1.225	22.5
1968-69	1970-71	1.199	19.9
1970-71	1972-73	1.219	21.9
1972-73	1974-75	1.291	29.1
1974-75	1976-77	1.285	28.5
1976-77	1978-79	1.313	31.3
1978-79	1980-81	1.332	33.2
1980-81	1982-83	1.234	23.4
1982-83	1984-85	1.156	15.6
1984-85	1986-87	1.079	7.9
1986-87	1988-89	1.106	10.6
1988-89	1990-91	1.152	15.2
1990-91	1992-93	1.123	12.3

**TABLE 5**  
**SUMMARY OF SOURCES AND METHODS FOR**  
**TEXAS PERSONAL INCOME GROWTH RATES FOR THE**  
**1996-97 BIENNIUM**

Source	Type of Forecast	Date
1. Perryman Consulting, Inc.	Econometric	Fall 1994
2. Comptroller of Public Accounts	Econometric	Fall 1994
3. Data Resources, Inc.	Econometric	Fall 1994

Source: Compiled by the Legislative Budget Board, November 1994.

**TABLE 6**  
**1994-95 BIENNIAL APPROPRIATIONS**  
**INCLUDED IN THE CALCULATION OF**  
**THE LIMITATION BASE**

	<u>1994-1995</u> <u>Appropriations</u>
<b>I. General Revenue Fund</b>	
<b>A. Appropriations</b>	
<b>1. Revenue Allocation</b>	
a. State Parks Fund 64	\$ 25,738,586
b. Local Parks Fund 467	25,738,586
Subtotal (Parks)	\$ 51,477,172
c. Restricted Fees-Department of Health	\$ 14,933,445
d. Hotel-Motel Tax to Department of Commerce	<u>\$ 24,881,632</u>
Subtotal (Revenue Allocations)	<u>91,292,249</u>
<b>2. Priority Allocations</b>	
a. Teacher Retirement System Fund 960	
(1) Retirement Program	\$ 1,636,693,743
(2) Retired Employees Group Insurance Program	114,898,826
b. Optional Retirement Program Fund 963	<u>281,843,813</u>
Subtotal (Priority Allocations)	<u>\$ 2,033,436,382</u>
<b>3. Line Item Appropriations</b>	
a. Appropriations "estimated to be"	
(1) Employees Retirement System	\$ 1,224,731,995
(2) Voter Registration	579,217
(3) Ranger Pensions	47,200
(4) Judiciary (Comptroller's Department)	96,358,073
(5) Comptroller: Social Security	851,178,579
(6) Physical Therapy Examination	180,000
(7) Department of Criminal Justice, Windham Schools	159,591,460
(8) School Lunch Program	1,273,591,922
(9) State Schools	1,853,214
(10) Incentive Aid	3,504,100
(11) National Research Laboratory Bond Service	85,119,216
(12) County Taxes - University Lands	4,029,109
(13) Solid Waste Disposal	46,803,716
b. All Other Line Items	32,952,511,289
Subtotal, ("Estimated to be")	<u>\$36,700,079,090</u>

**TABLE 6**  
**1994-95 BIENNIAL APPROPRIATIONS**  
**INCLUDED IN THE CALCULATION OF**  
**THE LIMITATION BASE**  
(continued)

4. Related Appropriations		
a. Foundation School Program	\$ 100,000,000	
b. Petroleum Storage Tank Fund	10,000,000	
Subtotal (Related Appropriations)		<u>\$ 220,000,000</u>
SUBTOTAL (General Revenue Related Fund Appropriations)		<u>\$39,044,807,721</u>

	<u>Total Appropriations</u>	<u>Dedicated State Tax Revenues</u>	<u>Non Tax Revenues</u>	<u>Non-Dedicated State Tax Revenue</u>
<b>B. Source of Funding - General Revenue</b>				
1. Parks	\$ 51,477,172			\$ 51,477,172
2. Restricted Fees	14,933,445		14,933,445	
3. Occupation Tax Revenue for Public Schools	1,777,967,000	611,120,000		\$ 1,166,847,000
4. Hotel-Motel Tax to the Department of Commerce	24,881,632			24,881,632
5. Motor Fuels (unclaimed motorboat refunds)	30,107,000			30,107,000
6. Appropriations from Other Revenue	<u>34,592,898,988</u>	<u>0</u>	<u>4,877,936,276</u>	<u>29,714,962,712</u>
SUBTOTAL (General Revenue)	<u>\$36,492,265,237</u>	<u>\$ 611,120,000</u>	<u>\$ 4,892,869,721</u>	<u>\$ 30,988,275,516</u>

**TABLE 6**  
**1994-95 BIENNIAL APPROPRIATIONS**  
**INCLUDED IN THE CALCULATION OF**  
**THE LIMITATION BASE**  
 (continued)

	<u>Total</u> <u>Appropriations</u>	<u>Dedicated</u> <u>State Tax</u> <u>Revenues</u>	<u>Non Tax</u> <u>Revenues</u>	<u>Non-Dedicated</u> <u>State Tax</u> <u>Revenue</u>
<b>C. Source of Funding - Available School Fund</b>				
1. Transfer from Motor Fuels Taxes	\$ 936,829,994	\$ 929,161,994		\$ 7,668,000
2. Investment Income and Non-Tax Revenue	1,513,957,545		1,513,957,545	
3. Beginning Balance of A.S.F. No. 002	<u>18,868,000</u>		<u>18,868,000</u>	
Subtotal (Available School Fund)	<u>\$ 2,469,655,539</u>	<u>\$ 929,161,994</u>	<u>\$ 1,532,825,545</u>	<u>\$ 7,668,000</u>
<b>D. Source of Funding - State Textbook Fund</b>				
	<u>7,880,000</u>		<u>7,880,000</u>	
<b>E. Source of Funding - Foundation School Fund</b>				
Beginning Balance (unencumbered)	<u>75,006,945</u>		<u>75,006,945</u>	
	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal (Fund 193)	<u>\$ 75,006,945</u>	<u>\$ 0</u>	<u>\$ 75,006,945</u>	<u>\$ 0</u>
<b>II. Mixed Drinks Gross Receipts Tax Fund 068 (Grants to Cities &amp; Counties only; General Revenue Transfer shown above)</b>				
3777 Voided Warrants	104,642,231			104,642,231
	<u>\$ 1,000</u>		<u>\$ 1,000</u>	
Subtotal	<u>\$ 104,643,231</u>	<u>0</u>	<u>1,000</u>	<u>\$ 104,642,231</u>
<b>III. Board of Insurance Taxes</b>				
	<u>\$ 109,958,365</u>	<u>0</u>	<u>0</u>	<u>\$ 109,958,365</u>
<b>GRAND TOTAL</b>	<u>\$ 39,259,409,317</u>	<u>\$ 1,540,281,994</u>	<u>\$ 6,508,583,211</u>	<u>\$ 31,210,544,112</u>

**TABLE 7**  
**CALCULATION OF "ALL OTHER LINE ITEMS"**  
**FOR THE 1994-95 BIENNIUM**

	<u>1994</u>	<u>1995</u>	<u>1994-95</u> <u>Biennium</u>
General Revenue Related "Recap" Amount (Adjusted Appropriations Total)	\$ 19,831,512,390	\$ 19,009,391,608	\$ 38,840,903,998
Less:			
Compensatory Education Adjustment	(10,700,000)	(14,877,729)	(25,577,729)
Plus (Additional Adjustments)			
Dedicated Motor Vehicle Tax Certificates	26,970,000	27,240,000	54,210,000
Article V - Section 155	<u>15,200,000</u>	<u>0</u>	<u>15,200,000</u>
Adjusted Appropriations Total	19,862,982,390	19,021,753,879	38,884,736,269
Less:			
State Parks Fund 064 Transfer (SB 5, Article I-239)	13,500,000	13,500,000	27,000,000
State Parks Fund 467 Transfer (SB 5, Article I-239)	13,500,000	13,500,000	27,000,000
Health Department Fees (SB 5, Article II-31)	6,418,776	6,262,358	12,681,134
Hotel-Motel Tax to Dept. of Commerce (SB 5, Article I-53)	11,466,522	11,818,380	23,284,902
Teacher Retirement System Fund 960 (SB 5, Article III-29)	939,950,750	741,373,715	1,681,324,465
Texas Public School Retired Employee Group Insurance Program (SB 5, Article III-29)	56,450,625	59,273,156	115,723,781
Optional Retirement Program (SB 5, Article III-29)	136,817,385	145,026,428	281,843,813
Employees Retirement System (SB 5, Article I-101 & I-105)	650,409,643	610,413,286	1,260,822,930
Voter Registration (SB 5, Article I-67)	3,000,000	500,000	3,500,000
Ranger Pensions (SB 5, Article I-71)	30,000	30,000	60,000
Judiciary (Comptroller's Dept.) (SB 5, Article IV-26)	40,826,499	40,826,499	81,652,998
Comptroller: Social Security (SB 5, Article I-65)	410,794,463	422,106,354	832,900,817
Physical Therapy Examination (SB 5, Article I-252)	90,000	90,000	180,000
Dept. of Criminal Justice, Windham Schools (SB 5, Article III-6)	76,985,730	82,605,730	159,591,460

**TABLE 7**  
**CALCULATION OF "ALL OTHER LINE ITEMS"**  
**FOR THE 1994-95 BIENNIUM**  
 (continued)

School Lunch Program (SB 5, Article III-7)	603,795,961	669,795,961	1,273,591,922
State Schools (SB 5, Article III-16)	926,607	926,607	1,853,214
Incentive Aid (SB 5, Article III-16)	1,752,050	1,752,050	3,504,100
National Research Laboratory Bond Service (SB 5, Article III-61)	41,680,613	43,438,603	85,119,216
County Taxes - University Lands (SB 5, Article I-71)	2,950,000	1,050,000	4,000,000
Solid Waste Disposal (SB 5, Article I-219)	28,482,228	28,108,000	56,590,228
Subtotal, Line Items Shown Separately	<u>3,039,827,852</u>	<u>2,892,397,128</u>	<u>5,932,224,980</u>
Total, Other Line Items	<u>\$ 16,823,154,538</u>	<u>\$ 16,129,356,751</u>	<u>\$ 32,952,511,289</u>

Issued in Austin, Texas, on November 9, 1994.

TRD-9450701      John Keel  
 Director  
 Legislative Budget Board

Filed: November 9, 1994

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**Texas Department of Mental Health  
 and Mental Retardation**

**Announcement of State Plan Amendment**

The Texas Department of Mental Health and Mental Retardation (TDMHMR) announces its intention to submit Amendment Number 459, Transmittal Number 94-30 to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The amendment describes the reimbursement methodology for inpatient hospital services to individual 65 years old or older residing in an institution for mental diseases (IMD). Copies of the amendment are available for public inspection at the Office of Policy Development, 909 West 45th Street, Austin, or by contacting Linda Logan, director, Policy Develop-

ment, P. O. Box 12668, Austin, Texas 78711-2668, (512) 206-4516.

Issued in Austin, Texas, on November 9, 1994.

TRD-9450804      Ann Utley  
 Chair, Texas MHMR Board  
 Texas Department of Mental Health and  
 Mental Retardation

Filed: November 9, 1994

◆            ◆            ◆

**Texas Natural Resource Conservation  
 Commission**

**Enforcement Orders**

An agreed enforcement order was entered regarding Alamo Drum Company, Docket Number 94-0580-IHW-E (SWR Number 31347) on October 28, 1994, assessing \$3,200 in administrative penalties with \$400 deferred.

Information concerning any aspect of this order may be obtained by contacting Laura Ray, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0674.



An agreed enforcement order was entered regarding Carroll Petroleum Company, Docket Number 94-0462-PST-E/Enforce ID E10753 (TNRCC Facility ID 38348) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Central Power and Light Company, Docket Number 94-0463-PST-E/Enforce ID E10626 (TNRCC Facility ID 32114) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Chevron USA, Inc. Refinery-Port Arthur, Docket Number 94-0586-IHW-E (SWR Number 30004) on October 28, 1994, assessing \$85,039 in administrative penalties with \$17,008 deferred.

Information concerning any aspect of this order may be obtained by contacting Sally Jo Hahn, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0682.

An agreed enforcement order was entered regarding Conroe Creosoting Company, Docket Number 94-0587-IHW-E (SWR Number 31799) on October 28, 1994, assessing \$28,800 in administrative penalties with \$8,000 deferred.

Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Brenda Clayton, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0455

An agreed enforcement order was entered regarding Dal-Tile Corp., Master Halco, Inc., and Billie and Charles Walton, Docket Number 94-0584-IHW-E (SWR Number 39972) on October 28, 1994, assessing \$224,800 in administrative penalties with \$224,800 deferred.

Information concerning any aspect of this order may be obtained by contacting Lisa Roberts, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0583.

An agreed enforcement order was entered regarding Dee and Dee Oil Company, Docket Number 94-0464-PST-E/Enforce ID E10529 (TNRCC Facility ID 38762) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney,

Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Don W. Hinton Dairy, Docket Number 94-0589-AGR-E (Permit Number 02521) on October 28, 1994, assessing \$3,920 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding E I Du Pont De Nemours and Company, Inc., Docket Number 94-0576-IHW-E (SWR Number 30018, WDW-109, and WDW-121) on October 28, 1994, assessing \$12,400 in administrative penalties with \$2,400 deferred.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding E I Du Pont De Nemours and Company, Inc., Docket Number 94-0577-IHW-E (SWR Number 30010) on October 28, 1994, assessing \$122,640 in administrative penalties with \$32,640 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher T. Wilson, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0471.

An agreed enforcement order was entered regarding Espinosa, Bertha, Docket Number 94-0465-PST-E/Enforce ID E10717 (TNRCC Facility ID 32297) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Exxon Company USA, Docket Number 94-0466-PST-E/Enforce ID E10623 (TNRCC Facility ID 26773) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Exxon Company USA, Docket Number 94-0467-PST-E/Enforce ID E10631 (TNRCC Facility ID 08686) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney,

Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Fallbrook Utility District, Docket Number 94-0591-MWD-E (Permit Number 10919-01) on October 28, 1994, assessing \$10,000 in administrative penalties with \$3,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding Fareed Enterprises, Inc., Docket Number 94-0468-PST-E/Enforce ID E10673 (TNRCC Facility ID 05430) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Guthrie Oil Company, Docket Number 94-0469-PST-E/Enforce ID E10751 (TNRCC Facility ID 07866) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Harey and Rihn Aviation, Docket Number 94-0470-PST-E/Enforce ID E10656 (TNRCC Facility ID 50141) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Herndon Marine Products, Inc. doing business as Gulf King Shrimp Company, Docket Number 94-0391-IWD-E (Permit Number 02010) on October 28, 1994, assessing \$8,604 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Roxanne Cook, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4496.

An agreed enforcement order was entered regarding Hicks Oil and Butane Company, Docket Number 94-0471-PST-E/Enforce ID E10738 (TNRCC Facility ID 26882) on

October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Hodge, Jerry, Docket Number 94-0472-PST-E/Enforce ID E10684 (TNRCC Facility ID 33058) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Hoelscher, Albert E., Docket Number 94-0473-PST-E/Enforce ID E10674 (TNRCC Facility ID 27809) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Hominick, Pete, Docket Number 94-0474-PST-E/Enforce ID E10636 (TNRCC Facility ID 38450) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Industrial Steel Warehouse, Docket Number 94-0475-PST-E/Enforce ID E10754 (TNRCC Facility ID 01131) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Kincer Oil Company, Docket Number 94-0476-PST-E/Enforce ID E10635 (TNRCC Facility ID 44947) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Label and Packaging Corporation of America and Carroll

Merlick, Docket Number 94-0582-IHW-E (SWR Number 38623) on October 28, 1994, assessing \$20,000 in administrative penalties with \$18,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Elizabeth Bourbon, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0457.

An agreed enforcement order was entered regarding Landmark Industries, Docket Number 94-0477-PST-E/Enforce ID E10624 (TNRCC Facility ID 17142) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Lee's Texaco, Docket Number 94-0478-PST-E/Enforce ID E10687 (TNRCC Facility ID 31363) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Lomax Oil Company, Docket Number 94-0479-PST-E/Enforce ID E10613 (TNRCC Facility ID 05524) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Baird's Bakeries, Inc., Docket Number 94-0461-PST-E/Enforce ID E10695 (TNRCC Facility ID 30670) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding O'Rourke Distributing Company, Docket Number 94-0482-PST-E/Enforce ID E10553 (TNRCC Facility ID 22619) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Oak Farms, Inc., Docket Number 94-0480-PST-E/Enforce ID E10685 (TNRCC Facility ID 09372) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Oak Farms, Inc., Docket Number 94-0481-PST-E/Enforce ID E10686 (TNRCC Facility ID 09373) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Pinkston, Jay R., Docket Number 94-0590-SLG-E (Registration Number 21671) on October 28, 1994, assessing \$18,500 in administrative penalties with \$4,500 deferred.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0678.

An agreed enforcement order was entered regarding Presidio, City of, Docket Number 94-0531-MWD-E (Permit Number 12955-01) on October 28, 1994, assessing \$7,600 in administrative penalties with \$3,800 deferred.

Information concerning any aspect of this order may be obtained by contacting Merrilee Roberts, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4490.

An agreed enforcement order was entered regarding Reliable Machine and Supply Company, Inc., Docket Number 94-0581-IHW-E (SWR Number 30775) on October 28, 1994, assessing \$61,035 in administrative penalties with \$56,035 deferred.

Information concerning any aspect of this order may be obtained by contacting Robin Smith, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0463.

An agreed enforcement order was entered regarding Richter Baker Company, Docket Number 94-0483-PST-E/Enforce ID E10605 (TNRCC Facility ID 34742) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Sescil, Kenneth, Docket Number 94-0484-PST-E/Enforce ID E10550 (TNRCC Facility ID 08685) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding South Hampton Refining Company, Docket Number 94-0578-IHW-E (SWR Number 30672) on October 28, 1994, assessing \$19,200 in administrative penalties with \$9,600 deferred.

Information concerning any aspect of this order may be obtained by contacting Robin Smith, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0463.

An agreed enforcement order was entered regarding Star Enterprise, Docket Number 94-0485-PST-E/Enforce ID E10612 (TNRCC Facility ID 23139) on October 28, 1994, assessing \$600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting David Duncan, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0465.

An agreed enforcement order was entered regarding Technical Coatings, Inc., Docket Number 94-0579-IHW-E (SWR Number 33276) on October 28, 1994, assessing \$172,800 in administrative penalties with \$172,800 deferred.

Information concerning any aspect of this order may be obtained by contacting Christopher T. Wilson, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0471.

An agreed enforcement order was entered regarding Transforma Marine Corporation, Docket Number 94-0583-IHW-E (SWR Number 37911) on October 28, 1994, assessing \$110,400 in administrative penalties with \$110,400 deferred.

Information concerning any aspect of this order may be obtained by contacting Laura Ray, Staff Attorney, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0674.

An agreed enforcement order was entered regarding U.S. Air Force-Reese AFB, Docket Number 94-0575-IHW-E (SWR Number 62005) on October 28, 1994, assessing \$81,439 in administrative penalties with \$5,000 deferred.

Information concerning any aspect of this order may be obtained by contacting Laura Ray, Staff Attorney, Texas

Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-0674.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450502

Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: November 4, 1994

## Notices of Applications for Permits to Appropriate Public Waters of the State of Texas

The following notices of applications for permits to appropriate Public Waters of the State of Texas were issued during the period of October 10-November 4, 1994.

Charles H. Thalman; Application Number 21-3093B to amend Certificate of Adjudication Number 21-3093, as amended, pursuant to Texas Water Code, §11.122, and Texas Natural Resource Conservation Commission rules 30 TAC §295.1, et seq. Certificate of Adjudication Number 21-3093 authorized impoundment of 28 acre-feet of water within three existing, off-channel reservoirs and diversion and use of 75 acre-feet of water per annum from Soldier Slough, tributary of the Nueces River, Nueces River Basin. Diverted water is authorized to be used to irrigate 75 acres of land approximately 4-1/2 miles northeast of Carrizo Springs, Dimmit County, Texas. The certificate has been amended once to authorize the use of one acre-foot of water per annum for mining use out of the original 75 total acre-feet authorized for irrigation use. Applicant seeks in this amendment application to divert and use an additional 75 acre-feet of water per annum to irrigate an additional 75 acres of land, of which 34.36 acres are within the 208.71 acre tract currently authorized for irrigation. The diversion point located on Soldier Slough will not change.

Calvin Kraemer; Application Number 5500 for a permit pursuant to Texas Water Code, §11.121, and Texas Natural Resource Conservation Commission rules 30 TAC §295.1, et seq to divert and use 658.75 acre-feet of water per annum from the Little River, tributary of the Brazos River, Brazos River Basin. Diverted water will be used to irrigate 570 acres of land out of a group of tracts totaling approximately 900 acres in the M. Davilla Survey, Abstract Number 13, Milam County, approximately 14-1/2 miles west of the town of Cameron, Texas.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number; the application number or other recognizable reference to the application; the statement "I/we request an evidentiary public hearing";

a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; and a description of the location of your property relative to the applicant's operations.

If one or more protests and/or requests for hearing are filed on an application, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where an evidentiary hearing may be held. If no protests or requests for hearing are filed, the Executive Director will approve the application 30 days after newspaper publication of the notice of application, or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to the Chief Clerk's Office, Park 35 TNRCC Complex, Building F, Room 4301, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450501

Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: November 4, 1994

## Notices of Applications for Waste Disposal Permits

Notices of Applications for waste disposal permits issued during the period of October 31-November 4, 1994.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue these permits unless one or more persons file written protests and/or a request for a hearing within 30 days after publication of this notice.

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing;" a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. In the event a hearing is held, the Office of Hearings Examiners will submit a recommendation to the Commission for final decision. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Information concerning any aspect of these applications may be obtained by contacting: the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-3300.

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.

Aldine Independent School District; the wastewater treatment plant; is on school property at 14910 Aldine Westfield Road in the City of Houston in Harris County, Texas; renewal; 12070-01.

Arend H. Jensen; the dairy; the dairy is on the south side of County Road 4712 at its intersection with County Road 4720, in Hopkins County, Texas; new; 03722.

B. W. Sr. and Bob Jr. Middleton; the dairy; the dairy is on County Road 4410, approximately 0.25 miles south of the intersection of the county road and FM Road 514, in Rains County, Texas; new; 03735.

City of Blum; the wastewater treatment plant is on the east side of FM Road 933, approximately 1,200 feet southeast of the intersection of FM Road 933 and the Nolan River in Hill County, Texas; renewal; 10820-01.

East Cedar Creek Fresh Water Supply District; the wastewater treatment plant is on the northeast side of the Cedar Creek Reservoir within the City of Gun Barrel City, approximately 1.2 miles southwest of the intersection of State Highway 334 and State Highway 198; 1,500 feet northwest of the intersection of Hammer Street and Welch Lane in Henderson County, Texas; renewal; 11858-01.

City of Giddings; the South Wastewater Treatment Facilities; are approximately 2,200 feet southeast of FM Road 448 and 4,000 feet southwest of U.S. Highway 77 in Lee County, Texas; renewal; 10456-02.

Halliburton Company doing business as Halliburton Services; an oilfield camp that washes trucks and tools, and stores and handles chemicals associated with the oilfield industry; the plant site is at the intersection of FM Road 521 and Rabb Road (presently known as Sycamore Street) in the Town of Fresno, Fort Bend County, Texas; renewal; 02047.

Hull Fresh Water Supply District; proposed wastewater treatment facility will serve the City of Hull; the plant site is approximately 0.75 mile northeast of the intersection of State Highway 770 and the Missouri Pacific Railroad in Liberty County, Texas; new; 13544-02.

J. Wayne Robinson; the Northwinds Business Park Wastewater Treatment Facilities; the plant site is at the end of Northwinds Street, approximately 1,590 feet south of the intersection of Northwinds Street and FM Road 529 in Harris County, Texas; renewal; 12830-01.

Kimberly-Clark Corporation; the Paris Plant which manufactures disposable diapers and training pants; the plant is at the intersection of Highway Loop 286 and FM 137 in the City of Paris, Lamar County, Texas; renewal; 02648.

City of New Waverly; the wastewater treatment plant; is on the west bank of Chicken Creek, approximately 1,600 feet south of the intersection of Chicken Creek to State Highway 150 in Walker County, Texas; renewal; 11020-01.

Northwest Harris County Municipal Utility District Number 16; the wastewater treatment plant; is approximately

5,800 feet southwest of the intersection of FM Road 529 and State Highway 6 in Harris County, Texas; renewal; 11935-01.

Paktank Corporation-Deer Park Terminal; a bulk liquid storage and transshipment terminal; the plant site is at 2759 Battleground Road (FM Road 134) in the City of Deer Park, Harris County, Texas; renewal; 02383.

City of Plainview; the Plainview Wastewater Treatment Facilities; the facilities are adjacent to Running Water Draw, approximately two miles southeast of the intersection of U.S. Highway 70 and State Highway Loop 445 (U. S. Highway-Business Route 87) in Hale County, Texas; renewal; 10537-01.

Southern Clay Products, Inc.; a clay mining and processing plant; the plant site is at 1212 Church Street in the City of Gonzales, Gonzales County, Texas; amendment; 02655.

Paul Van Leeuwen Family Trust; a dairy; the dairy is on the east side of an unnamed gravel county road, approximately 0.25 miles south of Lingleville on FM Road 219, then 1.7 miles southwest and 1.1 miles southeast on unnamed gravel county roads, in Erath County, Texas; new; 03739.

Baley R. Sims doing business as Sims Dairy; a dairy; the dairy is on the south side of FM Road 2035 approximately five miles southeast of the intersection of FM Road 2035 and FM Road 1856 in Nolan County, Texas; new; 03600.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450500  
Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: November 4, 1994

## Notice of Award

The Texas Natural Resource Conservation Commission (TNRCC) furnishes this notice of a consulting services contract award for design and development of a pollution cleanup division course.

The notice for request for proposals was published in the January 18, 1994, issue of the *Texas Register* (19 TexReg 36).

**Description of Services.** The contractor will design and develop an Introduction to the Pollution Cleanup Division course for the TNRCC. The following major products will be produced: instructor manuals, student workbooks, visual aids, and a train-the-trainer course.

**Effective Date and Value of Contract.** The contract will be effective from November 3, 1994, until May 23, 1995. The total cost of the contract is \$55, 555.

**Name of the Contractor.** The contract has been awarded to the TechLaw, Inc., 12600 West Colfax Avenue, Suite C-310, Lakewood, Colorado 80215-3733.

Persons who have questions concerning this award may contact Carol Batterton, Division Director, Environmental Training Division, TNRCC, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-6300.

Issued in Austin, Texas, on November 7, 1994.

TRD-9450566  
Mark Jordan  
Director, Water Policy Division  
Texas Natural Resource Conservation  
Commission

Filed: November 7, 1994

## Notice of Opportunity to Comment on Permitting Actions

Notice of opportunity to comment on permitting actions for the week ending November 2, 1994.

Approval of Jim Hogg County Water Control and Improvement District Number 2 for a Water CCN in Jim Hogg County, Texas (Application Number 30573-C, Albert Holck).

Approval of Jim Hogg County Water Control and Improvement District Number 2 for a Sewer Certificate of Convenience and Necessity in Jim Hogg County, Texas (Application Number 30574-C, Albert Holck).

Issued in Austin, Texas, on November 4, 1994.

TRD-9450499  
Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: November 4, 1994

## Provisionally-Issued Temporary Permits to Appropriate State Water

Listed below are permits issued during the period of October 31-November 4, 1994.

Application Number 7360 by Driver Pipeline Company, Inc. for diversion of three acre-feet of water in a one-year period for industrial use. Water may be diverted from the San Jacinto River, approximately four miles south southwest of Barrett and approximately 17 miles northeast of Houston in Harris County, Texas, San Jacinto Basin.

Application Number 7366 by Hunter Industries for diversion of one acre-foot of water in a six-month period for industrial use. Water may be diverted from the SH 72 crossing of the Guadalupe River, approximately two miles southwest of Cuero in DeWitt County, Texas, Guadalupe River Basin.

Application Number 7355 by H & M Construction for diversion of ten acre-feet of water in a one-year period for industrial use. Water may be diverted from Swine Creek, approximately one mile southwest of Spring Branch and approximately 21 miles north northwest of New Braunfels in Comal County, Texas, Guadalupe River Basin.

Provisionally-Issued Temporary permits to appropriate state water are issued for a period of not more than one year and authorize the use of not more than ten acre-feet of water. The Executive Director of the TNRCC has reviewed each application for the permits listed and determined that sufficient water is available at the proposed point of diversion to satisfy the requirements of the application as well as all existing water rights. Any person or persons who own water rights or who are lawful users of water on a stream affected by the temporary permits listed above and who believe that the diversion of water under

the temporary permit will impair their rights may file a complaint with the TNRCC. The complaint can be filed at any point after the application has been filed with the TNRCC and the time the permit expires. The Executive Director shall make an immediate investigation to determine whether there is a reasonable basis for such a complaint. If a preliminary investigation determines that diversion under the temporary permit will cause injury to the complainant the commission shall notify the holder that the permit shall be cancelled without notice and hearing. No further diversions may be made pending a full hearing as provided in §295.174. Complaints should be addressed to Water Rights Permitting Section, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 239-4433. Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 787311, (512) 239-3300.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450503      Gloria A. Vasquez  
Chief Clerk  
Texas Natural Resource Conservation  
Commission

Filed: November 4, 1994

### Public Hearing Notice

The Texas Natural Resource Conservation Commission will conduct a public hearing beginning at 10:00 a.m. on Tuesday, November 29, 1994, in Room 119 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas.

This hearing is scheduled to update and clarify the public as well as receive public comment on only the proposed changes to 30 TAC §§321.131-321.138, Subchapter H, regarding Discharge to Surface Waters from Treatment of Petroleum Substance Contaminated Waters. These rules were proposed in the August 19, 1994, issue of the *Texas Register* (19 TexReg 6507). The following subchapters that were proposed in the August 19, 1994, issue of the *Texas Register* (19 TexReg 6507) will be repropoed by the Texas Natural Resource Conservation Commission on or before February 19, 1995. Therefore, comments regarding Subchapters J, K, L, M, and N of 30 TAC Chapter 321 should be withheld until such subchapters are repropoed, at which time the Texas Natural Resource Conservation Commission will gladly take your comments under advisement.

The public is encouraged to attend the hearing so that agency staff can receive comments on the proposed revision of the regulation. For additional information contact Charles Eanes, Texas Natural Resource Conservation Commission, Watershed Management Division, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4563.

Issued in Austin, Texas, on November 7, 1994.

TRD-9450565      Mark Jordan,  
Director, Water Policy Division  
Texas Natural Resource Conservation  
Commission

Filed: November 7, 1994

## Public Utility Commission of Texas Assessment Percentages for Relay Texas

In accordance with Substantive Rule 23.56(h)(2), the new assessment percentages for funding of the intrastate portion of Relay Texas are as follow: the percentage assigned to the Local Exchange Carriers (LECs) is 94.1%; and the percentage assigned to other telecommunications utilities is 5.9%. Commencing with the November 1994 Universal Service Fund (USF) billing statement which reflects September 1994 Relay Texas operations, these percentages will be used by the Texas Exchange Carriers Association (TECA) in the development of the Dual Party Relay Service assessments issued to the LECs and other telecommunications utilities. The percentages will be reviewed and adjusted annually, pursuant to subsection (h)(2)(B) of the rule.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450818      John Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 8, 1994

### Notices of Application to Amend Certificate of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on October 28, 1994, to amend a Certificate of Convenience and Necessity pursuant to §§16(a), 17(e), 50, 52 and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket Title and Number: Application of Texas Utilities Electric Company to Amend Certificated Service Area Boundaries Within Williamson County, Docket Number 13596 before the Public Utility Commission of Texas.

The Application: In Docket Number 13596, Texas Utilities Electric Company requests approval of its application to revise current certificated service area boundaries with Pedernales Electric Cooperative, Inc. in Williamson County.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512)458-0388, or (512)458-0221 for teletypewriter for the deaf within 15 days of this notice.

Issued in Austin, Texas, on November 2, 1994.

TRD-9450355      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 2, 1994

Notice is given to the public of the filing with the Public Utility Commission of Texas an application on October 28, 1994, to amend a certificate of convenience and necessity pursuant to §§16(a), 18(b), 50, 52, and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket Title and Number. Application of Riviera Telephone Company to Amend Certificate of Convenience and Necessity Within Kenedy County, Docket Number 13595, before the Public Utility Commission of Texas.

The Application. In Docket Number 13595, Riviera Telephone Company seeks approval of the application to amend a portion of the Sarita exchange in order to reflect the creation of its new Armstrong exchange.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before December 27, 1994.

Issued in Austin, Texas, on November 3, 1994.

TRD-9450405      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 3, 1994

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Notice is given to the public of the filing with the Public Utility Commission of Texas an application on October 26, 1994, to amend a certificate of convenience and necessity pursuant to §§16(a), 18(b), 50, 52, and 54 of the Public Utility Regulatory Act. A summary of the application follows.

Docket Title and Number. Application of Southwestern Bell Telephone Company to Amend Certificate of Convenience and Necessity Within Medina County, Docket Number 13582, before the Public Utility Commission of Texas.

The Application. In Docket Number 13582, Southwestern Bell Telephone Company seeks approval of the application to amend the exchange area boundary between its Castroville and Hondo exchanges in order to reflect the manner in which telecommunication service is presently being administered.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before December 12, 1994.

Issued in Austin, Texas, on November 3, 1994.

TRD-9450406      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 3, 1994

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### Notices of Application for Special Amortization of Digital Central Office Equipment

Notice is given to the public of the filing of an application with the Public Utility Commission of Texas on October 19, 1994, for special amortization of digital central office equipment pursuant to the Public Utility Regulatory Act, §27(b), and Public Utility Commission Substantive Rule 23.61(h)(6). A summary of the application follows.

Docket Title and Number: Application of Century Telephone Company of San Marcos for Special Amortization of Digital Central Office Equipment, Docket Number 13562, before the Public Utility Commission of Texas.

The Application: In Docket Number 13562, Century Telephone Company of San Marcos, Inc. seeks approval of an application to amortize a reserve deficiency in Account 221221-Digital Central Office Equipment.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before November 29, 1994.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450619      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 8, 1994

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Notice is given to the public of the filing of an application with the Public Utility Commission of Texas on October 26, 1994, for special amortization of digital central office equipment pursuant to the Public Utility Regulatory Act, §27(b), and Public Utility Commission Substantive Rule 23.61(h)(6). A summary of the application follows.

Docket Title and Number: Application of Taylor Telephone Cooperative, Inc. for Special Amortization of Digital Central Office Equipment, Docket Number 13584, before the Public Utility Commission of Texas.

The Application: In Docket Number 13584, Taylor Telephone Cooperative, Inc. seeks approval of the application to amortize its digital electronic switching equipment in the amount of \$681,139, during calendar years 1994, 1995, and 1996 in 36 monthly entries of \$18,921. The annual amount of amortization is \$227,046.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 teletypewriter for the deaf on or before November 29, 1994.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450617      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 8, 1994

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### Notices of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific contract to provide CentraNet service to the Naval Station Ingleside.

Docket Title and Number. Application of GTB Southwest Incorporated to File Customer-Specific Contract for the



Naval Station Ingleside pursuant to Substantive Rule 23.27. Tariff Number 13608.

The Application. GTE-SW intends to file an application to provide 1,500 CentraNet lines to the Naval Station Ingleside at its Ingleside, Texas business address. The CentraNet service which GTE-SW proposes to offer to the Naval Station Ingleside is a central office-based PBX-type service of over 200 lines.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 3, 1994.

TRD-9450418      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 3, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Texas Tech RAHC, Amarillo, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of a 32-Station Addition to the Existing PLEXAR-Custom Service Texas Tech RAHC pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13612.

The Application. Southwestern Bell Telephone Company is requesting approval of a 32-station addition to the existing Plexar-Custom service for Texas Tech RAHC. The geographic service market for this specific service is the Amarillo, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 7, 1994.

TRD-9450570      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 7, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a customer-specific contract to provide 911 Tandem Routing Service to Denco Area 911 District (Denco).

Tariff Title and Number. Notice of GTE Southwest Incorporated to File a Customer-Specific Contract for Denco Area 911 District, Pursuant to Substantive Rule 23.27. Tariff Control Number 13617.

The Application. GTE Southwest Incorporated is requesting approval of a customer-specific contract to provide

911 Tandem Routing Service to Denco Area 911 District. This contract is for a "customized service" which is unique to Denco because of the size and configuration of the service. GTE intends to provide this customized service to Denco in GTE's Denton exchange.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450597      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 8, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Spring Branch ISD, Houston, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of an Optional Features Only Addition to the Existing PLEXAR-Custom Service for Spring Branch ISD pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 13615.

The Application. Southwestern Bell Telephone Company is requesting approval of an optional features only addition to the existing Plexar-Custom service for Spring Branch ISD. The geographic service market for this specific service is the Houston, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0388, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450596      John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 8, 1994



Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Highland Park ISD, University Park, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of a 3-Station Addition to the Existing PLEXAR-Custom Service for Highland Park ISD pursuant to Public Utility Substantive Rule 23.27. Docket Number 13591.

The Application. Southwestern Bell Telephone Company is requesting approval of a 3-station addition to the existing Plexar-Custom service for Highland Park ISD. The geographic service market for this specific service is the University Park, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512)458-0388, or (512)458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 2, 1994.

TRD-9450356

John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 2, 1994

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Aldine ISD, Houston, Texas.

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for Approval of an 85-Station Addition to the Existing PLEXAR-Custom Service for the Aldine ISD pursuant to Public Utility Substantive Rule 23.27. Docket Number 13601.

**The Application.** Southwestern Bell Telephone Company is requesting approval of an 85-station addition to the existing Plexar-Custom service for Aldine ISD. The geographic service market for this specific service is the Houston, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512)458-0388, or (512)458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on November 2, 1994.

TRD-9450404

John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 3, 1994

### Notice Seeking Public Comment on Changes to the Annual and Semi- Annual Earnings Reports and Related Filing Requirements

The staff of the Public Utility Commission of Texas (PUC) is in the process of updating the annual and semi-annual Earnings Reports required under 16 Texas Administrative Code, §23.11(o) and §23.12(b)(2). As such, the PUC staff is seeking public comment on improvements to the format and content of the Earnings Reports submitted by regulated utilities. The PUC staff would like to improve the usefulness of the Earnings Reports, particularly with respect to the measurement of utility earnings on a Texas jurisdictional basis, while reducing the cost of reporting to utilities wherever possible. The comments received pursuant to this notice will be considered by the PUC staff in developing a recommended list of changes to the Earnings Reports. Pursuant to 16 Texas Administrative Code, §22.80, the list of changes recommended by the PUC staff will be published at a future date for purposes of inviting additional public comment. After this second round of

public comment has been received, the PUC staff will make a final recommendation for consideration by the Commission in open meeting. Any changes to the Earnings Reports would become effective beginning with the Earnings Reports for calendar year 1994 which are due to be filed in April 1995.

In addition, the PUC staff is seeking public comment on desired changes to the Earnings Report filing requirements. Specifically, the PUC staff is seeking public comment on the need for mid-year Earnings Reports and a possible reduction in the reporting requirements for utilities with pending rate cases. After public comment has been received, the PUC staff will make a recommendation to the Commission concerning the need for any rulemaking on the Earnings Report filing requirements outlined in 16 Texas Administrative Code, §23.11(o) and §23.12(b)(2).

Persons wishing to comment should submit four copies of any written comments by Thursday, December 1, 1994. Written comments should make clear reference to Project Number 13538 (Revision of PUC Earnings Reports) and should be addressed to: James Galloway, Commission Filing Clerk, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757.

In order to facilitate the review of public comments, the PUC staff would appreciate receiving comments which are responsive to the following questions listed. When preparing responses to these questions, it would be helpful if respondents would identify the specific benefits to be obtained from each suggested change in reporting requirements (i.e., improvement in measuring jurisdictional utility earnings, reduction in the cost of report preparation, etc.). Respondents should also specify which Earnings Report is being addressed in the comments (Earnings Report for Electric Investor-Owned Utilities, Electric Cooperatives and River Authorities, or Telephone Utilities). Additional comments on other aspects of the PUC Earnings Reports and related filing requirements are also welcome.

Questions pertaining to the format and content of the PUC Earnings Reports:

- (1) Which general questions (if any) should be modified or deleted, and how?
- (2) What general questions (if any) should be added to the Earnings Reports?
- (3) Which schedules (if any) should be modified or deleted, and how?
- (4) What schedules (if any) should be added to the Earnings Reports?
- (5) What changes (if any) need to be made to the instructions accompanying the Earnings Reports?

Questions pertaining to the PUC Earnings Report filing requirements:

- (6) Should mid-year Earnings Reports (covering the 12-month period ending June 30) continue to be required for all investor-owned utilities, or would an annual reporting requirement be sufficient?
- (7) Should the PUC limit mid-year reporting requirements only to the State's largest utilities? If so, how should size be measured for purposes of defining mid-year reporting requirements?
- (8) Should reporting requirements be reduced for utilities with rate cases pending before the Commission? If yes,

what schedules and/or general questions should be eliminated from the filing requirements?

Issued in Austin, Texas, on November 7, 1994.

TRD-9450568

John M. Rentrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 7, 1994

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**Request for Proposal for a Contractor to  
Provide Telecommunications Relay  
Service**

This notice of issuance of a Request for Proposals (RFP) is filed pursuant to the Public Utility Regulatory Act, Article XIV, §96A. Further information that may affect this service and the requirements of the RFP may be found in PURA, the Commission's Substantive Rules, particularly §23.56, and 47 Code of Federal Regulations, §64.605.

The PUC is seeking a contractor to provide a statewide TRS in Texas. The contract will be an annual two-party contract between the contractor and the Commission. The contract shall be renewable on an annual basis for up to five years from September 1, 1995.

TRS provides telephone interpreting service between people who can hear and those who are deaf, hard-of-hearing, deaf-blind, or speech-impaired. TRS makes it possible for persons with a hearing or speech impairment to use a text telephone (TTY) to be able to communicate with persons not using such equipment. The TRS shall be available for all Texans at all times (24 hours a day, seven days a week, 365 days a year). Relay callers shall be able to place TRS calls from their primary location and locations other than their primary location and shall be able to utilize alternative billing arrangements. The TRS shall provide access to the telecommunications network equal to that provided to other users, as required in compliance with the RFP.

On or before March 15, 1995, the Commission plans to select a contractor to provide the TRS. The Commission shall make a written award of the contract to the contractor whose proposal is the most advantageous to the state, considering price, the interests of the deaf, hard-of-hearing, deaf-blind, and speech-impaired in having access to a high-quality and technologically advanced telecommunications system, and all other factors listed in the RFP.

The Commission's evaluation of the proposals shall include charges for the service; service enhancements proposed; and technological sophistication of the network proposed.

Persons interested in receiving a complete copy of the RFP to provide TRS should contact: Ed Bosson, Relay Texas Administrator, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0105 TTY.

A pre-proposal Conference will be held on December 1, 1994, at the PUC offices in Austin, Texas.

Proposals will be due on or before 3:00 p.m. on January 9, 1995.

Schedule of Activities:

Release of RFP Copies—November 9, 1994 (approximate date);

Published in *Texas Register*—November 15, 1994 (approximate date);

Pre-proposal Conference—December 1, 1994;

Letters of Intent Due—December 8, 1994;

Proposals Due—January 9, 1995;

Contractor Selected—March 15, 1995 (approximate date).

Issued in Austin, Texas, on November 7, 1994.

TRD-9450569

John M. Rentrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: November 7, 1994

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**Railroad Commission of Texas  
Extension of Comment Period**

On October 18, 1994, the Railroad Commission published proposed rule §3. 94, regarding Disposal of Oil and Gas NORM Waste, at Volume 19, page 8,273 of the *Texas Register*. The public hearing on this proposed rule will be held on November 17, 1994, and continued on November 22, 1994. The hearing will begin at 10:00 a.m. on both days and will be held in Room 12-126 of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas.

The comment period for the proposed rule 94 was to have ended on November 18, 1994. The comment period is now extended until the close of the public hearing on November 22, 1994. Please send written comments to Richard Ginn, Assistant Director, Environmental Services, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967.

For additional information, please contact Ginn at (512) 463-6796.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450537

Mary Ross McDonald  
Assistant Director, Legal Division, Gas  
Utilities/LP Gas  
Railroad Commission of Texas

Filed: November 7, 1994

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**Notice of Contract Award**

In accord with Texas Government Code, Chapter 2254, the Railroad Commission of Texas publishes this notice of consultant contract award. The consultant proposal request appeared in the September 23, 1994, issue of the *Texas Register* (19 TexReg 7558).

The consultant selected for this project is Bob King, Kenetech Management Services, Inc., 98 San Jacinto Street, Suite 320, Austin, Texas 78701. The maximum amount of this contract is \$36,600. The contract begins on November 1, 1994, and terminates on May 1, 1995. The consultant will identify and quantify incentives and rate structures offered by utilities which constitute a competitive disadvantage to propane dealers and natural gas utilities. Under this contract, deliverables are due no later than May 1, 1995.

Issued in Austin, Texas, on November 2, 1994.

TRD-9450386

Mary Ross McDonald  
Assistant Director, Legal Division Gas  
Utilities/LP-Gas Section  
Railroad Commission of Texas

Filed: November 2, 1994

## Notice of Public Hearing on Liquefied Natural Gas Rulemaking

The Railroad Commission of Texas will conduct a public hearing to receive comments on a working draft of safety rules governing the liquefied natural gas industry on Wednesday, December 14, 1994, at 9:00 a.m. until 3:00 p.m., in Room 1-111 of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The Commission has authorized the release of a working draft of the LNG rules prior to the hearing. A copy of the working draft can be obtained after November 28, 1994, by calling Kellie Martinec at (512) 475-1295; the charge is the cost to reproduce the document.

The commission will take comments on issues pertaining to liquefied natural gas. Any interested person may appear and offer comments, either orally or in writing; however, questioning for those making oral comments will be reserved exclusively for the presiding officers as may be necessary to ensure a complete record. Depending upon the number of speakers, the commission may limit the time for comments to afford all interested parties an opportunity to comment. While any person with pertinent comments will be granted an opportunity to present them during the course of the meeting, the presiding officers reserve the right to restrict comments in terms of time and repetitive content. Organizations, associations, and groups are encouraged to present their commonly held views and identical or similar comments through a single representative member where possible. Presentations must remain pertinent to the issues being discussed. A person may not assign a portion of his or her time to another speaker. A person who disrupts the public meeting must leave the hearing room if ordered to do so by the presiding officers.

Comments on the working draft, including suggestions or requests for alternative language or other revisions, should be submitted in writing and should include citation to sections, subsections, paragraphs, etc., for proper reference.

Any person with a disability who needs auxiliary aids and/or services in order to have an equal opportunity to communicate and participate effectively in this public hearing must request such aids or services by 3:00 p.m., Tuesday, November 22, 1994, by notifying the Personnel Office of the Railroad Commission by mail at P.O. Box 12967, Austin, Texas 78711-2967, or by telephone at (512) 463-7327 or TDD Number (512) 463-7284.

Issued in Austin, Texas, on November 9, 1994.

TRD-8450702      Mary Rose McDonald  
Assistant Director, Legal Division, Gas  
Utilities/LP-Gas  
Railroad Commission of Texas

Filed: November 9, 1994

## Texas Department of Transportation Public Notice

The Texas Department of Transportation (TxDOT) will hold several public meetings across Texas in November and December to receive public comments on the long-range, statewide, multimodal transportation plan, called the Texas Transportation Plan (plan). Title 23, United States Code, §135, as amended by the Intermodal Surface

Transportation Efficiency Act of 1991 (ISTEA), requires the state to develop a transportation plan for all areas of the state. Section 135(f) requires the Governor to provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private providers of transportation, and other interested parties with a reasonable opportunity to comment on the proposed plan.

By letters dated September 9, 1992 and September 16, 1992, addressed to federal transportation officials, the Honorable Ann W. Richards, Governor of Texas, delegated to the Texas Transportation Commission (commission) those powers and responsibilities granted to her by the ISTEA, save and except the Recreational Trails Program. By Minute Order Number 100454, dated January 28, 1992, the commission authorized the executive director to take any and all necessary action to proceed with the development of the plan to meet the requirements of ISTEA.

A file copy of the proposed plan is available for review at the TxDOT central Austin office of the Transportation Planning and Programming Division, located at Building 1, Room 304, 4000 Jackson Street, Austin, Texas and in each TxDOT district office throughout the state. Persons wishing to review the plan may secure the address and telephone number of the nearest district office from the Transportation Planning and Programming Division at (512) 465-7466. Copies of the executive summary are available on request without charge at any of the TxDOT district offices and the Austin office listed above.

The public meetings are scheduled to be held the following dates in the cities listed: November 21, 1994—Houston and Arlington; November 22, 1994—Lufkin and El Paso; November 29, 1994—Lubbock and Laredo; November 30, 1994—Abilene and San Antonio; and December 1, 1994—Austin. For meeting location and time, contact the Transportation Planning and Programming Division at (512) 465-7466.

Registration for the meetings will begin 30 minutes before the scheduled start of the meeting. Any interested person may appear and offer comments or testimony, either orally or in writing; however, questioning of witnesses will be reserved exclusively to the presiding authority as may be necessary to ensure a complete record. While any persons with pertinent comments or testimony will be granted an opportunity to present them during the course of the meeting, the presiding authority reserves the right to restrict testimony in terms of time or repetitive content. Groups, organizations, or associations should be represented by only one speaker. Speakers are requested to refrain from repeating previously presented testimony. Persons with disabilities who have special communication or accommodation needs and who plan to attend the hearing may contact Roger Polson, Public Information Officer, at 125 East 11th Street, Austin, Texas 78701-2393, (512) 463-8955. Requests should be made no later than two days prior to the hearing. Every reasonable effort will be made to accommodate these needs.

Further information on the plan may be obtained from Jack Foster of the Transportation Planning and Programming Division, P.O. Box 5051, Austin, Texas 78763-5051, (512) 467-3791. Interested parties who are unable to attend the hearing may submit written comments to Alvin R. Luedecke, Jr., P.E., at the same address. In order to be considered, all comments must be received by

TxDOT at the previously mentioned address no later than 5:00 p.m., Wednesday, December 14, 1994.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450670 Diane L. Northam  
Legal Executive Assistant  
Texas Department of Transportation

Filed: November 8, 1994

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**Request for Proposals**

**Notice of Invitation.** The Texas Department of Transportation (TxDOT) intends to engage an architect, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services: Restoration of the Santa Fe Depot in San Angelo.

**Deadline:** Deadline for Proposals is November 28, 1994, 5:00 p.m., at 4502 Knickerbocker Road, San Angelo, Texas 76904.

**Agency Contact.** Requests for additional information regarding the request for proposals should be addressed to John DeWitt, P.E. at (915) 944-1501, Fax: (915) 944-1501.

Issued in Austin, Texas, on November 8, 1994.

TRD-9450672 Diane L. Northam  
Legal Executive Assistant  
Texas Department of Transportation

Filed: November 9, 1994

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**Sam Houston State University  
Consultant Proposal Request**

This request for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. Sam Houston State University (SHSU) seeks written proposals from qualified consulting firms based in Washington, D. C. to represent and assist the University in developing projects deemed important to the University. Important considerations in the award of the proposed contract will be the years of experience in securing funding assistance for university programs and facilities, a strong bipartisan presence within the firm with considerable experience working with legislative staffs, and a record of substantial success in dealing with the Congress and the Executive Agencies. Excellent skills in university grant and contract awards is necessary. Substantial experience in the development of strategies for corporate participation in university-sponsored development projects especially those relating to environmental issues. Interested parties are invited to express their interest and describe their capabilities by December 15, 1994. The consulting services desired are a continuation of a service previously performed by a private consultant. This contract represents a renewal and will be awarded to the previous consultant unless a better offer is received. The term of the contract is to be from date of award for a 12 month period with options to renew. Further technical information can be obtained from Dr. Billy Covington at (409) 294-3621. Deadline for receipt of proposals is December 15, 1994. Date and time will be stamped on the proposals by the Office of Research and Sponsored Programs. Proposals received later than this date and time will not be considered. All proposals must be specific and must be responsive to the criteria set forth in this request.

**I. GENERAL INSTRUCTIONS.** Submit one copy of your proposal in a sealed envelope to Office of Research and Sponsored Programs, P.O. Box 2448, Sam Houston State University, Huntsville, Texas 77341-2448 before 4:00 p.m. December 15, 1994. Proposals may be modified or withdrawn prior to the established due date.

**II. DISCUSSIONS WITH OFFERERS AND AWARD.** The University reserves the right to conduct discussions with any or all offerers, or to make an award of a contract without such discussions based only on evaluation of the written proposals. The University also reserves the right to designate a review committee in evaluating the proposals according to the criteria set forth under Section III entitled "Scope of Work." The Associate Vice President for Research and Sponsored Programs shall make a written determination showing the basis upon which the award was made and such determination shall be kept on file.

**III. SCOPE OF WORK:** Representation and assistance in developing projects deemed important to the University; assistance in obtaining funding for University projects; consulting and representation as directed by Sam Houston State University.

**IV. EVALUATION.** Criteria for Evaluation of Proposals: Firms will be evaluated on time and quality of experience in representing and assisting universities in developing projects. Equal consideration will be given to past performance, writing skills, and the effectiveness of the firms strategies. Your proposal should include costs for all related expenses.

**V. TERMINATION.** This Request for Proposal (RFP) in no manner obligates SHSU to the eventual purchase of any services described, implied or which may be proposed until confirmed by a written contract. Progress towards this end is solely at the discretion of SHSU and may be terminated without penalty or obligation at any time prior to the signing of a contract. SHSU reserves the right to cancel this RFP at any time, for any reason and to reject any or all proposals. SHSU requires that the responses to this RFP must state that the proposed terms will remain in effect for at least 45 days after the scheduled response opening.

Issued in Huntsville, Texas, on October 24, 1994.

TRD-9450247 Dr. B. K. Marks  
Vice President for Academic Affairs and  
Student Services  
Sam Houston State University

Filed: October 31, 1994

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**Waco Urban Transportation Study  
(City of Waco)  
Public Hearing**

Take notice that the Metropolitan Planning Organization (MPO) for the Waco Urban Transportation Study will conduct a public hearing at 5:30 p.m., Monday, December 5, 1994, in the Bosque Theatre of the Waco Convention Center, Waco, Texas, to receive public input on the proposed Metropolitan Transportation Plan Interim Plan Update.

Written comments on the proposed plan will be accepted through December 14, 1994. Comments should be mailed to Metropolitan Transportation Plan, P.O. Box 2570, Waco, Texas 76702-2570.

For more information about the proposed plan or public hearing, call (817) 750-5655.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services should contact the Waco City Secretary's Office at (817) 750-5750 at least 24 hours before this meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on November 4, 1994.

TRD-9450551      Anna K. Hayes  
                         MPO Coordinator  
                         Waco Urban Transportation Study

Filed: November 7, 1994

