

# Texas Register

Volume 18, Number 32, April 27 1993

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Texas Register



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How to Use the Texas Register

Information Available: The 10 sections of the Texas Register represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

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

Secretary of State - opinions based on the election laws.

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

Emergency Sections - sections adopted by state agencies on an emergency basis.

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

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

Open Meetings - notices of open meetings.

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

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes 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 18 (1993) is cited as follows: 18 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 "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 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, releases cumulative supplements to each printed volume of the TAC twice each year.

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
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 22, April 16, July 13, and October 12, 1993). 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
Part I. Texas Department of Human Services
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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

Update by FAX: An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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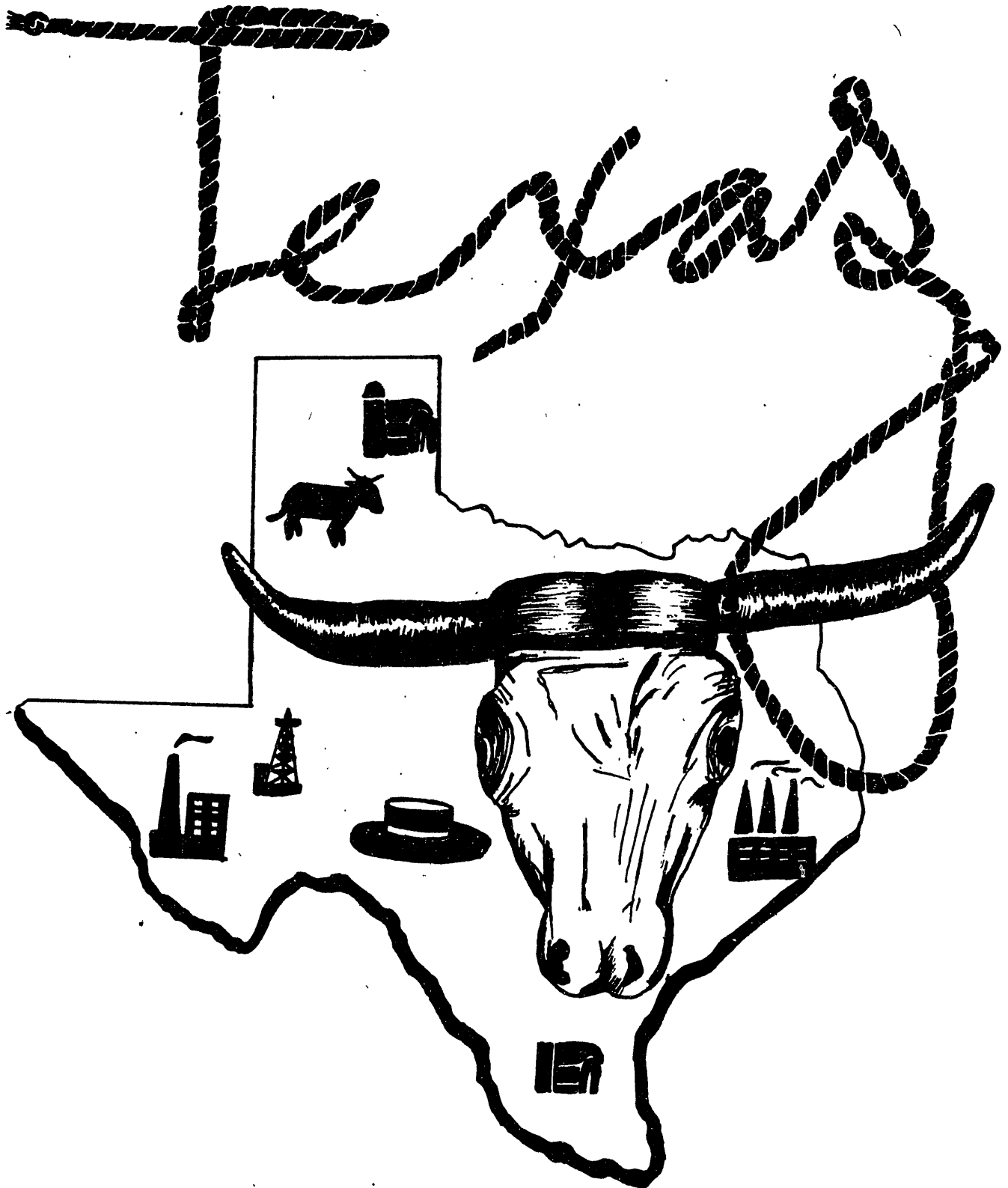


Name: Lisa Estafanos  
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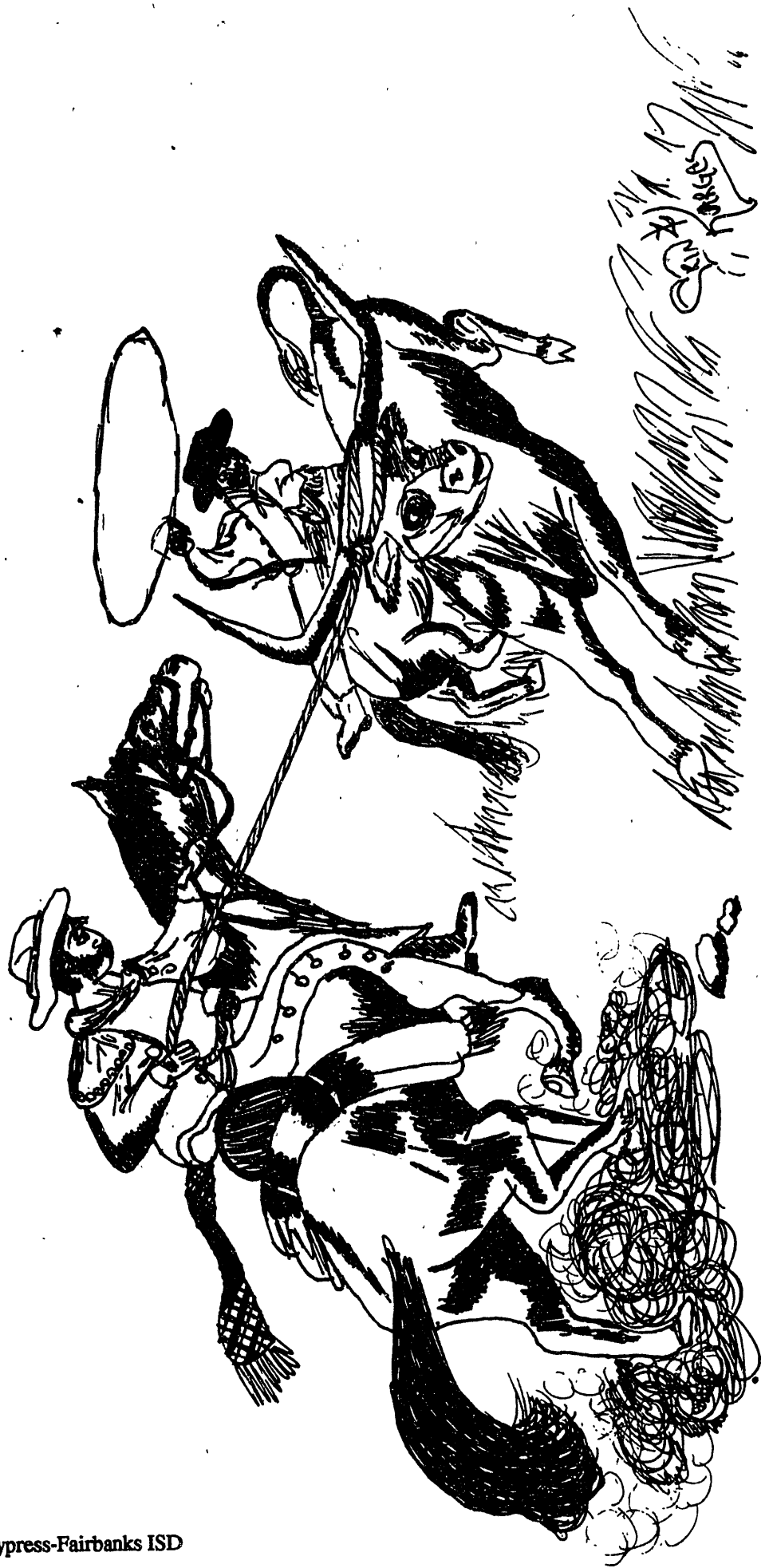
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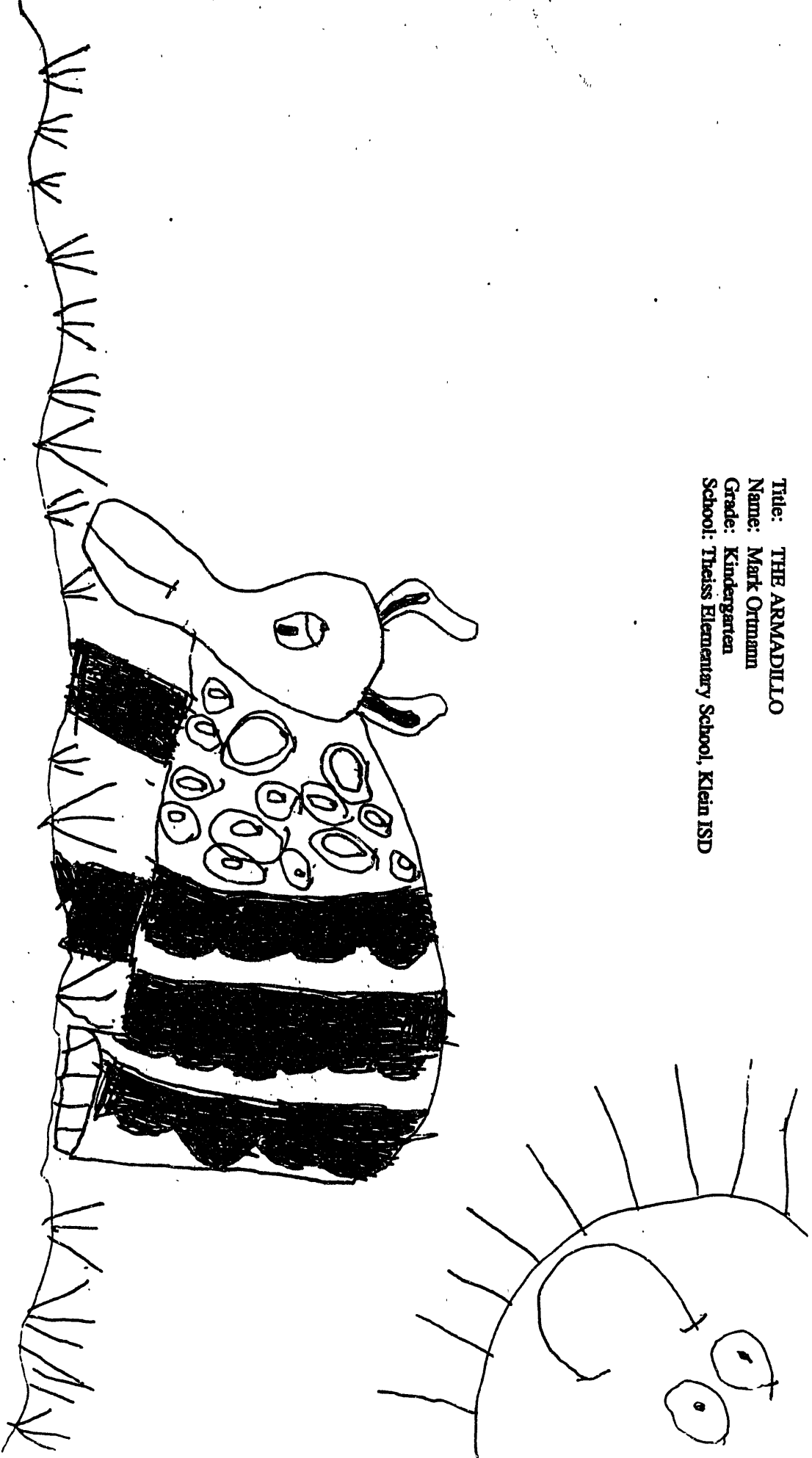


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Name: Mark Ortman  
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School: Theiss Elementary School, Klein ISD







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Name: Veronica Vittone  
Grade: Kindergarten  
School: Theiss Elementary School, Klein ISD



**Title: COWGIRL**  
**Name: Lauren Wallis**  
**Grade: Kindergarten**  
**School: Theiss Elementary School, Klein ISD**

# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

## Appointments Made April 13, 1993

To be a member of the Texas Partnership for Economic Development for a term to expire February 1, 1995: Paul M. York, 123 Delmar, Corpus Christi, Texas 78411. Mr. York will be replacing Karl Keck of Quinlan, whose term expired.

To be a member of the Texas Partnership for Economic Development for a term to expire February 1, 1995: Laura J. Kilcrease, 7504 Clove Cove, Austin, Texas 78750-7944. Ms. Kilcrease is being reappointed.

To be a member of the Texas Partnership for Economic Development for a term to expire February 1, 1995: M. Thomas Lardner, 9323 Preston Road, Dallas, Texas 75225. Mr. Lardner is being reappointed.

To be a member of the Texas Partnership for Economic Development for a term to expire February 1, 1995: W. Arthur Porter, 6 Cedarwing, The Woodlands, Texas 77380. Mr. Porter is being reappointed.

To be a member of the Texas Surplus Property Agency Board for a term to expire March 19, 1995: Stuart Whitlow, 6509 Hart Lane, Austin, Texas 78731. Mr. Whitlow will be filling the unexpired term of Robert Lansford of Austin, who resigned.

To be a member of the Texas Commission of Licensing and Regulation for a term to expire February 1, 1999: Ronald Lynn Raspberry, 26422 Hillside Drive, Spring, Texas 77386. Mr. Raspberry will be replacing Marjorie Arshnt of Bellaire, whose term expired.

To be a member of the Texas Surplus Property Agency Board for a term to expire March 19, 1995: Mervin E. Perry, 2402 Lancaster Drive, Austin, Texas 78748. Colonel Perry will be filling the unexpired term of Trevor Rees-Jones of Dallas, who resigned.

To be a member of the Texas Commission of Licensing and Regulation for a term to expire February 1, 1999: Clara Caldwell, 7100 Bluff Springs Road #704, Austin, Texas 78744. Ms. Caldwell will be replacing Paul J. Corkery of Fort Worth, whose term expired.

## Appointments Made April 15, 1993

To be a member of the Finance Commission of Texas for a term to expire February 1, 1996: Hubert Bell, Jr., P.O. Box 12864, Austin, Texas 78711. Mr. Bell will be filling the unexpired term of Dary Stone of Dallas, who resigned.

To be a member of the Texas Council on Offenders with Mental Impairments for a term to expire February 1, 1995: Belinda Joy Hill, 9800 Pagewood #2104, Houston, Texas 77042. Ms. Hill will be filling the unexpired term of Kevin Chapman of Dallas, who resigned.

To be a member of the Texas Board of Professional Land Surveying for a term to expire January 31, 1997: Ray Charles Jones, 6019 Mohawk Street, Houston, Texas 77016. Mr. Jones will be replacing Walter Fortney of Fort Worth, whose term expired.

To be a member of the Texas State Board of Public Accountancy for a term to expire January 31, 1999: Frank W. Maresh, 2240 Chilton, Houston, Texas 77019. Mr. Maresh will be replacing Frank W. Hillier, Jr. of Dallas, whose term expired.

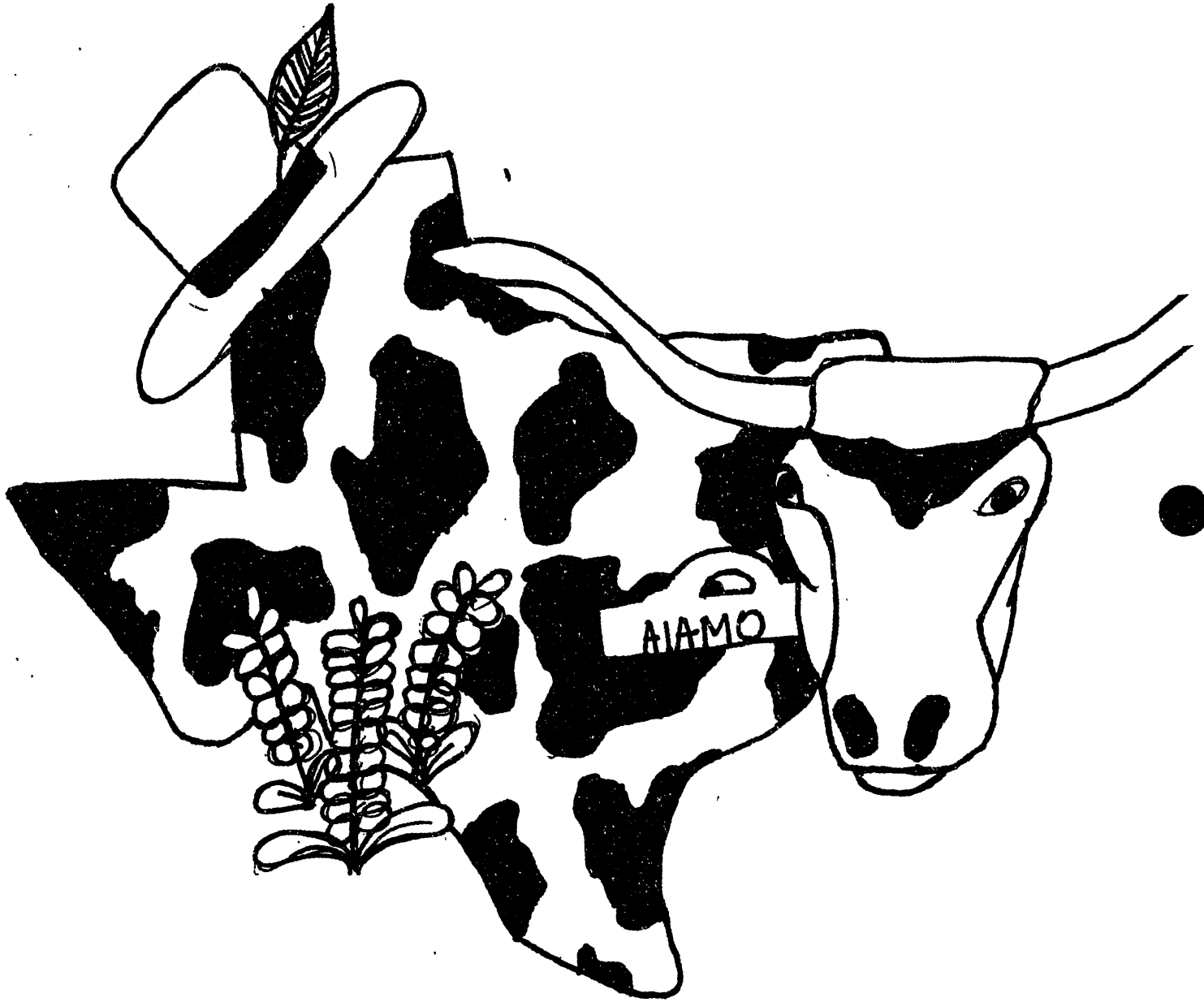
To be a member of the Texas State Board of Public Accountancy for a term to expire January 31, 1999: Roel (Roy) Martinez, 200 West Jackson, McAllen, Texas 78501. Mr. Martinez will be replacing William H. Quimby of Dallas, whose term expired.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321896

Ann W. Richards  
Governor of Texas





Name: Jennifer Wilkie  
School: Langham Creek High School, Cypress-Fairbanks ISD

## Executive Orders

### AWR 93-10

#### RELATING TO INCREASED USE OF STATE UNIVERSITY RESOURCES BY STATE AGENCIES

WHEREAS, the State of Texas has a valuable resource in the faculty of institutions of higher education in this state;

WHEREAS, the boards and agencies of this state heretofore have underutilized this resource and would, from time to time, benefit from the use of this valuable pool of expertise; and

WHEREAS, state law authorizes and encourages interagency cooperation by authorizing state agencies to contract with other state agencies for the services of employees (Gov't Code, Sec. 771.001 et seq.; V.T.C.S., Art. 6252-11c, Sec. 3(a)(2));

NOW THEREFORE, I, Ann W. Richards, Governor of the State of Texas, pursuant to the authority vested in me, do hereby declare that the use of this resource would benefit the economic development of this state and hereby direct all state agencies and boards to develop policies that encourage and facilitate the use of this resource and the interchange between universities and state government that is essential to the efficient governance and economic development of this state.

### AWR 93-11

#### ESTABLISHING THE TEXAS INFORMATION AND REFERRAL PROJECT ADVISORY COMMITTEE TO ASSIST IN THE CREATION OF A STATEWIDE HEALTH AND HUMAN SERVICES INFORMATION AND REFERRAL NETWORK

WHEREAS, Texans have difficulty in obtaining access to health and human services information throughout the State; and

WHEREAS, this information is currently collected and distributed by information and referral service providers in each Texas county; and

WHEREAS, the Texas Information and Referral Project was created to identify these providers, incorporate them into a statewide network, improve the quality of information and referral services, and increase their visibility; and

WHEREAS, to ensure that all Texans can gain access to current, accurate health and human services information, it is important that individuals representing various perspectives be involved in the implementation of these objectives;

NOW THEREFORE, I, Ann W. Richards, Governor of the State of Texas, under the authority vested in me, do hereby create and establish the Texas Information and Referral Project Advisory Committee, hereinafter referred to as the Advisory Committee.

The Advisory Committee will consist of not more than twenty-four (24) members.

The Advisory Committee will be charged with the overall goal of providing input on the creation of the Texas Information and Referral network and the fulfillment of other project goals. These include, at a minimum, the following:

- (a) identify all Texas information and referral programs and develop mechanisms to enhance communications among and between them; and
- (b) give information and referral providers information and technical assistance to increase their visibility and improve the quality of their services.

Advisory Committee members who are not state employees and live outside of the Austin area are not entitled to compensation but are entitled to reimbursement for travel expenses, as provided for members of state boards and commissions in the General Appropriations Act, incurred in attending officially called meetings of the Advisory Committee.

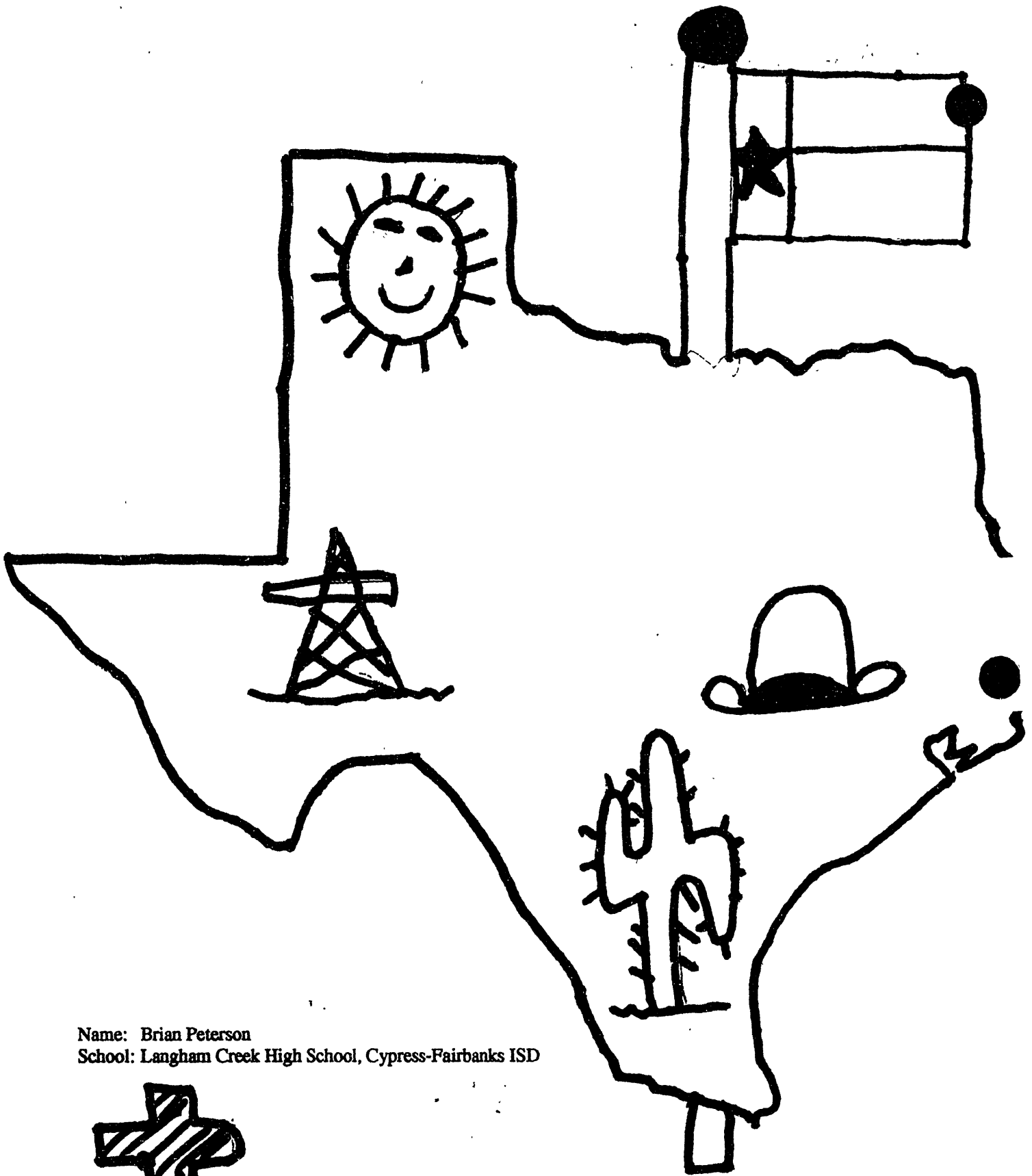
This Executive Order shall be effective immediately and shall remain in full force and effect until August 31, 1993.

Issued in Austin, Texas, on April 14, 1993.

TRD-9321897

Ann W. Richards  
Governor of Texas





Name: Brian Peterson  
School: Langham Creek High School, Cypress-Fairbanks ISD

**T****E****X****A****S**

# Texas Ethics Commission

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: Texas Civil Statutes, Article 6252-9b; the Government Code, Chapter 302; the Government Code, Chapter 305; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

## Texas Ethics Commission Opinions

**AOR-174.** The Texas Ethics Commission has been asked to consider whether members of the State Conservatorship Board are required to file financial disclosure statements under Article 6252-9b.

**AOR-175.** The Texas Ethics Commission has been asked to consider the following questions about the Texas Certified Self-Insurer Guaranty Association (TCSGA). The specific questions are as follows.

1. Are the voting members of the TCSGA board of directors required under Article 6252-9b, §6, to disclose private interests in measures, proposals, or decisions pending before the board?
2. Is the non-voting member of the TCSGA board of directors required under Article 6252-9b, §6, to disclose private interests in measures, proposals, or decisions pending before the board?
3. Are the self-insurer members of the TCSGA board of directors prohibited by

Article 6252-9b, §7A, from appearing before the board on behalf of their employer after their service on the board?

4. How does the prohibition in Article 6252-9b, §8(c), affect the self-insurer members of the TCSGA board of directors who are by necessity employed in positions which may affect their independence of judgment?

**AOR-176.** The Texas Ethics Commission has been asked to consider whether the chairman or chairwoman of a legislative committee may buy gifts for legislative staff members and committee members at the end of the legislative session.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321930

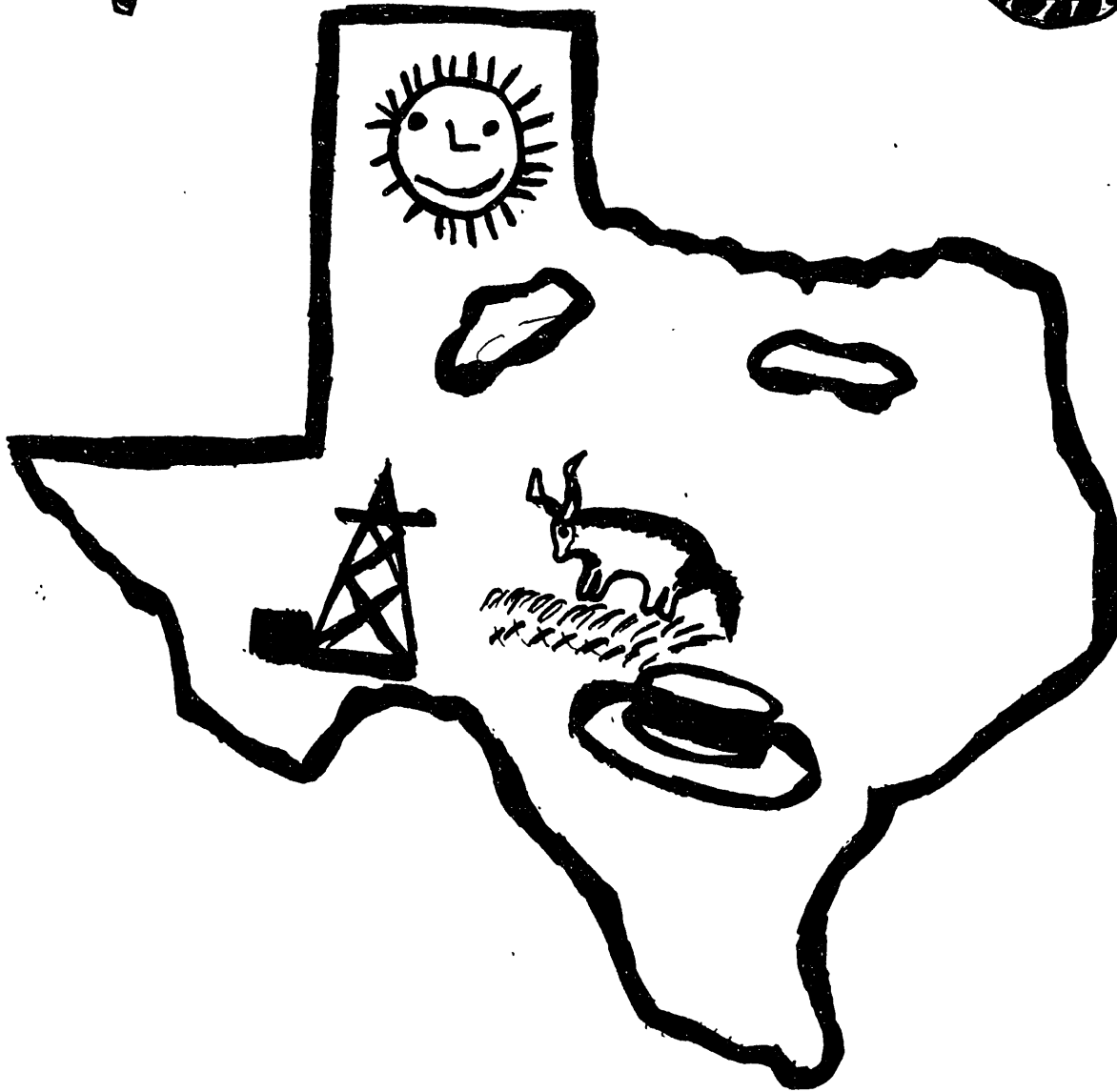
Sarah Woelk  
Director, Advisory Opinions  
Texas Ethics Commission

Filed: April 21, 1993

For further information, please call: (512) 463-5800



Texas



Name: Zoila Abarca  
School: Langham Creek High School, Cypress-Fairbanks ISD



# Proposed Sections

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

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

## TITLE 19. EDUCATION Part II. Texas Education Agency

### Chapter 137. Professional Educator Preparation and Certification

#### Subchapter J. Graduate Educa- tion Programs for Profes- sional Certification

- 19 §§137.303, 137.306, 137.307,  
137.313, 137.316

The Texas Education Agency (TEA) proposes amendments to §§137.303, 137.306, 137.307, 137.313, and 137.316, concerning professional educator certification. The amendments are proposed in accordance with the sunset review process mandated by Senate Bill 1, 71st Legislature. Public comment has been received regarding certain certification requirements that were omitted from portions of Chapter 137, Subchapter J, of this title (relating to Graduate Education Programs for Professional Certification) as adopted by TEA in the March 23, 1993, issue of the *Texas Register* (18 TexReg 1958). TEA agrees that including these requirements clarifies the prerequisites for certain professional credentials.

Linda Cimusz, administrator for professional development and policy planning, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Cimusz and Criss Cloudt, director of policy planning and evaluation, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer, more concise statement of the rules relating to professional educator certification. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed amendments submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days

after notice of a proposed change in the sections has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §§11.26, 13.032-13.039, 13.0321, 13.045-13.052, 13.116, 13.202, 13.211, 13.501-13.506, and 16.056; and Texas Civil Statutes, Article 6252-13c(a)-(e), which authorize the State Board of Education to promulgate rules concerning professional educator certification.

#### §137.303. *Planned Program of Preparation.*

(a)-(h) (No change.)

(i) Professional certificate programs shall consider the undergraduate provisional program(s) completed by the applicant. The following requirements are applicable in addition to the undergraduate criteria and the general requirements for the professional programs. The professional teacher's certificate shall require three years of classroom teaching experience and shall consist of 30 semester hours and include the following.

(1) -(3) (No change.)

§137.306. *Supervisor.* These specific requirements are applicable in addition to the undergraduate criteria outlined in Subchapter G of this chapter (relating to 1987 Program Requirements for Preparation of School Personnel for Initial Certificates and Endorsements).

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

(3) The certificate. The professional supervisor certificate shall require:

(A) a valid provisional teaching certificate; and

(B) three years of classroom teaching experience.

§137.307. *Counselor.* These specific requirements are applicable in addition to the undergraduate criteria outlined in Subchapter G of this chapter (relating to 1987 Program Requirements for Preparation of School Personnel for Initial Certificates and Endorsements).

(1)-(3) (No change.)

(4) The certificate. The professional counselor certificate shall require:

(A) a valid provisional teaching certificate; and

(B) three years of classroom teaching experience.

#### §137.313. *Special Education Supervisor.*

(a) Certification requirements. To qualify for certification as a special education supervisor a person must:

(1) (No change.)

(2) have completed three years of successful classroom teaching experience in an approved school;

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

(b) (No change.)

#### §137.316. *Educational Diagnostician (Special Education).*

(a) Requirements for professional certification as an educational diagnostician. The professional educational diagnostician certificate shall require a valid provisional teaching certificate and three years of classroom teaching experience. The professional program for educational diagnostician shall require an earned master's degree. At least 18 semester hours of the program must be identified as graduate courses in the institution's catalogue.

(b) (No change.)

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

Issued in Austin, Texas, on April 21, 1993.

TRD-8321937  
Criss Cloudt  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Earliest possible date of adoption: May 28, 1993

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



# TITLE 28. INSURANCE

## Part I. Texas Department of Insurance

### Chapter 5. Property and Casualty

#### Subchapter E. Texas Catastrophe Property Insurance Association

##### • 28 TAC §5.4001

The State Board of Insurance of the Texas Department of Insurance proposes an amendment to 28 TAC §5.4001, concerning the plan of operation of the Texas Catastrophe Property Insurance Association (TCPPIA). The amendment is necessary to incorporate a change in the plan of operation to provide a new formula and procedure for determining member participation in the TCPPIA with respect to TCPPIA policies with inception dates on and after January 1, 1993. Recent changes in ratemaking required by House Bill 2 as enacted by the 72nd Texas Legislative Session, preclude the use of the current procedures outlined in the TCPPIA plan of operation for determining member participation on and after January 1, 1993. The new formula and procedures for determining member participation will be based on actual direct written premiums for extended coverage and other allied lines for property insurance rather than on direct written premiums restored to current manual rates. The implementation of a file and use rating system for commercial property policies and flex rating system for other property policies makes it impossible to properly establish direct written premiums at manual rates. In addition, the amendment eliminates as unnecessary language any reference in the TCPPIA plan of operation to the reporting of statistical information to the board's duly appointed statistical gathering organization. The TCPPIA is required to report statistical information in accordance with the property statistical plan promulgated by the board for property insurance and to provide that information to the board and therefore there is no need for the qualifying language referring to the statistical gathering organization.

Lyndon Anderson, associate commissioner, property and casualty program, has determined that for the first five-year periods the new section is in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the section, and there will be no effect on local employment or local economy.

Mr. Anderson also has determined that for each year for the first five years the section is in effect the public benefit anticipated as a result of enforcing the section is to provide a new and a reasonable formula and procedure for determining member insurers' participation in the TCPPIA to allow the TCPPIA to continue to function as a viable insurer for windstorm insurance along the Texas seacoast. The cost to insurers for each year for the first five years the proposed section is in effect will vary depending on the volume of

property insurance written in Texas that is used to determine an insurer's percentage of participation in the TCPPIA.

Comments on the proposal must be submitted within 30 days after publication of the proposed section in the *Texas Register* to Linda K. von Quintus-Dorn, Chief Clerk, Texas Department of Insurance, P.O. Box 149104, MC #113-2A, Austin, Texas 78714-9104. An additional copy of the comment is to be submitted to Lyndon Anderson, Associate Commissioner, Property and Casualty Division, Texas Department of Insurance, P.O. Box 149104, MC #103-1A, Austin, Texas, 78714-9104. Request for a public hearing on this proposal should be submitted separately to the Office of the Chief Clerk.

The amendment is proposed pursuant to the Insurance Code, Articles 21.49 §5(c) and 1.04(b) and Texas Civil Statutes, Article 6252-13a, §4 and §5. Article 21.49 §5(c) requires the State Board of Insurance to adopt the plan of operation of the Texas Catastrophe Property Insurance Association or any amendment thereto. Article 1.04(b) authorizes the State Board of Insurance to adopt rules in accordance with the laws of this state. Texas Civil Statutes, Article 6252.13a, §4 and §5 authorize and require each state agency to adopt rules of practice setting forth the nature and requirement of available procedures and to prescribe the procedures for adoption of rules by a state administrative agency.

##### §5.4001. Plan of Operation

###### (a) Definitions.

###### (1) (No change.)

###### (2) Definitions in the section.

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

###### (A)-(H) (No change.)

###### (I) Net direct premiums.

(i) For association policies with inception dates on and after January 1, 1988, through December 31, 1992, "net direct premiums" shall mean all state-wide direct written premiums (excluding direct written premiums in catastrophe area as designated by the State Board of Insurance) restored to manual level and further adjusted to the manual rate level applicable to the catastrophe area as designated by the State Board of Insurance and shall be the sum of the following:

(I) 90% of the direct written premiums of the extended coverage line of business and 90% of the direct written premiums on the other allied lines of business as reported in accordance with the property statistical plan promulgated by the board [and reported to the board's duly

appointed statistical gathering organization] for property insurance [under the Insurance Code, Article 5.25], which the association shall obtain from the board [through said statistical gathering organization], and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary;

(II) 90% of the extended coverage and other allied lines portion of the direct written premiums on the multiple peril line of business as reported in accordance with the property statistical plan promulgated by the board [and reported to the board's duly appointed statistical gathering organization] for property insurance [under the Insurance Code, Article 5.25], which the association shall obtain from the board [through said statistical gathering organization], and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary;

(III) 50% of the direct written premium or such other percentages as may be determined by the board of directors of the association; without further action by the State Board of Insurance, upon analysis of appropriate statistics for wind, hail, water damage, and all other perils, on the homeowner's multiple peril line of business as reported in accordance with the property statistical plan promulgated by the board [and reported to the board's duly appointed statistical gathering organization] for property insurance [under the Insurance Code, Article 5.25], which the association shall obtain from the board [through said statistical gathering organization], and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary and farm and ranch owners' multiple peril line of business as reported in accordance with the property statistical plan promulgated by the board [and reported to the board's duly appointed statistical gathering organization] for property insurance [under the Insurance Code, Article 5.25], which the association shall obtain from the board [through said statistical gathering organization], and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary, provided, no adjustment of five percentage points or less shall be made, and further provided, that no adjustment shall be made in less than three years from the last prior adjustment;

###### (IV) (no change)

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

(ii)-(iii) (No change).

(iv) For association policies with inception dates on and after January 1, 1993, "net direct premiums" shall mean all statewide direct written premiums (excluding direct written premiums in catastrophe area as designated by the State Board of Insurance) and shall be the sum of the following:

(I) 90% of the direct written premiums of the extended coverage line of business and 90% of the direct written premiums on the other allied lines of business as reported in accordance with the property statistical plan promulgated by the board for property insurance, which the association shall obtain from the board, and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary;

(II) 90% of the extended coverage and other allied lines portion of the direct written premiums on the multiple peril line of business as reported in accordance with the property statistical plan promulgated by the board for property insurance, which the association shall obtain from the board, and as may be furnished to the association by

the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary; and

(III) 50% of the direct written premium or such other percentage as may be determined by the board of directors of the association, without further action by the State Board of Insurance, upon analysis of appropriate statistics for wind, hail, water damage, and all other perils, on the homeowner's multiple peril line of business as reported in accordance with the property statistical plan promulgated by the board for property insurance, which the association shall obtain from the board, and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary and farm and ranch owners' multiple peril line of business as reported in accordance with the property statistical plan promulgated by the board for property insurance, which the association shall obtain from the board, and as may be furnished to the association by the board after review of the insurer's annual statement, other reports, and other statistics the board shall deem necessary, provided, no adjustment of five percentage points or less shall be made, and further provided, that no adjustment shall be made in less than three years from the last prior adjustment;

(IV) the extended coverage and other allied lines portion of the following policies, which shall be calculated as follows:

(a-) 40% of the total policy premium for any commercial policy issued under a composite rate; or

(b-) 40% of the total policy premium or the combined actual extended coverage and other allied lines premium charged whichever is greater, for any property insurance policy written by an insurance company that is not authorized to transact property insurance in Texas, and which is affiliated under common management or control of an insurance company licensed to transact property insurance in Texas.

(J)-(N) (No change.)

(b)-(f) (No change.)

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

Issued in Austin, Texas, on April 20, 1993.

TRD-9321916

Linda K. von Quintus-Dom  
Chief Clerk  
Texas Department of  
Insurance

Earliest possible date of adoption: May 28, 1993

For further information, please call: (512) 463-5566

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## Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

*(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notice of proposed actions by the Texas Board of Insurance. Notice of action proposed under Article 5.96 must be published in the Texas Register not later than the 30th day before the board adopts the proposal. Notice of action proposed under Article 5.97 must be published in the Texas Register not later than the 10th day before the Board of Insurance adopts the proposal. The Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Civil Statutes, does not apply to board action under Articles 5.96 and 5.97.*

*The complete text of the proposal summarized here may be examined in the offices of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.)*

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 1996, scheduled for 9 a.m. May 27, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Gua-

dalupe Street in Austin, will consider a proposal filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance concerning a possible revision to the experience rating plan. The staff is proposing that the experience rating plan be revised in accordance with one of the four options presented in the 1993 Review of Workers Compensation Rating Procedures as prepared by Dr. Mark Crawshaw, consulting actuary for the firm of Wakely and Associates, Atlanta, Georgia. The four options were proposed in a petition (Reference Number W-0493-07) filed by the staff on April 15, 1993.

According to the staff's petition, four options are being presented to the State Board of Insurance for consideration. Option update the current plan to reflect prevailing cost levels by making changes to the expected loss rates and "D" ratios found in the experience rating plan manual. This option involves no fundamental change to the current experience rating plan used in Texas. Option 2 is to revise the current plan to be consistent with the experience rating plan used in most other states. This option makes changes to the current definition of primary and excess

losses and revisions to the current definition of primary and excess losses and revisions to the expected loss rates, "D" ratios and "W" and "B" values found in the experience rating plan manual. This option increases the credibility given the actual experience of small and medium sized employers in the experience rating process. At the same time, it decreases the credibility given the actual experience of the large employers in the experience rating process. As a consequence, some large employers with good experience would receive a substantial increase in their experience modifier, while other large employers with poor experience would receive a large decrease in their experience modifier. Option 3 is similar to Option 2, except credibility of the experience of large employers is increased. However, it decreases the compatibility of the Texas experience rating plan with the plans used in most other states. Option 4 is also similar to Option 2, except that large employers are not eligible for experience rating by Texas Department of Insurance. This option allows for the consideration of the impact of prior experience to be subject to negotiation between individual large employers and insurers.

Options 2, 3 and 4 as proposed would include a capping procedure that places an upper limit on the maximum experience modifier for a small employer that barely qualifies for experience rating. In addition, options 2, 3 and 4 as proposed provide for small employers with claims free experience that barely qualify for experience rating to receive a credit comparable to the maximum 15% credit available to employers too small to qualify for experience rating pursuant to the Texas Insurance Code, Article 5.55.B.

The proposal recommends that the current three-year period continue to be used in calculating experience modifiers. Subject to limitations discussed in the proposal, it would be feasible to implement a plan that uses a shorter experience period or that gives greater weight to the most recent experience period if the Board determines this would be desirable.

A copy of the petition containing the full text of the proposed amendments to the experience rating plan is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Ms. Angie Arizpe (512) 322-4147 (refer to Reference Number W-0493-07).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it

from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on April 20, 1993.

TRD-9321914 Linda K. von Quintus-Dom  
Chief Clerk  
Texas Department of  
Insurance

For further information, please call: (512) 463-6328



The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket Number 1998, scheduled for May 27, 1993 at 9 a.m. in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe in Austin, will consider a petition filed by the Texas Car and Truck Rental and Leasing Association proposing an amendment to Endorsement Number 523B. (Rental Reimbursement Coverage) of the Texas Automobile Rules and Rating Manual (effective March 18, 1992), and the Declaration Page of the Texas Personal Auto Policy by amending the reimbursement for expenses incurred by the insured in renting a substitute automobile so that the levels of coverage that are optional with the insured are: \$15 per day to a

maximum of \$450, plus any applicable state taxes; \$20 per day to a maximum of \$600, plus any applicable state taxes; \$25 per day to a maximum of \$750, plus any applicable state taxes; \$30 per day to a maximum of \$900, plus any applicable state taxes.

Copies of the full text of the proposed amendments to the Manual are available for review in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78701. For further information or to request copies of the text, please contact Angie Arizpe, at (512) 322-4147 (refer to Reference Number A-0193-08).

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas, on April 20, 1993.

TRD-9321913 Linda K. von Quintus-Dom  
Chief Clerk  
Texas Department of  
Insurance

For further information, please call: (512) 463-6328



# Withdrawn Sections

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

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## TITLE 19. EDUCATION Part II. Texas Education Agency

### Chapter 145. Professional Environment

#### Subchapter B. Employment Assurances

- 19 TAC §145.21, §145.23

The Texas Education Agency has withdrawn from consideration for permanent adoption a proposed new §145.21 and §145.23 which appeared in the February 21, 1993 issue of the *Texas Register* (18 TexReg 1226). The effective date of this withdrawal is April 21, 1993.

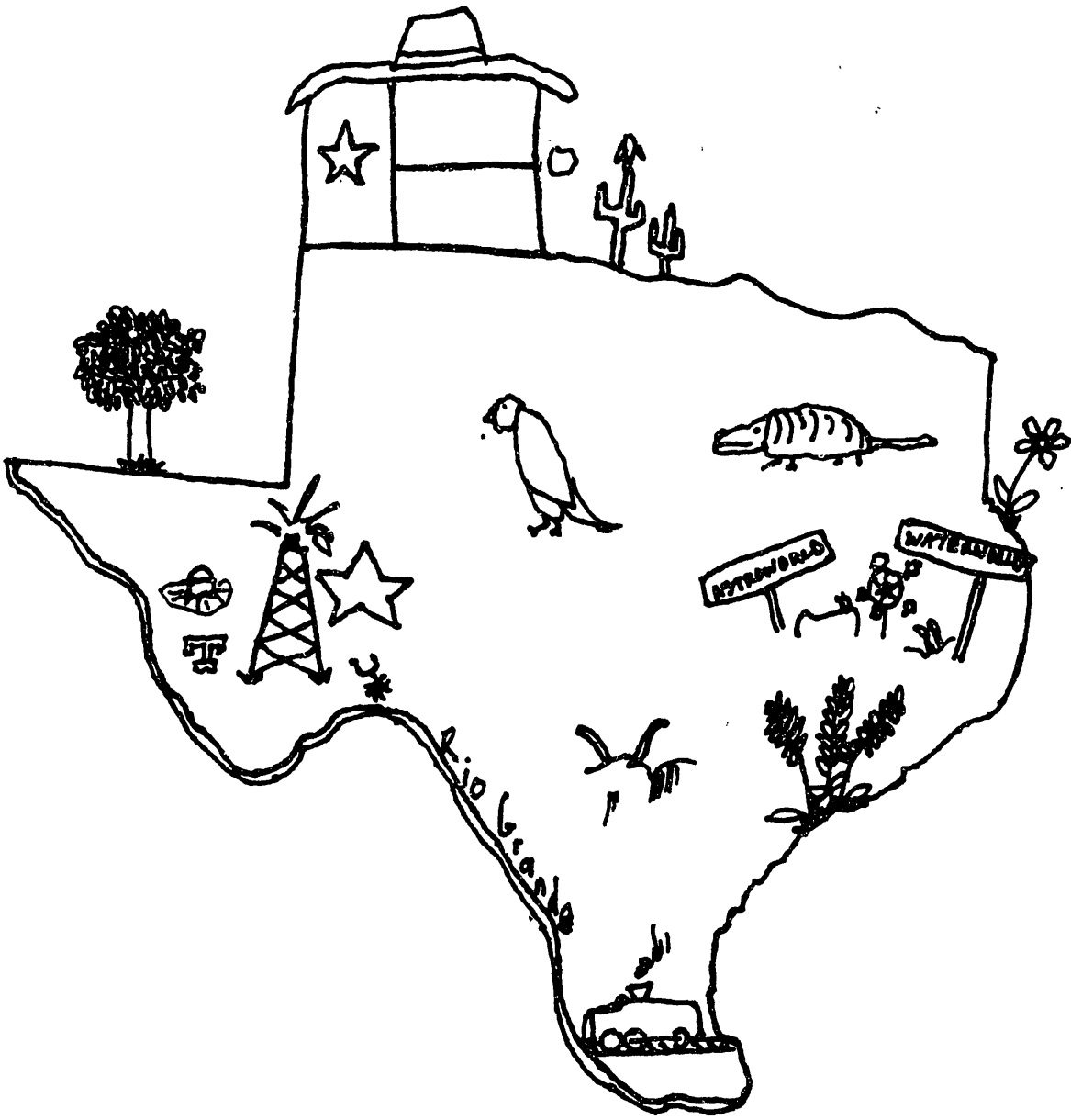
Issued in Austin, Texas, on April 21, 1993.

TRD-9321943      Criss Cloudt  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: April 21, 1993

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





Name: Jason McDaniel  
School: Langham Creek High School, Cypress-Fairbanks ISD

# Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 19. EDUCATION Part II. Texas Education Agency

### Chapter 75. Curriculum

#### Subchapter G. Other Provisions

##### • 19 TAC §75.166

The Texas Education Agency (TEA) adopts an amendment to §75.166, concerning credit by examination, with changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1221).

The section is necessary to give school districts the option of determining whether students with excessive absences may be allowed to make up work and receive state graduation credit by examination. The change to subsection (a)(2) directs school districts to include information about high school credit by examination in student handbooks and other documents made available to students and parents.

The amendment to subsection (d) deletes the prohibition against using credit by examination to make up work for excessive absences.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to adopt rules establishing and implementing a well-balanced curriculum.

##### §75.166. Credit by Examination.

###### (a) General provisions.

(1) A school district board of trustees which chooses to grant credit by examination shall adopt a policy which shall include, but need not be limited to, the following:

(A) eligibility requirements for students seeking credit by examination;

(B) courses for which credit may be earned by examination;

(C) procedures for examinations for credit;

(D) provisions for ensuring that examinations given under this section assess mastery of the essential elements;

(E) provisions for ensuring that the passing grade for the examination for credit is as high as that required for the same course or courses for other students in the district; and

(F) provisions for ensuring that examinations for credit are properly evaluated before credit is granted.

(2) Districts shall give reasonable notification of the availability of credit by examination in student handbooks and other documents made available to students and parents.

(3) Districts may place restrictions on the total amount of credit to be awarded through credit by examination.

(4) Students who have had prior formal instruction may use credit by examination procedures. Districts shall determine prior formal instruction based upon a review of educational records.

(5) Districts may use screening procedures to determine which students may use credit by examination.

(6) Districts may charge for these examinations at a rate not to exceed a limit set by the commissioner of education.

(b) Assessment of mastery. Examinations that assess student mastery of the essential elements for a particular course may be obtained from any source and may be administered by outside agencies. Examinations should be as rigorous as possible and may use a variety of methods. Tests or other assessments used to determine essential element mastery are not required to be submitted to the Central Education Agency for approval, but are subject to review by accreditation teams.

(c) Granting of credit. Credit obtained using credit by examination shall be recorded on the permanent school record for Grades 6-8 or on the academic achievement record for Grades 9-12 as appropriate.

(1) Granting of credit shall be dependent upon performance equivalent to that of students receiving regular classroom

instruction. Students must attain a grade of at least 70 or above on the assessment of the essential elements in this chapter. Granting of credit is subject to parental and district approval.

(2) Students in Grades 7-8 and Grade 6, when included in the middle school, may receive unit credit for a course if they meet the standards in paragraph (1) of this subsection.

(3) Students in Grades 9-12 may receive credit for a course if they meet the standards in paragraph (1) of this subsection.

(4) For courses offered for local credit only, credit may be given by examination at the discretion of the district.

(d) Use of credit. Credit by examination shall not be used to gain eligibility for participation in extracurricular activities.

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 April 21, 1993.

TRD-9321938

Crisie Cloudt  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

## Chapter 145. Professional Environment

### Subchapter A. Professional Environment in General

The Texas Education Agency (TEA) adopts the repeal of §§145.1, 145.2, 145.21, and 145.41-145.48, concerning professional environment, without changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1225).

The chapter is being repealed in accordance with the sunset review process mandated by Senate Bill 1, 71st Legislature. A new Chapter 145 is being adopted in a separate submission. The review process will result in a clearer, more concise statement of the rules relating to professional environment.

No comments were received regarding adoption of the repeals.

• 19 TAC §145.1, §145.2

The repeals are adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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 April 21, 1993.

TRD-9321839 Criss Cloutd  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

The Texas Education Agency (TEA) adopts new §§145.1, 145.2, 145.22, and 145.24, concerning professional environment, without changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1226). Section 145.21 and §145.23, which were proposed as new with these sections in the February 26, 1993, issue of the *Texas Register*, are being simultaneously withdrawn.

The new sections are adopted in accordance with the sunset review process mandated by Senate Bill 1, 71st Legislature. The sections establish policies for professional environment in public schools including paperwork reduction, developmental leave, and duty-free lunch.

The sunset review process will result in a clearer, more concise statement of the rules relating to professional environment.

No comments were received regarding adoption of the new sections.

• 19 TAC §145.1, §145.2

The new sections are adopted under the Texas Education Code (TEC), §21.925, which requires the State Board of Education (SBOE) to adopt rules that simplify and reduce the number and length of written reports required of school districts; the TEC, §21.910, which requires the SBOE to establish a procedure whereby applications for developmental leave are received and evaluated by the governing board of a school district and to determine an equitable ratio of classroom teachers to other certified personnel who may be granted leave over a period of time; and the TEC, §13.909, which requires the SBOE to prescribe guidelines for determining what constitutes a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance, as these concepts relate to duty-free lunch.

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 April 21, 1993.

TRD-9321842 Criss Cloutd  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

Subchapter B. Professional Assurances

• 19 TAC §145.21

The repeal is adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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 April 21, 1993.

TRD-9321840 Criss Cloutd  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

Subchapter B. Employment Assurances

• 19 TAC §145.22, §145.24

The new sections are adopted under the Texas Education Code (TEC), §21.925, which requires the State Board of Education (SBOE) to adopt rules that simplify and reduce the number and length of written reports required of school districts; the TEC, §21.910, which requires the SBOE to establish a procedure whereby applications for developmental leave are received and evaluated by the governing board of a school district and to determine an equitable ratio of classroom teachers to other certified personnel who may be granted leave over a period of time; and the TEC, §13.909, which requires the SBOE to prescribe guidelines for determining what constitutes a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance, as these concepts relate to duty-free lunch.

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 April 21, 1993.

TRD-9321844 Criss Cloutd  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

Subchapter C. Employment Assurances

• 19 TAC §§145.41-145.48

The repeals are adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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 April 21, 1993.

TRD-9321841 Criss Cloutd  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

Chapter 149. Education Personnel Development

Subchapter A. Educational Personnel Development Program

The Texas Education Agency (TEA) adopts the repeal of §§149.1-149.3, 149.21-149.25, 149.41-149.46, 149.71, 149.81, and 149.91, concerning education personnel development, without changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1228).

The chapter is being repealed in accordance with the sunset review process mandated by Senate Bill 1, 71st Legislature. A new Chapter 149 is being proposed in a separate submission. The review process will result in a clearer, more concise statement of the rules relating to professional development programs.

No comments were received regarding adoption of the repeals.

• 19 TAC §§149.1-149.3

The repeals are adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.



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 April 21, 1993.

TRD-9321945      Criss Cloudf  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

The Texas Education Agency (TEA) adopts new §§149.1, 149.2, 149.21, 149.22, 149.24, 149.25, 149.41-149.46, 149.71, and 149.81, concerning educational personnel development. Section 149.2 and §149.71 are adopted with changes to the proposed text as published in the February 26, 1993, issue of the *Texas Register* (18 TexReg 1228). Sections 149.1, 149.21, 149.22, 149.24, 149.25, 149.41-149.46, and 149.81 are adopted without changes and will not be republished.

The chapter is being adopted in accordance with the sunset review process mandated by Senate Bill 1, 71st Legislature. The sections establish a professional development program for educational personnel and guidelines for inservice education, appraisal of certified personnel, and the teacher career ladder.

The change to §149.2(a) corrects an erroneous reference to the Texas Education Code. Three changes to §149.71(b) and one change to §149.71(g) alter the amount of time per day a certified person must teach or provide instructionally related services to students to be eligible for assignment to the teacher career ladder. Several changes throughout §149.71 correct erroneous cross-references to Chapter 141 of this title (relating to Teacher Certification). As a result of the sunset review process, Chapter 141 of this title has been proposed for repeal, and the revised content of the chapter has been proposed as new sections in and amendments to Chapter 137 of this title (relating to Professional Educator Preparation and Certification). A change to §149.71(a) adds a cross-reference to §137.501(b).

The review process will result in a clearer, more concise statement of the rules relating to professional development programs.

No comments were received regarding adoption of the new sections.

• 19 TAC §149.1, §149.2

The new sections are adopted under the Texas Education Code (TEC), §11. 21, which authorizes the State Board of Education (SBOE), as part of the teacher staff development required under the TEC, §16.052, to adopt rules requiring instruction in subject areas the board considers appropriate; and the TEC, §13.032, which requires the SBOE to adopt rules concerning an appraisal process and performance criteria for career ladder level assignment purposes and

assessment instruments for the purpose of remediation and improvement.

*§149.2. Educational Aid for Teachers: Designation of Areas and Fields of Acute Teacher Shortage.*

(a) Annually, the State Board of Education shall designate those areas or fields of acute teacher shortage for purposes of the educational aid for teachers programs authorized in the Texas Education Code, Chapter 61, Subchapter M.

(b) These fields and areas shall be designated based upon the most current teacher supply/demand information, including, but not limited to, numbers and types of new certificates issued, shortages reflected in school district permit requests, and changing needs which result from new curriculum or program requirements.

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 April 21, 1993.

TRD-9321950      Criss Cloudf  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

Subchapter B. Inservice Education

• 19 TAC §§149.21, 149.22, 149.24, 149.25

The repeals are adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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 April 21, 1993.

TRD-9321946      Criss Cloudf  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

• 19 TAC §§149.21, 149.22, 149.24, 149.25

The new sections are adopted under the Texas Education Code (TEC), §11. 21, which authorizes the State Board of Education (SBOE), as part of the teacher staff development required under the TEC, §16.052, to adopt rules requiring instruction in subject areas the board considers appropriate; and the TEC, §13.032, which requires the SBOE to adopt rules concerning an appraisal process and performance criteria for career ladder level assignment purposes and assessment instruments for the purpose of remediation and improvement.

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 April 21, 1993.

TRD-9321951      Criss Cloudf  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

Subchapter C. Appraisal of Certified Personnel

• 19 TAC §§149.41-149.46

The repeals are adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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 April 21, 1993.

TRD-9321947      Criss Cloudf  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

• 19 TAC §§149.41-149.46

The new sections are adopted under the Texas Education Code (TEC), §11. 21, which authorizes the State Board of Education (SBOE), as part of the teacher staff development required under the TEC, §16.052, to adopt rules requiring instruction in subject areas the board considers appropriate; and the TEC, §13.032, which requires the SBOE to adopt rules concerning an appraisal process and performance criteria for career ladder

der level assignment purposes and assessment instruments for the purpose of remediation and improvement.

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 April 21, 1993.

TRD-9321952      Criss Cloudt  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

Effective date: May 12, 1993

Proposal publication date: February 26, 1993

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

### Subchapter D. Teacher Career Ladder

#### • 19 TAC §149.71, §149.81

The repeals are adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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.

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Texas Education Agency

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#### • 19 TAC §149.71, §149.81

The new sections are adopted under the Texas Education Code (TEC), §11.21, which authorizes the State Board of Education (SBOE), as part of the teacher staff development required under the TEC, §16.052, to adopt rules requiring instruction in subject areas the board considers appropriate; and the TEC, §13.032, which requires the SBOE to adopt rules concerning an appraisal process and performance criteria for career ladder level assignment purposes and assessment instruments for the purpose of remediation and improvement.

#### §149.71. Assignment to the Teacher Career Ladder.

(a) General provisions. Each teacher shall be assigned to a position on the career ladder unless excluded under other provisions of this section. Assignment shall be based on performance, experience,

job-related education, and/or advanced academic training, job assignments, and other requirements as specified in subsection (e) of this section, except as provided in §137.501(b) of this title (relating to General Provisions). Each teacher as defined in subsection (b) of this section shall be assigned to an appropriate level, maintained at an assigned level, and provided salary allotments for the teacher career ladder in accordance with the provisions of this section.

(b) Eligibility by job assignment. Eligibility for assignment to the teacher career ladder shall include a certified person who teaches or provides instructionally related services to students at least four hours each day or not less than 60% of the school day.

(1) Classroom teaching is defined as teaching in the regular classroom, the resource classroom, or other instructional settings (which include, but are not limited to, those for itinerant teachers such as the home-bound, the hospitalized, or in cooperatives) where the teacher is primarily responsible for the planning, delivering, evaluating, and reporting of student learning of the essential elements as required in Chapter 75 of this title (relating to Curriculum).

(2) Classroom teaching shall include teaching in any class for which credit is awarded to students, including physical education scheduled during the regular school day.

(3) Hours are defined for purposes of this subsection as regular class periods meeting the minimum time requirements of Chapter 75 of this title (relating to Curriculum).

(4) At the option of the local school district, the following instructionally related services may be counted as classroom teaching to meet the minimum teaching requirement for career ladder purposes:

(A) up to two hours of on-the-job supervision per day for the degreed vocational cooperative education teacher or the technical education internship teacher/coordinator;

(B) one hour per day of supervising the occupational experience for the vocational agriculture/horticulture teacher or for the extended learning experience program for the consumer and home-making teacher;

(C) one hour per day for purposes of traveling to the various teaching sites for the itinerant teacher;

(D) up to four hours per day or 20 hours per week for the placement of students in occupational settings, on-the-job

supervision, and/or travel to occupational teaching sites for the vocational adjustment coordinator who works with a minimum of three students per day or 15 students per week; or

(E) one hour per day for purposes of serving as an instructional department head/chairperson or grade level chairperson/coordinator provided that the teacher teaches a minimum of three hours per day.

(5) At the option of the local school district, a teacher who is employed for only half-time may be considered for the teacher career ladder provided that the teacher teaches a minimum of at least two hours each day.

(6) A person who is employed full-time but who does not teach in the classroom at least four hours per day or 60% of the regular school day as defined in paragraphs (1) and (4) of this subsection shall not be assigned to the teacher career ladder.

(7) A person shall not be assigned to the teacher career ladder if that person is serving as:

(A) a school nurse;

(B) a vocational teacher, nondegreed;

(C) an ROTC teacher, nondegreed;

(D) a librarian;

(E) a visiting teacher;

(F) a psychological associate;

(G) a physician;

(H) an occupational or physical therapist;

(I) a guidance associate who teaches less than four hours per day or less than 60% of the school day in the classroom as defined in paragraph (1) of this subsection; or

(J) any other special service assignment such as, but not limited to, counselors or educational diagnosticians and administrative/supervisory assignments such as, but not limited to, supervisors, principals, or superintendents.

(c) The selection process.

(1) Interruptions in service will be addressed in the following manner.

(A) A teacher who is not employed as a teacher for a period of up to two school years may be assigned to the same career ladder level to which the person was assigned before the interruption in service.

(B) A teacher who has an interruption in service as a teacher of more than two school years may be assigned to the career ladder level that is one level below the level to which the person was assigned before the interruption in service.

(C) A teacher who is assigned to a career ladder level following an interruption in service as a teacher must meet the same performance requirements for advancement on the career ladder that all other teachers must meet for advancement.

(2) A local district shall use a current school year performance evaluation as a criterion for placing a teacher on an advanced level of the career ladder or maintaining a teacher on an advanced level if one or more of the following conditions exist:

(A) no performance evaluation was completed for the teacher by that district in the immediately preceding school year; or

(B) a performance evaluation for the teacher from the immediately preceding school year was destroyed or otherwise removed from the district by former employees.

(3) A local school district may use current school year performance evaluations as a criterion for placing or maintaining teachers on career ladder levels only under the conditions specified in paragraphs (2) and (4) of this subsection or in accordance with the following.

(A) When extenuating circumstances exist for which an exception is sought, a local district must submit to the commissioner of education a written request in which extenuating circumstances are fully disclosed.

(B) The commissioner of education may allow a local district to use current school year performance evaluations if the circumstances are deemed extenuating.

(4) Current school year performance evaluations shall be used for purposes of placing or maintaining teachers on

advanced levels of the teacher career ladder in the following circumstances:

(A) a teacher was not appraised in the prior year because the teacher was on a local district-approved temporary disability leave; or

(B) a teacher was not appraised in the prior year because the teacher was on a local district-approved professional development leave.

(5) Texas Civil Statutes, Articles 5996a and 5996d, concerning nepotism, do not apply to the selection of level two, three, or four teachers pursuant to the Texas Education Code, Chapter 13, Subchapter E, added by House Bill 72 of the 68th Legislature, Second Called Session.

(d) Higher education course work and advanced academic training.

(1) The local school district shall determine in accordance with the provisions of this subsection whether courses taken for credit at accredited institutions of higher education or work obtained through programs of advanced academic training may be applied toward requirements for level placement and maintenance on the teacher career ladder. Higher education course work or advanced academic training must be related to the job assignment in one of the following ways:

(A) as instruction in the subject taught, a subject for which certification is held that is one of the elementary or secondary curriculum areas identified in Chapter 75 of this title (relating to Curriculum), a subject or area to be taught that has been designated by the State Board of Education or a local school district as an area or field of acute teacher shortage and for which the teacher has on file with the district a college/university plan for certification, or a teaching endorsement or delivery system approved by the State Board of Education in Chapter 137 of this title (relating to Professional Educator Preparation and Certification) such as kindergarten or other teaching endorsements and bilingual education or other delivery systems (this category must account for at least 50% of the course work or training unless specified otherwise in paragraph (2) of this subsection);

(B) as instruction for the student taught such as specialized instruction for the gifted and talented student, the handicapped student, the culturally different student, teaching-learning theories and strategies, and the evaluation and reporting of student achievement; or

(C) as instruction in specific classroom management, knowledge, skills, and applications such as discipline, individualized instruction, teacher excellence training, and the utilization of media and high technology in the classroom.

(2) A portion, the amount to be specified by the local district, of the higher education course work and/or advanced academic training must relate directly to the remediation of weaknesses or areas in need of improvement if identified in the teacher's appraisal for the preceding year or years. In the absence of needs identified through appraisal, career goals of the individual teacher and/or staff development goals of the local school district should be addressed with flexibility for emphasizing the need for depth and/or currency of both subject knowledge and teaching methods.

(3) Higher education course work and advanced academic training that is in accordance with this subsection and earned after the bachelor's degree and prior to September 1 of each year shall be creditable toward requirements for level placement on the teacher career ladder for the subsequent year. Decisions made in accordance with 1984-1985 guidelines, concerning credits retained for purposes of career ladder advancement, shall not be invalidated by the implementation of this subsection.

(4) Education earned during a state-required inservice day for which the teacher is salaried may be creditable as higher education course work or advanced academic training for career ladder purposes.

(5) Higher education course work used for level placement on the teacher career ladder must satisfy the requirements stated in paragraphs (1) and (2) of this subsection and may carry lower division, upper division, or graduate level credit. No more than one-third of the course work may be in lower division courses unless the work is being taken in a subject or area that has been designated by the State Board of Education or a local school district as an area or field of acute teacher shortage as specified in paragraph (1)(A) of this subsection.

(6) All higher education course work creditable toward level placement on the teacher career ladder must be awarded by a college or university that is accredited by a recognized regional accrediting organization, or approved by a state department of education or a recognized governmental entity.

(7) Credits for higher education course work or advanced academic training shall be creditable no more than once toward requirements for level advancement or placement on the teacher career ladder. If a master's or doctor's degree is used to qual-

ify an individual for more rapid advancement to level two on the teacher career ladder, applicable credit hours within the degree requirements in excess of nine semester hours may be applied toward meeting the requirements for placement on other levels of the career ladder.

(8) It is the responsibility of each teacher to provide the local school district with official transcripts for higher education course work completed and written documentation acceptable to the local school district for advanced academic training which includes, but is not limited to, the name of the work, the date, and the number of clock hours for the work completed. It is the responsibility of the local school district to maintain documentation in support of career ladder level decisions made by the local school district.

(e) Use of stricter performance criteria. If the funds available for the support of the teacher career ladder are insufficient to fund the supplements as provided in the Texas Education Code, §16.057, a local school district may require stricter performance criteria for placing teachers on career ladder levels and for maintaining teachers on previously assigned levels. Criteria not related to the quality of performance shall not be utilized to restrict eligibility for consideration for career ladder advancement.

(1) Local districts must specify in written policy the requirements for stricter performance. Local district requirements for stricter performance that are consistent with this subsection shall be considered approved.

(2) Criteria for stricter performance may be required in one or more of the following areas.

(A) A higher category of performance may be required for each of the years for placement on or maintenance of a career ladder level; for example, exceeding expectations may be required for maintaining level two rather than meets expectations.

(B) A greater number of years with specified high performance such as exceeding expectations may be required for all of the years required for experience rather than just a portion.

(C) A higher level of performance may be required within a category; for example, performance that excels in a majority of major areas rather than some major areas (domains) could be designated as exceeding expectations.

(f) Criteria for selection. All teachers shall be assigned to the teacher career ladder except for positions listed in subsec-

tion (b)(7) of this section. An individual being considered for career ladder level assignment or advancement shall satisfy the following requirements for the respective level.

(1) Level one placement shall require that a teacher:

(A) possess a provisional or professional teaching certificate as defined in §137.412 of this title (relating to Classes of Certificates) or a level one certificate or its equivalent as determined by the State Board of Education; and

(B) demonstrate at least meets expectations performance in every appraisal category for the year immediately preceding placement.

(2) Level two placement shall require that a teacher:

(A) possess a provisional or professional teaching certificate as defined in §137.412 of this title (relating to Classes of Certificates) or a level two certificate or its equivalent as determined by the State Board of Education;

(B) receive performance evaluations which reflect at least performance exceeding expectations during the year immediately preceding consideration for placement at level two and meet expectations performance during the other year or years, or meet the stricter performance criteria as specified by the local district in accordance with subsection (e) of this section; and

(C) possess one of the following combinations of education and experience:

(i) Option I:

(I) a baccalaureate degree;

(II) three years of classroom teaching experience on level one (need not be consecutive years); and

(III) nine semester hours of higher education course work, or 135 hours of advanced academic training (at least 45 hours of which must emphasize classroom management training if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training;

(ii) Option II:

(I) a master's degree in:

(-a-) a subject listed in Chapter 75 of this title (relating to Curriculum) as an elementary, secondary, or all-level subject to be taught;

(-b-) education (excluding degrees specifically designed for preparation for special service positions such as administrator, counselor, supervisor, etc.) with a concentration of at least 12 semester hours in a subject or combination of subjects to be taught in the public schools; or

(-c-) an endorsement area or delivery system approved by the State Board of Education in Chapter 137 of this title (relating to Professional Educator Preparation and Certification) such as kindergarten or other endorsements and bilingual and special education delivery systems; and

(II) two years of classroom teaching experience on level one (need not be consecutive years).

(3) Level three placement shall require that a teacher:

(A) possess an appropriate teaching certificate as defined in §137.412 of this title (relating to Classes of Certificates) or a level three certificate or its equivalent as approved by the State Board of Education;

(B) possess a baccalaureate degree and one of the following combinations of education, experience, and evaluation:

(i) Option I:

(I) five years of classroom teaching at level two;

(II) six semester hours of higher education course work, or 90 hours of advanced academic training (a portion of which must emphasize classroom management training only if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; and

(III) performance evaluations during three of the four years immediately preceding consideration for

placement at level three indicating performance exceeding expectations and at least meets expectations performance during the other year, or performance evaluations as specified by the local district in accordance with subsection (e) of this section; or

(ii) Option II:

(I) three years of classroom teaching at level two (need not be consecutive years);

(II) three semester hours of higher education course work or 45 hours of advanced academic training (a portion of which must emphasize classroom management training only if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; and

(III) performance evaluations during two of the three years of service immediately preceding consideration for placement at level three indicating clearly outstanding and at least meets expectations performance during the other year, or performance evaluations as specified by the local district in accordance with subsection (e) of this section.

(4) Level four placement shall require that a teacher:

(A) possess a master teacher certificate;

(B) demonstrate satisfactory performance on the master teacher examination; and

(C) possess a baccalaureate degree and one of the following combinations of education, experience, and evaluation:

(i) Option I:

(I) three years of classroom teaching experience at or above level three;

(II) complete six semester hours of higher education course work; or complete 90 hours of advanced academic training (a portion of which must emphasize classroom management training only if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent

combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; and

(III) receive performance evaluations during two of the three years immediately preceding consideration for placement at level four indicating clearly outstanding performance and at least meets expectations performance during the other year; or performance evaluations as specified by the local district in accordance with subsection (e) of this section; or

(ii) Option II:

(I) two years of classroom teaching at or above level three (need not be consecutive years);

(II) have three semester hours of higher education course work, or 45 hours of advanced academic training (a portion of which must emphasize classroom management training only if classroom management or discipline is identified as an area that needs improvement on the teacher's performance appraisal for the preceding year), or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training; and

(III) receive performance evaluations during the three years immediately preceding consideration for placement at level four indicating clearly outstanding performance, or performance evaluations as specified by the local district in accordance with subsection (e) of this section.

(g) Maintenance or reassignment of career ladder levels.

(1) A teacher shall remain at career ladder level one until full eligibility requirements for a level two, level three, or master teacher certificate as described in Chapter 137 of this title (relating to Professional Educator Preparation and Certification) have been met and the teacher has been assigned to career ladder level two. A district may not renew the contract of a teacher who fails to achieve at least meets expectations performance during either of the first two years of experience at level one.

(2) A teacher shall remain at career ladder level two until full eligibility requirements for a level three or master teacher certificate as described in Chapter 137 of this title (relating to Professional Educator Preparation and Certification) and level three entry requirements have been met. A teacher shall be reassigned from career ladder level two to career ladder

level one if the teacher's performance is below expectations during the preceding year, or fails to achieve the stricter performance criteria as specified by the local district in accordance with subsection (e) of this section.

(3) A teacher shall remain at career ladder level three until full eligibility requirements for a master teacher certificate as described in Chapter 137 of this title (relating to Professional Educator Preparation and Certification) and level four entry requirements have been met.

(A) A teacher shall be reassigned from career ladder level three to career ladder level two if the teacher demonstrates less than exceeding expectations performance at level three for two consecutive years, or fails to achieve the stricter performance criteria as specified by the local district in accordance with subsection (e) of this section.

(B) A teacher shall be reassigned from career ladder level three to career ladder level one if the teacher demonstrates performance which is below expectations during the preceding year, or fails to achieve the stricter performance criteria as specified by the local district in accordance with subsection (e) of this section.

(4) A teacher shall remain at career ladder level four unless the requirements stated in this subsection are no longer satisfied. A teacher shall be required:

(A) to demonstrate clearly outstanding performance during two of every three years and at least meets expectations performance during the other year and complete three semester hours of higher education course work or 45 hours of advanced academic training or an equivalent combination so that one semester hour of higher education course work is equivalent to 15 hours of advanced academic training, to demonstrate clearly outstanding performance during each of the three years, or to achieve performance evaluations as specified by the local district in accordance with subsection (e) of this section;

(B) to teach in a classroom for not less than four hours per day or 60% of the school day in accordance with the provisions of subsection (b)(4) of this section; and

(C) to perform at least two master teacher duties every three years.

(5) In the event that a school district determines that reassignment to a lower level resulted from performance ap-

praisals that were influenced by extraordinary personal circumstances and the teacher receives a clearly outstanding performance appraisal in the year following reassignment, the school district may reinstate the teacher to the former level. In any other case, a teacher reassigned under this subsection may reenter higher levels only by requalifying under the performance standards for entry into the higher levels.

(h) Out-of-state teachers entering the career ladder.

(1) A teacher who possesses a valid classroom teaching certificate issued by another state department of education or foreign country may enter the career ladder at any level assigned by the employing school district, at the commensurate salary step, under a probationary contract.

(2) At the end of the first year of teaching in Texas, the teacher must meet the requirements established in subsection (f) of this section with the exception of the requirements for the prior certificate held.

(A) In the event that such performance requirements are not met satisfactorily, the teacher shall be maintained at the career ladder level below assignment with no salary step increase.

(B) Failure to satisfactorily meet such requirements during the second year of teaching shall result in termination of contract.

(3) Upon satisfactory achievement of certification requirements, the district may recommend certification at the appropriate level as established in Chapter 137 of this title (relating to Professional Educator Preparation and Certification).

(4) The employing school district shall have the authority to accept or reject the performance appraisal or appraisals based on service completed in other districts.

(i) Transfer between districts.

(1) A teacher is entitled to transfer a career ladder level assignment between districts.

(2) A teacher may waive entitlement to a particular career ladder level assignment when changing employment from one district to another.

(3) The employing district may recognize the performance appraisal of a district previously employing the teacher in determining a career ladder level assignment. Employing districts which choose not to recognize the performance evaluation of another district may establish by local policy a procedure for placing the teacher on the career ladder at a level not to exceed

that previously held by the teacher in another district without regard to experience at a particular career ladder level. A district shall not require a teacher to be employed and appraised by that district prior to placement on a particular career ladder level for more years than required by subsection (f) of this section.

(j) Finality of district decision.

(1) A decision of the district concerning a teacher's placement on the career ladder may be appealed only on the following grounds:

(A) that the decision was arbitrary and capricious; or

(B) that the decision was made in bad faith.

(2) Before a career ladder decision may be appealed to the commissioner of education, a hearing concerning the decision must be held by the local board of trustees.

(k) Property right of teacher.

(1) A teacher who has earned a level one, level two, level three, or master teacher certificate in accordance with Chapter 137 of this title (relating to Professional Educator Preparation and Certification) has a right to retain that certificate until it has expired or is duly suspended, revoked, or otherwise removed in accordance with law.

(2) Assignment to career ladder level one, level two, level three, or level four is neither a property right nor the equivalent of tenure.

(l) Career ladder salary supplement. The career ladder salary supplement shall be paid during the school year at a time not later than August 31 of the school year in which the teacher entered or was maintained and in a manner to be determined by the local school district in accordance with law and this section.

(1) Each teacher placed on level two, three, or four of a career ladder is entitled to the following annual supplement in addition to the minimum salary set by law:

(A) Level 2—\$2,000;

(B) Level 3—\$4,000; and

(C) Level 4—\$6,000.

(2) If the district pays more than the state minimum salary prescribed by law, the teacher is entitled to the career ladder supplement in addition to the amount otherwise paid by the district for the teacher's step.

(3) If the allotment to the district that is designated for support of the career ladder will not fully fund the supplements for the teachers meeting the minimum state requirements, the district may:

(A) reduce the supplements to not less than the following:

(i) Level 2—\$1,500;

(ii) Level 3—\$3,000;

(iii) Level 4—\$4,500;

(B) provide for stricter performance criteria than that provided in law as a basis for career ladder level assignments in accordance with subsection (e) of this section; or

(C) take action under both subparagraphs (A) and (B) of this paragraph.

(4) Monies received by the district from the state as the allotment for career ladder salary supplements may not be used to supplement the salary of an employee for directing cocurricular or extracurricular activities.

(5) The district must pay each teacher selected for a specific career ladder level the same amount of supplement for a particular career ladder level during that particular school year.

(6) Districts may reduce the amount of the career ladder supplement on a pro rata basis utilizing the number of days of employment, not the date when the award is made, when the teacher is employed for fewer than 183 days.

(7) Teachers employed for no less than half-time as defined in subsection (b) (5) of this section shall be paid no less than one-half of the designated salary supplement awarded by the local school district for that particular level for the specific school year or a proportionate amount consistent with the portion of the school day served.

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 April 21, 1993.

TRD-8321955

Cris Cloudt  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

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Proposal publication date: February 26, 1993

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

## Subchapter E. Centers for Professional Development and Technology

### • 19 TAC §149.91

The repeal is adopted under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

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 April 21, 1993.

TRD-9321849      Criss Cloutd  
Director of Policy Planning  
and Evaluation  
Texas Education Agency

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

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part IX. Texas Water Commission

#### Chapter 297. Water Rights, Substantive

#### Subchapter C. Types of Uses • 31 TAC §297.29

The Texas Water Commission adopts new §297.29, without changes to the proposed text as published in the October 18, 1992, issue of the *Texas Register* (17 TexReg 8880).

The justification for the section will be improvements in the administration and regulation of the uses of surface water, protection of public safety and property from damage and destruction by fire, and reduced exposure in rural areas of the state to financial losses from fire.

The purpose of the section is to provide a permit exemption to use state water for emergency use. Without obtaining a permit from the commission, county and rural community fire departments and other emergency service providers may divert and use state water from streams and reservoirs, including exempt domestic and livestock reservoirs, for emergency purposes. Emergency purposes under this rule include use of water to fight fires, manage chemical spills, and as needed to deal with emergency public welfare concerns.

One commenter recommended that emergency service providers be required to have an agreement with the water right holder prior to the possible diversion of water, that emergency service providers that utilize water in emergencies be required to notify the TWC and the water right holder of activity, that the

proposed rules define "emergency use" and address the potential abuse of water use, and that all installations of "dry hydrants" be approved by the water rights holder prior to installation. Another commenter suggested that the form of the rule be changed and that the exception be expanded to all fire department and emergency service providers.

Making comments in opposition to the section were the City of Dallas Water Utilities Department and an environmental attorney.

The agency does not agree that emergency service providers should be required to have an agreement with the water right holder prior to the possible diversion of water, because this would defeat the purpose of having a permit exemption. The proposed rule already requires emergency service providers to notify the executive director within 60 days of use of the dry hydrant. The proposed rule already defines emergency use and any abuse of water rights will result in the Executive Director filing a complaint with the commission. The proposed rule already requires that the design and installation of "dry hydrant" be according to guidelines recommended by the United States Department of Agriculture.

The agency does not agree that the form of the rule should be changed because the rule as proposed is sufficiently clear. It is not necessary to extend the beneficial purpose to all fire departments and emergency service providers because the rule already states "and other emergency service providers".

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

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 April 19, 1993.

TRD-9321855      Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission

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

## Chapter 335. Industrial Solid Waste and Municipal Hazardous Waste

### Subchapter A. Industrial Solid Waste and Municipal Hazardous Waste Management in General

#### • 31 TAC §335.2, §335.6

The Texas Water Commission (TWC) adopts amendments to §335.2 and §335.6, concern-

ing industrial solid waste and municipal hazardous waste. Section 335.2 is adopted with changes to the proposed text as published in the October 27, 1992, issue of the *Texas Register* (17 TexReg 7578). Section 335.6 is adopted without changes and will not be published.

There were no changes to §335.6(i), which was inadvertently left out of the proposal. This section is now included in the adoption without changes.

The amendments are adopted in response to a petition for rulemaking filed by the National Solid Waste Management Association, which was presented and considered by the TWC at its agenda meeting of May 27, 1992; the TWC directed the staff to draft rules in response to this petition.

The commission received comments on the proposed rules from Browning-Ferris Industries, Exxon Chemical Company, The GNI Group (Disposal Systems, Inc.), the law firm of Henry, Kelly Lowerre, and Tricil Environmental Response, Inc.

Three commenters supported the proposed amendments, which would allow an interim-status hazardous waste landfill facility to obtain authorization from the executive director for management of non-hazardous industrial solid waste in an interim-status landfill.

One commenter writing in support of the amendments noted that the proposed changes would more readily make available to generators of industrial solid waste an option for greater environmental protection in the disposal of their wastes. This commenter stated that generators who are prepared to pay the higher costs associated with higher levels of environmental protection should not be discouraged from doing so. The TWC agrees with this commenter, and notes that there does not appear to be any public policy on the part of the TWC such that it would prohibit an otherwise properly authorized facility from placing non-hazardous industrial solid waste in a hazardous waste landfill. The argument could, in fact, be made that public policy favors placing such industrial solid waste in a hazardous waste landfill, given adequate capacity, since the minimum technical requirements for a hazardous waste landfill generally provide greater safeguards to the environment than the requirements for a non-hazardous industrial solid waste landfill. It should be noted that a particular permitted commercial industrial solid waste landfill in our state is allowed by permit to accept both hazardous and non-hazardous waste.

Two commenters writing in support of the proposed amendments stated that the amendments would allow waste streams which are currently classified as non-hazardous industrial solid wastes, but which may be identified or listed as hazardous wastes in the future, to be disposed of in a more secure and comprehensive landfill system, thus alleviating some of the concerns of the generator for long-term liability of the industrial solid waste streams they generate. One of these commenters also pointed out that necessary considerations in planning waste disposal are long-term responsibilities and possible remedial actions. The TWC



agrees with these commenters, noting that generators are likely to be in the best position to make decisions regarding disposal options due to their familiarity with the wastes in question; and making options for greater environmental protection more available to generators is appropriate. The adopted amendments should make these options for greater environmental protection more available because the procedure for approval or denial by the executive director should be less time-consuming than the permitting process, even with any public notice or technical requirements which are allowed by the adopted amendments to be imposed without limitation by the executive director. The adopted amendments would also make these options for greater environmental protection more readily available if future hazardous waste identifications or listings lead to additional commercial interim-status hazardous waste landfills (i.e., landfills which are or will be receiving industrial solid wastes which are later characterized as hazardous wastes).

One commenter, writing in support of the proposed amendments, stated the opinion that occurrences in certain neighboring states leading to the rejection of the disposal in their states of certain non-hazardous solid wastes generated in the State of Texas will continue to happen, thereby making it appear logical for Texas generators to have the option for disposal in our state of non-hazardous waste in hazardous waste landfills. The adopted amendments should make this option more readily available, as previously mentioned, because the procedure for approval or denial by the executive director should be a less time-consuming process than the permitting process. The commenter also stated the opinion that, if the rule were to be adopted as proposed, there would not be a sudden and dramatic increase in the amount of non-hazardous waste being disposed in existing interim-status hazardous waste landfills. In response to this commenter, although the TWC cannot anticipate the future well enough in this area to predict with a significant degree of accuracy the additional amount of non-hazardous industrial solid waste which may enter interim-status hazardous waste landfills as a result of the present rule adoption, we agree with the commenter that it appears logical to make certain options more readily available for generators in planning their industrial solid waste disposal.

One commenter plainly opposed the proposed amendments, while another commenter opposed adoption of the proposal without addressing certain questions, as discussed later. Both commenters raised the issue of hazardous waste disposal capacity. One commented that it would be a mistake for the TWC to encourage the depletion of the state's hazardous waste landfill capacity, and contended that the state's Capacity Assurance Plan (CAP) under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 United States Code §9601 et seq, §104(c)(9), would need to be formally amended to account for the effect of the proposed amendments if they are adopted. The TWC responds that none of the capacity affected by this adopted amendment has been included in a capacity assur-

ance plan (CAP) prepared to date. With regard to amendment of the state's CAP, it should be noted that CAPs are prepared and updated at intervals specified by the United States Environmental Protection Agency (EPA). In the past, changes to capacity for a facility included in a CAP have been addressed in the state's next regular CAP submission, rather than in a formal, interim modification to a CAP.

One commenter asked how the TWC would account for the use of hazardous waste landfill capacity by disposal of non-hazardous wastes in the needs assessments and capacity assurance processes. In response, the TWC relies on required monthly waste receipt reports, as well as other reporting and recordkeeping procedures, to determine the quantity of non-hazardous wastes disposed of in assessing the need for hazardous waste landfill disposal capacity; and determining that adequate hazardous waste landfill capacity exists, as appropriate. A deeper concern which is perhaps implied by this commenter's question is whether it is appropriate for the TWC to facilitate the utilization of hazardous waste landfill capacity for non-hazardous waste disposal, in light of the state's public policy that adequate capacity should exist for the proper management of industrial and hazardous waste generated in the state.

As one of the other commenters noted, the Subtitle D regulations under the Resource Conservation and Recovery Act of 1976, as amended, 42 United States Code, §6901 et seq ("RCRA") will "tighten down" on the disposal of non-hazardous solid waste. Thus, it probably can be safely assumed that disposing of non-hazardous industrial solid waste in Subtitle D landfills will become more strictly regulated over time. In light of the stated public policy that there should be adequate capacity for non-hazardous industrial waste disposal as well as hazardous waste disposal, and given that Texas generators currently ship more waste out of state for non-hazardous versus hazardous waste landfill disposal, it appears to be appropriate to facilitate the disposal of both hazardous and non-hazardous wastes in the most environmentally protective manner.

Concerning the potential impact of these adopted amendments on the capacity for hazardous waste disposal, a primary factor to be considered is the magnitude of the increase expected from the rule changes in the amount of non-hazardous industrial solid waste to be disposed in existing interim-status hazardous waste landfills, relative to the capacity of the available hazardous waste landfills and the other demands on this capacity. First, in response to a commenter's question, the TWC is aware of only one such commercial hazardous waste interim-status landfill facility in the state. Thus, under these amendments, only one facility would be able to avail itself of the options provided for receiving additional non-hazardous industrial solid wastes to be disposed of in an interim-status hazardous waste landfill at the present time. It is difficult to accurately predict the additional amount of non-hazardous industrial solid waste that might enter the interim-status hazardous waste landfill as a result of the

present rule adoption. Nonetheless, the TWC agrees with the commenter who does not anticipate a sudden and dramatic increase in the amount of non-hazardous waste being disposed in the existing interim-status hazardous waste landfill.

Assuming even a moderate increase results from the rule changes in the demand on the hazardous waste landfill's capacity by non-hazardous industrial solid waste generators, the TWC would point out that many of these generators are planning disposal of wastes which today may be hazardous wastes, but which in the future may be non-hazardous industrial solid waste due to treatment or to changes in the definition of hazardous wastes. In the future, the reverse situation is likely to occur with regard to changes in the definition of hazardous waste, expanding it to include wastes which today are non-hazardous wastes. In light of these considerations, it is the TWC's position that it is not appropriate to establish a public policy that it be impermissible for an otherwise properly authorized facility to place non-hazardous industrial solid waste in a hazardous waste landfill.

In its adoption of the amendments to §335.2 during its agenda meeting of April 19, 1993, the commission ruled that any request for authorization for the disposal of non-hazardous industrial solid wastes in an interim-status hazardous waste landfill shall not be approved unless the executive director makes a decision that the subject facility is suitable for disposal of such waste. Of course, this determination by the executive director must be based on consideration of the suitability of that portion of the facility upon which the proposed disposal would take place (i.e., the portion of the facility subject to the request for authorization to dispose). In addition, the determination by the executive director that the subject facility is suitable must include, at a minimum, approval by the executive director of construction of a hazardous waste landfill meeting the minimum technological requirements of Title 40, Code of Federal Regulations (CFR), §265.301(a). For any existing interim-status hazardous waste landfills that are already constructed at the time of the request for authorization under this section, the determination of suitability by the executive director must include at least a review of plans and specifications to decide whether the existing landfill was built in accordance with the minimum technological requirements (MTR) of 40 CFR, §265.301(a). Likewise, for future construction of an interim-status hazardous waste landfill, the executive director must decide if the design plans and specifications demonstrate conformance with the MTR.

Sections 5.103, 5.105, and 26.011, which provide the commission the authority to adopt any rules necessary to carry out its powers, duties, and policies and to protect water quality in the state. The sections are also adopted under the Texas Health and Safety Code, Texas Solid Waste Disposal Act, §361.017 and §361.024, which provides the commission the authority to regulate industrial solid wastes and municipal hazardous wastes and to adopt rules and promulgate rules consistent with the general intent and purposes of the Act.



### §335.2. Permit Required.

(a) Except with regard to storage, processing, or disposal to which subsections (c)-(h) of this section apply, and as provided in §335.45(b) of this title (relating to Effect on Existing Facilities), and in accordance with the requirements of §335.24 of this title (relating to Requirements for Recyclable Materials and Non-hazardous Recyclable Materials), no person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous waste unless such activity is authorized by a permit, amended permit, or other authorization from the Texas Water Commission or its predecessor agencies, the Texas Department of Health, or other valid authorization from a Texas state agency. No person may commence physical construction of a new hazardous waste management facility without first having submitted Part A and Part B of the permit application and received a finally effective permit.

(b)-(g) (No change.)

(h) A person may obtain authorization from the executive director for the storage, processing, or disposal of non-hazardous industrial solid waste in an interim-status landfill which has qualified for interim-status pursuant to 40 Code of Federal Regulations, Part 270, Subpart G, and which has complied with the standards set forth in Subchapter E of this chapter (relating to Interim Standards for Owners and Operators of Hazardous Waste Storage, Processing or Disposal Facilities), by complying with the notification and information requirements as set forth in §335.6 of this title (relating to Notification Requirements). The executive director may approve or deny the request for authorization or grant the request for authorization subject to conditions which may include, without limitation, public notice and technical requirements. A request for authorization for the disposal of non-hazardous industrial solid waste under this subsection shall not be approved unless the executive director determines that the subject facility is suitable for disposal of such waste at the facility as requested. At a minimum, a determination of suitability by the executive director must include approval by the executive director of construction of

a hazardous waste landfill meeting the design requirements of Title 40, Code of Federal Regulations, §265.301(a). In accordance with §335.6 of this title (relating to Notification Requirement), such person shall not engage in the requested activities if denied by the executive director or unless 90 days' notice has been provided and the executive director approves the request except where express executive director approval has been obtained prior to the expiration of the 90 days. Authorization may not be obtained under this subsection for:

(1) non-hazardous industrial solid waste, the storage, processing, or disposal of which is expressly prohibited under an existing permit or site development plan applicable to the facility or a portion of the facility;

(2) PCB wastes subject to regulation by 40 Code of Federal Regulations, Part 761;

(3) explosives and shock-sensitive materials;

(4) pyrophorics;

(5) infectious materials;

(6) liquid organic peroxides;

(7) radioactive or nuclear waste materials, receipt of which would require a license from the Texas Department of Health or Texas Water Commission or any other successor agency; and

(8) friable asbestos waste unless authorization is obtained in compliance with the procedures established under §330.136(b)(6)(B)-(E) of this title (relating to Disposal of Special Wastes). Authorizations obtained under this subsection shall be effective during the pendency of the interim-status and shall cease upon the termination of interim-status, final administrative disposition of the subject permit application, failure of the facility to operate in compliance with the standards set forth in Subchapter E of this chapter, or as otherwise provided by law.

(i) Owners or operators of hazardous waste management units must have permits during the active life (including the closure period) of the unit, and, for any unit that receives hazardous waste after July 26,

1982, during any post-closure care period required under 40 Code of Federal Regulations, §264.117, and during any compliance period specified under §335.162 of this title (relating to Compliance Period), including any extension of that period.

(j) Upon receipt of the federal Hazardous and Solid Waste Act (HSWA) authorization for the Texas Water Commission's (commission) Hazardous Waste Program, the commission shall be authorized to enforce the provisions that the Environmental Protection Agency (EPA) imposed in hazardous waste permits that were issued before the HSWA authorization was granted.

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 April 20, 1993.

TRD-9321923

Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission

Effective date: May 12, 1993

Proposal publication date: October 27, 1992

For further information, please call: (512) 908-6814

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

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

*(Editor's Note: House Bill 7, 72nd Legislature, First Called Session, (Texas Civil Statutes, Article 4413 (503)) created the Texas Department of Protective and Regulatory Services effective September 1, 1992. This bill transfers all functions, programs, and activities related to the child protective services program, including adoption and foster care from the Texas Department of Human Services and investigations of abuse and neglect from the Texas Department of Mental Health and Mental Retardation.*

*The Texas Register is administratively transferring the following rules listed in the table below from Title 25, Part II, Texas Department of Mental Health and Mental Retardation to the Texas Department of Protective and Regulatory Services. The table lists the new section number and the old section number that correspond to them.)*

***Texas Department of Mental Health and Mental Retardation  
transfer to Texas Department of Protective and Regulatory Services***

**Chapter 710. Protection of Clients and Staff**

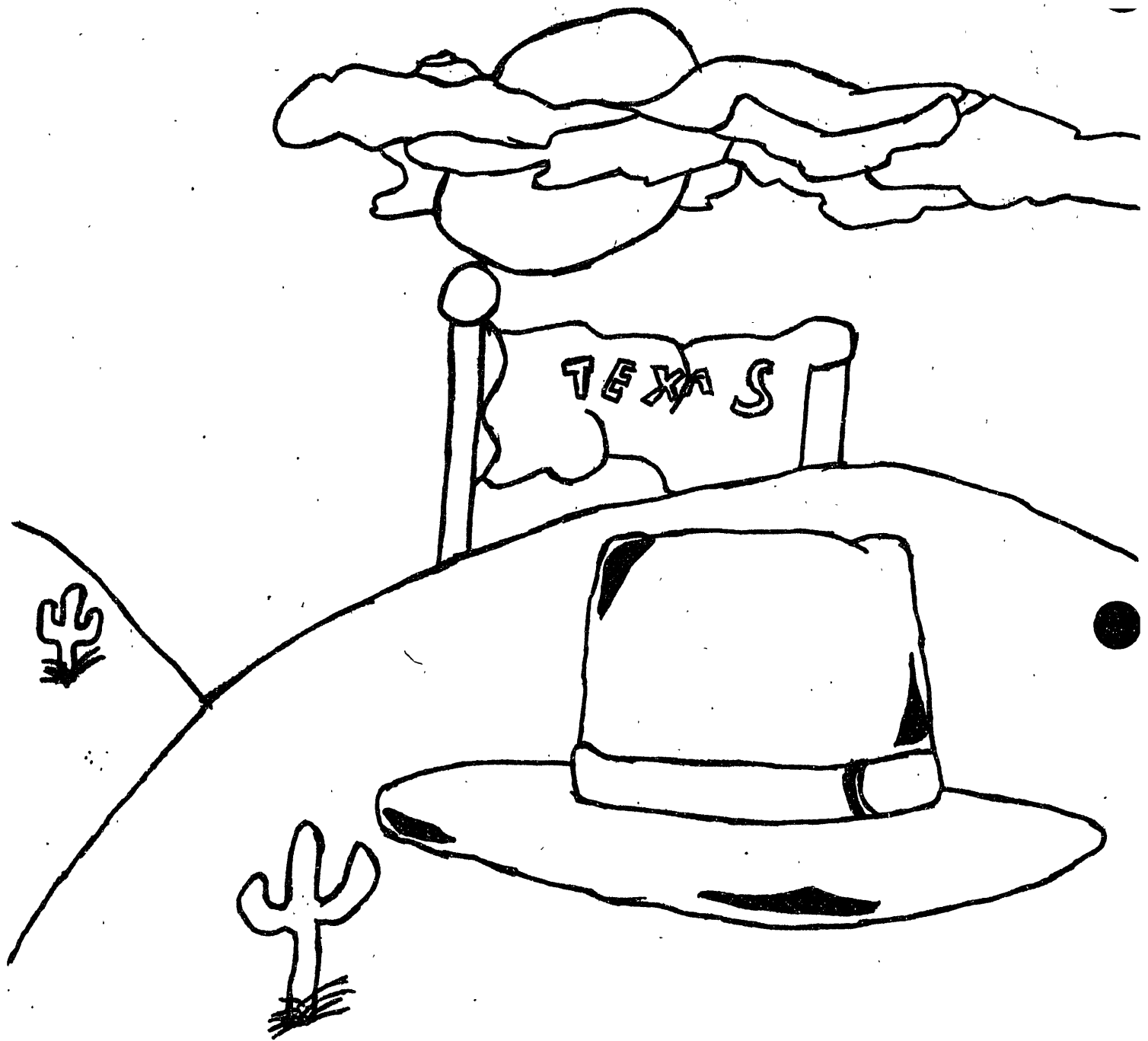
**Subchapter B. Client Abuse in Community Mental Health and Mental Retardation Centers**

<b>New Rule Number</b>	<b>Old Rule Number</b>
40 TAC §710.41	25 TAC §404.41
40 TAC §710.42	25 TAC §404.42
40 TAC §710.43	25 TAC §404.43
40 TAC §710.44	25 TAC §404.44
40 TAC §710.45	25 TAC §404.45
40 TAC §710.46	25 TAC §404.46
40 TAC §710.47	25 TAC §404.47
40 TAC §710.48	25 TAC §404.48
40 TAC §710.49	25 TAC §404.49
40 TAC §710.50	25 TAC §404.50

**Subchapter C. Patient Abuse in Private Psychiatric Hospitals**

40 TAC §710.81	25 TAC §404.81
40 TAC §710.82	25 TAC §404.82
40 TAC §710.83	25 TAC §404.83
40 TAC §710.84	25 TAC §404.84
40 TAC §710.85	25 TAC §404.85
40 TAC §710.86	25 TAC §404.86
40 TAC §710.87	25 TAC §404.87





Name: Justin Luchi  
School: Langham Creek High School, Cypress-Fairbanks 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 prior to a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the *Texas Register*.

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

**Posting of open meeting notices.** All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain 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

**Thursday, May 6, 1993, 9 a.m.** The Office of Hearings of the Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Room 928B, Stephen F. Austin Building, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code Annotated, §13.036 by Central Seed and Feed Company.

Contact: Barbara B. Deane, P.O. Box 12847, Austin, Texas 78711, (512) 463-7448.

Filed: April 21, 1993, 9:25 a.m.

TRD-9321932

## Anatomical Board of the State of Texas

**Friday, May 7, 1993, 9:30 a.m.** The Anatomical Board of the State of Texas will meet at the Eugene McDermott Academic Administration Building, Fourth Floor Conference Room, Galveston. According to the agenda summary, the board will call the meeting to order; discuss approval of agenda; approval of the 1992 minutes; hear chairman's comments; report on the secretary and treasurer; report on 1991-1992 cadaver procurement and use; distribution of cadavers for 1993-1994; discuss old and new business; determine location for 1994 meeting; and adjourn.

Contact: Dr. Andrew F. Payer, 200 University Boulevard, Galveston, Texas 77555-0843, (409) 772-1166.

Filed: April 20, 1993, 1:53 p.m.

TRD-9321876

## Texas Commission for the Blind, Texas Rehabilitation Commission

**Wednesday-Thursday, May 5-6, 1993, 10 a.m. and 8:30 a.m. respectively.** The State Independent Living Council of the Texas Commission for the Blind, Texas Rehabilitation Commission will meet at the Doubletree Hotel, 6505 North IH-35, Austin. According to the agenda summary, the council will call the meeting to order; hear report from the director's Association of Texas Centers for Independent Living (DATCIL); public comments; discuss appropriations for independent living services; and on Thursday discuss amendments to the Rehabilitation Act and the impact on the Texas Commission for the Blind, Texas Rehabilitation Commission.

Contact: Robert Packard, P.O. Box 12866, Austin, Texas 78711, (512) 459-2588, or Mel Fajkus, 4900 North Lamar Boulevard, Austin, Texas 78751, (512) 483-4133.

Filed: April 20, 1993, 2:47 p.m.

TRD-9321892

## Texas Cancer Council

**Tuesday, May 4, 1993, 4:30 p.m.** The Strategic Planning Committee of the Texas Cancer Council will meet at 211 East Seventh Street, Room 701, Southwest Tower Building, Austin. According to the complete agenda, the committee will call the meeting to order; review Fiscal Year 1994

action plan; discuss council policies pertaining to projects; identification of new initiatives; discuss other business; and adjourn. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact Debra Perkins at (512) 463-3190 five working days prior to the meeting so that appropriate arrangements can be made.

Contact: Emily F. Untermeyer, 211 East Seventh Street, Suite 710, Austin, Texas 78701, (512) 463-3190.

Filed: April 21, 1993, 9:45 a.m.

TRD-9321933

## Children's Trust Fund of Texas Council

**Friday, May 7, 1993, 10 a.m.** The Children's Trust Fund of Texas Council will meet at the Guest Quarters Suite Hotel, The Austin Suite, 303 West 15th Street, Austin. According to the complete agenda, the council will make introductions; overview of agenda; hear Dr. Janice Caldwell, Department of Protective and Regulatory Services; chairperson's report; executive director's report; division reports; program design and implementation committee report; and adjourn.

Contact: Sue Marshall, 8929 Shoal Creek Boulevard, Suite 200, Austin, Texas 78758, (512) 458-1281.

Filed: April 21, 1993, 10:57 a.m.

TRD-9321964

## Texas Board of Chiropractic Examiners

Tuesday, May 4, 1993, 2:30 p.m. The Enforcement Committee of the Texas Board of Chiropractic Examiners will meet at 8716 Mopac Expressway North, Suite 301, Austin. According to the complete agenda, the committee will conduct informal conference regarding possible violations by its licensees.

Contact: Patte B. Kent, 8716 Mopac Expressway North, Suite 301, Austin, Texas 78759, (512) 343-1895.

Filed: April 21, 1993, 11:11 a.m.

TRD-9321965

## Texas Department of Commerce

Friday, April 30, 1993, 10 a.m. The State Job Training Coordinating Council Oversight Committee of the Texas Department of Commerce will meet at 816 Congress Avenue, 11th Floor Board Room, Austin. According to the complete agenda the committee will call the meeting to order and hear public comments: Houston works response to Fannie Lou Hamer Program; briefing item-report from the Texas Department of Commerce on Site Visits to the Fannie Lou Hamer Youth Training Program and Houston Works Service Delivery Area (SDA); hear committee report to the Full Council on Fannie Lou Hamer Youth Training Program; Briefing Item: commerce report on SDA Audit information (sample); Action Item-Oversight Committee comments on the JTPA Statutory Project Report; and adjourn.

Notice-Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, or persons who need assistance in having English translated into Spanish, should contact Kevin Faulkner, (512) 320-9885. (TDD 320-97698 or Relay Texas (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made.

Contact: Alexa Ray, P.O. Box 1728, Austin, Texas 78711, (512) 320-9884.

Filed: April 20, 1993, 3:52 p.m.

TRD-9321906

## Texas State Board of Examiners of Professional Counselors

Friday, April 30, 1993, 9 a.m. The Testing and Continuing Education Committee of the

Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will consider and possibly act on letter from Darlene Palmer; report on testing workshop sponsored by the Council on Licensing, Enforcement, and Regulation and the National Organization for Competency Assurance attended by staff; and results from March 27, 1993 examination.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 8:51 a.m.

TRD-9321919

Friday, April 30, 1993, 9:30 a.m. The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on applications from Sherry Briggs, Pamela P. Harlan, Ruben Ibarra, Lana Carol Stripling, and Lisa Erwin Whittle; and status of license renewals.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 9:14 a.m.

TRD-9321926

Friday, April 30, 1993, noon. The Ad Hoc Legislative Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Texas Department of Health, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on legislation and the legislative process that relates to licensed professional counselors.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 9:14 a.m.

TRD-9321925

Friday, April 30, 1993, 1 p.m. The Personnel and Administration Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange

Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on approval for staff to participate in the Governor's Executive Development Program; and approval for response to the American Association of State Counseling Board's request for proposal concerning examination.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 9:15 a.m.

TRD-9321928

Friday, April 30, 1993, 1:30 p.m. The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: financial report through March 31, 1993; approval of funds for staff attendance at the Council on Licensing, Enforcement, and Regulation conference in San Diego; approval to purchase of computers and typewriters; and approval of funds for staff to participate in the Governor's Executive Development Program.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 8:51 a.m.

TRD-9321920

Friday, April 30, 1993, 2:30 p.m. The Complaints Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on pending complaints.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 9:14 a.m.

TRD-9321927

Saturday, May 1, 1993, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Board Offices, Room S-400, 8407 Wall Street, Austin. According to the agenda summary, the board will discuss approval of minutes of February 27, 1993



meeting; discuss and possibly act on Ad Hoc Committee report concerning legislative update; Licensing and Renewal Committee report on applications, and status of renewals; Testing and Continuing Education Committee report (letter from Darlene Palmer; report on testing workshop sponsored by the Council on Licensing, Enforcement, and Regulation (CLEAR) and the National Organization for Competency Assurance; and results from March 27, 1993 examination); Personnel and Administration Committee report (approval for staff to participate in Governor's Executive Development Program (GEDP), and response to the American Association of State Counseling Board's Request for Proposal); Fees and Budget Committee report (approve funds for: staff to participate in the GEDP; purchase of computers and typewriters; attendance by staff at the CLEAR conference; and financial report); Complaints Committee report; Public and Professional Relations report (review articles for next examiner); the Rules and Specialties report; and hear public comments.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 9:15 a.m.

TRD-9321929

### Texas State Board of Examiners of Dietitians

Friday, April 30, 1993, 10 a.m. The Texas State Board of Examiners of Dietitians will meet at the Exchange Building, Room N-218, 8407 Wall Street, Austin. According to the complete agenda, the board will discuss and possibly act on application for individual preplanned professional experience program.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6601. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 8:52 a.m.

TRD-9321921

### Texas Education Agency

Thursday, April 29, 1993, 8:30 a.m. The Texas Environmental Education Advisory Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the complete agenda, the committee will welcome and introduce guests; discuss subcommittee reports: fi-

nance, communications, curriculum, and resources; teacher standards report on "Take Stock in Texas" campaign; subcommittee meetings; and adjourn.

Contact: Irene Pickhardt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9566.

Filed: April 20, 1993, 3:07 p.m.

TRD-9321894

Friday, April 30, 1993, 8:30 a.m. The Texas Environmental Education Advisory Committee of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 8-101, Austin. According to the complete agenda, the committee will plan annual meeting for TEEAC-endorsed sites; discuss evaluation of sites; consider developing subcommittee for environmental education along the Rio Grande; environmental education certification report; and subcommittee meetings.

Contact: Irene Pickhardt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9566.

Filed: April 20, 1993, 3:07 p.m.

TRD-9321893

Monday-Tuesday, May 3-4, 1993, 9 a.m. and 8:30 a.m. respectively. The Advisory Committee for Technology Standards (ACTS) of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, on Monday: the committee will discuss updates for members; housekeeping; report on current state technology issues; concepts for the form and dissemination of ACTS efforts and documents; discuss and edit "Making Technology Choices" document; software standards, training standards, and educator technology competencies; subcommittee work regarding workstation ratios, ethics, and technology competencies for high school graduates; and adjourn. Tuesday: the committee will distribute, read and study information from previous day's work; discuss technology allotment end-of-the-year report; continue discussions on workstation ratios, ethics, and technology competencies for high school graduates; wrap-up and final consensus of documents created to date; and adjourn.

Contact: Lane Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9719.

Filed: April 20, 1993, 3:53 p.m.

TRD-9321907

### Texas Ethics Commission

Wednesday, April 28, 1993, 9:30 a.m. The Texas Ethics Commission will meet at 1101 Camino La Costa, Room 235, Austin. According to the complete agenda, the com-

mission will take roll call; hear comments from the commissioners and executive director; hear comments from the public; discuss approval of the minutes of the April 1, 1993, meeting; discuss and possibly take action on proposed Rules 1 TAC §40.1, and §40.3; discuss and take possible action on the repeal of Rules 1 TAC §30.1 and 40.29; adoption of rules concerning the filing of late reports by candidates and officeholders (1 TAC §20.131); state officers (1 TAC §30.119), and following); and lobbyists (1 TAC §40.119, and following); and discuss and possibly act on AORs 176, 136, 164, 168, 165, 170 and 174.

Contact: Jim Mathieson, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: April 20, 1993, 4:22 p.m.

TRD-9321908

### Texas Department of Health

Friday, April 30, 1993, 9 a.m. The Advisory Council on Massage Therapy. Ad Hoc Curriculum Advisory Committee of the Texas Department of Health will meet at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: review of overall test results by examination session; selection of new examination items; revision to basic curriculum for Massage Therapy; and review of comments regarding skill examiner criteria.

Contact: Jim Zukowski, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 21, 1993, 8:52 a.m.

TRD-9321922

### Texas Historical Commission

Thursday, April 29, 1993, 7:30 a.m. The Trust Fund Committee of the Texas Historical Commission will meet at the Driskill Hotel Dining Room, Sixth and Brazos Streets, Austin. According to the complete agenda, the committee will give legislative update; discuss appointments to the guardians; and other business.

Contact: Stan Graves, P.O. Box 12276, Austin, Texas 78711, (512) 463-5768.

Filed: April 20, 1993, 2:01 p.m.

TRD-9321883

Thursday, April 29, 1993, 8 a.m. The State Marker Review Board of the Texas Historical Commission will meet at the Driskill Hotel, Sixth and Brazos Streets, Sul

Ross Board Room, Austin. According to the complete agenda, the board will call the meeting to order; make announcements; give update on department activities; review of recorded Texas Historic Landmark alterations: Conway Community Church, Carson County, Coltharp-Beall House, Van Zandt County, Aynesworth-Wright House, Travis County, Peoria Cumberland Presbyterian Church, Hill County; Orange County Historical Commission appeal of SMRB decision for USS Aulick application; review of marker application for Tennessee Methodist Church, Shelby County; and update on David Culberson House, Marion County.

Contact: Cynthia J. Beeman, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: April 20, 1993, 2:01 p.m.

TRD-9321882

Thursday, April 29, 1993, 8:30 a.m. The Executive Committee of the Texas Historical Commission will meet at the Driskill Hotel Dining Room, 604 Brazos Street, Austin. According to the complete agenda, the committee will give Governor's Award for Historic Preservation; legislative update; and discuss THC officers and committees.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711-2276, (512) 463-6100.

Filed: April 20, 1993, 1:59 p.m.

TRD-9321879

Thursday, April 29, 1993, 10 a.m. The Guardians of the Texas Historical Commission will meet at the Driskill Hotel, Paramount Room, Sixth and Brazos Streets, Austin. According to the complete agenda, the commission will give legislative update; discuss Texas' 10 most endangered historic properties 1993; new appointments to the guardians; and future activities/assignments.

Contact: Stan Graves, P.O. Box 12276, Austin, Texas 78711, (512) 463-6094.

Filed: April 20, 1993, 2:01 p.m.

TRD-9321881

Thursday, April 29, 1993, 11:30 a.m. The Main Street Committee of the Texas Historical Commission will meet at the Driskill Hotel Dining Room, First Floor, 604 Brazos Street (Seventh Street entrance), Austin. According to the complete agenda, the committee will give an update on the Main Street Tour; discuss progress in Main Street Cities; and self-initiated Main Street Cities.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711-2276, (512) 463-6100.

Filed: April 20, 1993, 1:59 p.m.

TRD-9321880

Thursday, April 29, 1993, noon. The De-

partment of Antiquities Protection Committee of the Texas Historical Commission will meet at the Driskill Hotel Dining Room, Sixth and Brazos Streets, Austin. According to the complete agenda, the committee will give an update on GIS effort; and current project reviews.

Contact: Jim Bruseth, P.O. Box 12276, Austin, Texas 78711, (512) 463-6096.

Filed: April 20, 1993, 1:59 p.m.

TRD-9321878

Thursday, April 29, 1993, 1 p.m. The Quarterly Board Meeting of the Texas Historical Commission will meet at the Driskill Hotel, Paramount Room, 604 Brazos Street, Austin. According to the agenda summary, the board will hear chairman's report; discuss action items; and information items.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: April 20, 1993, 2:02 p.m.

TRD-9321884

### Texas Department of Housing and Community Affairs

Friday, April 30, 1993, 10 a.m. The Board of Directors of the Texas Department of Housing and Community Affairs will meet at 811 Barton Springs Road, Suite 300, Austin. According to the agenda summary, the board will consider and possibly act upon the following: award of Application I, HOME funds; multi-family fees and refunding policy; amendment to Remington Hill and High Point Refunding Resolution; multi-family income limit adjustments; RFP for bond counsel; ethics policy; RFP for CHDO Training Manual; RTC contracts first quarter performance review; Fannie Mae; and legislation. In accordance with Article 6252-17, §2(e) and 2(g), the board will convene in executive session. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA Responsible Employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Suite 300, Austin, Texas 78704, (512) 475-3800.

Filed: April 20, 1993, 3:08 p.m.

TRD-9321895

### Texas Department of Human Services

Friday, April 30, 1993, 9:30 a.m. The Family Violence Advisory Committee of

the Texas Department of Human Services will meet at 701 51st Street, Third Floor, West Tower, Conference Room 360W, Austin. According to the agenda summary, the committee will call the meeting to order; welcome and make introductions; discuss approval of minutes; make announcements; discuss proposed handbook changes; reports; old and new business; and adjourn.

Contact: Connie Berry, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4151.

Filed: April 22, 1993, 8:32 a.m.

TRD-9321984

### Texas Incentive and Productivity Commission

Thursday, April 29, 1993, 10 a.m. The Texas Incentive and Productivity Commission will meet at One Capitol Square, 15th and Lavaca Streets, Fourth Floor, Suite #406, Austin. According to the revised agenda summary, the commission will change location of meeting to One Capitol Square, 15th and Lavaca Streets, Fourth Floor, Suite #406, Austin.

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2399.

Filed: April 20, 1993, 11:38 a.m.

TRD-9321872

### Texas Department of Insurance

Thursday, April 29, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider the acquisition of control of Alternative Dental Care, Inc., Irving, Texas, by M.I. D.A., Inc., Southfield, Michigan. Docket Number 454-93-249.

Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 21, 1993, 10:41 a.m.

TRD-9321960

Friday, April 30, 1993, 1:30 p.m. The Commissioner's Hearing Section of the Texas Department of Insurance will meet at 333 Guadalupe Street, Hobby II, Fourth Floor, Austin. According to the complete agenda, the commissioner's hearing section will conduct a public hearing to consider the application for original charter of Employer's General Insurance Company, Dallas, Texas. Docket Number 454-93-262.



Contact: Kelly Townsell, 333 Guadalupe Street, Hobby II, Austin, Texas 78701, (512) 475-2983.

Filed: April 21, 1993, 10:41 a.m.

TRD-9321959

Thursday, May 6, 1993, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1995 to consider the appeal from commissioner's action denying General Agents Insurance Company of America application to become an accredited reinsurer in the State of Texas pursuant to Article 5.75-1, Texas Insurance Code.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 21, 1993, 10:41 a.m.

TRD-9321957

Tuesday, May 18, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number R-1997 to consider and take possible action on proposed new 28 TAC §5.501, relating to motor vehicle damage claims coverage, settlement, and disclosure.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 21, 1993, 10:41 a.m.

TRD-9321958

Thursday, May 27, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet in Room 100, William P. Hobby Building, 333 Guadalupe Street, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1996 to consider a petition filed by staff of the Workers' Compensation Division of the Texas Department of Insurance concerning a proposed revision to the experience rating plan; and public hearing under Docket Number 1998 to consider a petition filed on behalf of the Texas Car and Truck Rental and Leasing Association proposing an amendment to Endorsement Number 523B (Rental Reimbursement Coverage) of the Texas Automobile Rules and Rating Manual and the declaration page of the Texas Personal Auto Policy.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 21, 1993, 2:54 p.m.

TRD-9321977

### Texas State Board of Medical Examiners

Thursday-Friday, April 29-30, 1993, 1 p.m. and 8:30 a.m. respectively. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; discuss approval of minutes from March 25, 1993 meeting; hear March 1993, enforcement report; discuss procedures for noncompliant probationers; and meet in executive session to review selected files, two year old cases, and cases dismissed by Informal Settlement Conferences (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:27 p.m.

TRD-9321885

Friday, April 30, 1993, 8:30 a.m. The Reciprocity Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will review reciprocal endorsement applicants; review request for withdrawal of license application; review SPEX Examination statistics; discuss proposed changes to licensure rules; and go into executive session to discuss pending litigation. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:28 p.m.

TRD-9321886

Friday, April 30, 1993, 8:30 a.m. The Examination Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; review of examination applicants; and review of the new Texas Medical Jurisprudence Examination. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:28 p.m.

TRD-9321887

Friday, April 30, 1993, 1 p.m. The Finance Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committee will give a report on revenues and expenditures; and report on legislative bills and impacts. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:28 p.m.

TRD-9321889

Friday, April 30, 1993, 1:30 p.m. The Legislative Committee/Long-Range Planning Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the complete agenda, the committees will call the meeting to order; take roll call; give update on Sunset Review and proposed legislation; discuss proposed Rule changes to: Chapter 161, General Provisions and Chapter 179, Investigation Files; and adjourn. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:28 p.m.

TRD-9321888

Friday, April 30, 1993, 5 p.m. The Executive Committee of the Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the committee will consider the temporary suspension of the license of Edward A. Riedweg, M.D., Denton. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:28 p.m.

TRD-9321890

Friday-Saturday, April 30-May 1, 1993, 2:30 p.m. and 8:30 a.m. respectively. The Texas State Board of Medical Examiners will meet at 1812 Centre Creek Drive, Suite 300, Austin. According to the agenda summary, the board will review and discuss proposals for decision; approval of agreed orders and termination/modification request orders; speakers on electromyographic test-

ing; probationers; request for modification of probation; request for reinstatement; re-hearing on case remanded back to board; hold a public hearing on rule changes; meet in executive session to discuss pending litigation; approval of minutes, Newsletter, new Jurisprudence examination; and hear the executive director's report, which includes a discussion of legislation, computer, licensure, enforcement, and federation meeting. (Executive session under authority of Article 6252-17, as related to Article 4495b, 2.07(b), 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-4502.

Filed: April 20, 1993, 2:28 p.m.

TRD-9321891

### Texas Municipal League Intergovernmental Risk Pool

Saturday, April 24, 1993, 8:30 a.m. (Revised Agenda). The Board of Trustees of the Texas Municipal League Intergovernmental Risk Pool met at the Stouffer Hotel, 9721 Arboretum Boulevard, Austin. According to the revised agenda summary, the board took roll call; excused absences; discussed consideration January 15, 1993, minutes; proposed by-law amendments; selection of an independent auditor for the fiscal year 1992-1993 and 1993-1994; March financial and investment reports; budget status after six months; workers' compensation and liability rates for 1993-1994; clarification of settlement authority; status report regarding workers' compensation claims and medical bill processing contractors; regular quarterly staff reports; report regarding office space and consideration of lease renewal; consider revisions to the contract with TML for administrative services; consider recommendations to assign employee positions to pay grades; discussed committee structure, board agenda format, and the meeting process; legislative update; and consider commutation or early payout of the reinsurance obligations of Employer's Casualty Company for workers' compensation and liability claims from 1973 to 1983. Negotiations are underway with the Conservator/Special Master for the Risk Pool to accept a cash payment now rather than reimburse as claims are paid.

Contact: Marvin Townsend, 211 East Seventh Street, Austin, Texas 78701, (512) 320-1325.

Filed: April 20, 1993, 4:43 p.m.

TRD-9321909

### State Pension Review Board

Tuesday, May 4, 1993, 9:15 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the William P. Clements Building, Fourth Floor, Room 406, 300 West 15th Street, Austin. According to the complete agenda, the committee will prepare actuarial impact statements on bills for which actuarial information is available by meeting time, and for which requests have been received from legislative committees.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 22, 1993, 9:32 a.m.

TRD-9321989

Tuesday, May 11, 1993, 9:15 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the William P. Clements Building, Pension Review Board Conference Room 406, Fourth Floor, 300 West 15th Street, Austin. According to the complete agenda, the committee will prepare actuarial impact statements on bills for which actuarial information is available by meeting time, and for which requests have been received from legislative committees.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 22, 1993, 9:32 a.m.

TRD-9321988

Tuesday, May 18, 1993, 9:15 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the William P. Clements Building, Fourth Floor, Pension Review Board Conference Room 406, 300 West 15th Street, Austin. According to the complete agenda, the committee will prepare actuarial impact statements on bills for which actuarial information is available by meeting time, and for which requests have been received from legislative committees.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: April 22, 1993, 9:32 a.m.

TRD-9321987

### Public Utility Commission of Texas

Wednesday, April 28, 1993, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda summary, the commission will consider the following dockets: 10918, 11567, 11664, 11384, 10911, 10912, 10913, 11811, 11747, P-11232, P-11399, 11522, 11655, 11662, 11677, 11226, 10025, 11658, and 11515.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1993, 3:30 p.m.

TRD-9321900

Wednesday, April 28, 1993, 9 a.m. The Public Utility Commission of Texas will hold an emergency meeting at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will consider the Appeal of Examiner's Order Number 14 in Docket Number 11735-application of Texas Utilities Electric Company for authority to change rates. The emergency status is necessary as prompt commission action is necessary to preserve jurisdiction over the subject matter of the appeal.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 21, 1993, 9:14 a.m.

TRD-9321924

Wednesday, April 28, 1993, 9:05 a.m. The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda summary, the division will discuss: reports, discuss and act on presentation of outstanding employees of the quarter; consider and possibly adopt Statewide Electrical Energy Plan; staff report on PUC inquiry on electric transmission issues; staff's evaluation of earnings reports for year ending June 30, 1992; discuss possible intervention regarding Rayburn Electric Coop's FERC rate filing; status report on five-state audit of SWB; consider proposed or pending legislation; approval of revision to PUC Policy Number Two concerning authority and responsibility of the executive direction; presentation of monthly financial statements; budget and fiscal matters; adjourn for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and adjourn.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1993, 3:31 p.m.

TRD-9321901

Friday, April 30, 1993, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11877-application of Southwestern Bell Telephone Company to revise Section Seven (Special Access) of the access service tariff to offer an optional high capacity-term pricing plan.

Contact: John M. Renfrow, 7800 Shoal

Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1993, 3:30 p.m.

TRD-9321899

Friday, April 30, 1993, 1:30 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11927-application for sale, transfer, or merger of Alltel Corporation of SLT Communications, Inc.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1993, 3:31 p.m.

TRD-9321902

Thursday, May 6, 1993, 10 a.m. (Rescheduled from Monday, April 26, 1993, 10 a.m.). The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 11826-application of Guadalupe Blanco River Authority for a reconciliation of costs of the Canyon Hydroelectric Division for fiscal year 1992.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 21, 1993, 9:50 a.m.

TRD-9321935

Monday, June 21, 1993, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11888-petition of Leaco Rural Telephone Cooperative for waiver of the requirements of PUC Substantive Rule 23.12(B)(2) (4)(ii).

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 20, 1993, 3:29 p.m.

TRD-9321898

### Railroad Commission of Texas

Monday, April 26, 1993, 9:30 a.m. The Railroad Commission of Texas held an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the complete agenda, the commission considered a Motion for Rehearing for Docket Number 7B-97,754; enforcement action for alleged violations committed by Beasley Well Service, Inc. as to the Beasley

Lease, Well Number One, Jones County Regular Field, Jones County. The emergency status was necessary as of the regular posting deadline, the Hearings Examiner in this docket had not received a ruling from the commission extending the time to consider Beasley's Motion for Rehearing. After the posting deadline, the Hearings Examiner received such a ruling. Action on the Motion for Rehearing is required at the next regularly scheduled meeting, April 26, 1993 before the Motion for Rehearing is overruled by law.

Contact: David Clarkson, P.O. Box 12967, Austin, Texas 78701, (512) 463-6924.

Filed: April 20, 1993, 1:21 p.m.

TRD-9321873

Thursday, April 29, 1993, 10 a.m. The Railroad Commission of Texas will meet at the City Club, 301 Commerce Street, Fourth Floor, Fort Worth. According to the complete agenda, the commissioners will meet with area citizens and may discuss matters relating to the commission. No deliberation will be held and no decisions will be taken by the commission on any pending cases or regular business.

Contact: Brenda Loudermilk, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-7149.

Filed: April 20, 1993, 4:45 p.m.

TRD-9321912

### Interagency Council on Sex Offender Treatment

Monday, May 3, 1993, 10 a.m. The Board Committee: Public Relations of the Interagency Council on Sex Offender Treatment will meet at 1106 Clayton Lane, Second Floor Conference Room, Austin. According to the complete agenda, the committee will convene meeting-Patti Dobbe, Acting Chair; discuss committee mission; scheduling of future meetings and objectives; and adjourn.

Contact: Eliza May, 1106 Clayton Lane, 205E, Austin, Texas 78723, (512) 454-1314.

Filed: April 21, 1993, 3:05 p.m.

TRD-9321979

### Texas Guaranteed Student Loan Corporation

Thursday, April 29, 1993, 8:30 a.m. The Executive Committee of the Texas Guaranteed Student Loan Corporation will be held at the TGSLC Offices, 12015 Park 35 Circle, Austin. According to the complete agenda, the committee will discuss approval

of the minutes of March 23, 1993; update on Alternative Direct Lending Endorsement Campaign; meet in executive session; consultation with attorney on litigation issue; and internal auditor report.

Contact: Peggy Irby, P.O. Box 15996, Austin, Texas 78754, (512) 835-1900.

Filed: April 21, 1993, 3:15 p.m.

TRD-9321980

### Texas State University System

Monday, April 26, 1993, 9 a.m. The Task Force of the Texas State University System met at the Guest Quarters Hotel, 303 West 15th Street, Suite 213, Austin. According to the complete agenda, the task force was briefed on the scope, purpose, findings, and recommendations of the System Review Committee; discussed the findings and recommendations of the System Review Committee, and formulate recommendations concerning the System and/or the System Office and its management to be presented to the Board of Regents of the Texas State University System. Executive sessions of the task force may be held when appropriate under the Open Meetings Act.

Contact: Robert Provan, P.O. Box 3810, Austin, Texas 78701, (512) 463-1808.

Filed: April 21, 1993, 11:33 a.m.

TRD-9321967

### Texas Department of Transportation

Wednesday, April 21, 1993, 3:30 p.m. The Aviation Advisory Committee of the Texas Department of Transportation met at the Anson Jones State Office Building, Room 107, 410 East Fifth Street, Austin. According to the complete emergency revised agenda, the committee proposed approval of Draft Five-Year Capital Improvement Program 1994-1998. The emergency status was necessary due to immediate action needed to allow the timely implementation of the program to avoid severe economic impact on the individual communities and the state.

Contact: Suetta Murray, 410 East Fifth Street, Austin, Texas 78711, (512) 476-9262.

Filed: April 20, 1993, 11:28 a.m.

TRD-9321870

### Texas Workers' Compensation Insurance Fund

Wednesday, April 28, 1993, 8:30 a.m. The Board of Director of the Texas Workers' Compensation Insurance Fund will meet at

the Wyndham-Southpark Hotel, IH-35 at Ben White Boulevard, Austin. According to the complete agenda, the board will call the meeting to order; take roll call; review and approve the minutes of the March 31, 1993, board meeting; public participation; fund activity reports; clarification of agent of record letters; review and possible approval of office space agreement for Lubbock Branch Office; report of special committee on residual market transition; report of audit committee; announcements; and adjourn.

Contact: Jodie Bowen, 100 Congress Avenue, Suite 300, Austin, Texas 78701, (512) 322-3851.

Filed: April 20, 1993, 3:51 p.m.

TRD-9321905

## Regional Meetings

### Meetings Filed April 20, 1993

The Fisher County Appraisal District Board of Directors met at the Fisher County Appraisal/Tax Office, Roby, April 26, 1993, at 7 p.m. Information may be obtained from Betty H. Mize, P.O. Box 516, Roby, Texas 79543, (915) 776-2733. TRD-9321874.

The Liberty County Central Appraisal District Board of Directors will meet at 315 Main Street, Liberty, April 28, 1993, at 9:30 a.m. Information may be obtained from Alan Conner, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9321871.

The Region XVI Education Service Center Board of Directors met in the Texas Empire Room, Amarillo Club, Bank One, Seventh and Tyler, Amarillo, April 23, 1993, at 1 p.m. Information may be obtained from Jim Holmes, P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521. TRD-9321877.

The San Antonio-Bexar County Metropolitan Planning Organization Transportation Steering Committee met at the Hemisfair Plaza (Convention Center Complex), International Conference Center, San Antonio, April 26, 1993, at 1:30 p.m. Information may be obtained from Charlotte Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9321869.

### Meetings Filed April 21, 1993

The Alamo Area Council of Governments Planning and Program Development Meeting will be held at 118 Broadway, Suite 420, San Antonio, April 27, 1993, at 9:30 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

TRD-9321963.

The Alamo Area Council of Governments Management Committee will meet at 118 Broadway, Suite 420, San Antonio, April 27, 1993, at 10 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9321961.

The Alamo Area Council of Governments Board of Directors will meet at 118 Broadway, Suite 420, San Antonio, April 27, 1993, at 1 p.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9321962.

The Ark-Tex Council of Governments Executive Committee will meet at the Two Senoritas, Mt. Pleasant, April 29, 1993, at 5:30 p.m. Information may be obtained from Pam Koelling, P.O. Box 5307, Texarkana, Texas 75505-5307, (903) 832-8636. TRD-9321976.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees held an emergency revised agenda at 1430 Collier Street, Board Room, Austin, April 22, 1993, at 7 a.m. The emergency status was necessary because the agenda needed immediate action added by the board and to remove the closed session from the agenda. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764-3548, (512) 447-4141. TRD-9321971.

The Brazos River Authority Board of Directors met at 4400 Cobbs Drive, Waco, April 26, 1993, at 9 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9321982.

The Cash Water Supply Corporation will meet at the Administration Office, on FM 1564 East, Greenville, April 27, 1993, at 7 p.m. Information may be obtained from Donna Mohon, P.O. Box 8129, Greenville, Texas 75404, (903) 883-3407. TRD-9321972.

The Central Plains Center for Mental Health and Mental Retardation and SA Board of Trustees will meet at 208 South Columbia, Plainview, April 29, 1993, at 5:30 p.m. Information may be obtained from Seth Halbert, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636. TRD-9321968.

The Deep East Texas Regional Mental Health and Mental Retardation Services Board of Trustees will meet in the Ward R. Burke Community Room-Administration Facility, 4101 South Medford Drive, Lufkin, April 27, 1993, at 3 p.m. Information may be obtained from Sandra J. Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9321975.

The Education Service Center, Region 20 Board of Directors will meet at 1314 Hines Avenue, San Antonio, May 5, 1993, at 2 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (210) 299-2471. TRD-9321978.

The Jack County Appraisal District Board of Directors will meet at 210 North Church Street, Jacksboro, April 27, 1993, at 7 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-9321966.

The Leon County Central Appraisal District Board of Directors met at the Leon County Central Appraisal District Office, Gresham Building, Centerville, April 26, 1993, at 7 p.m. Information may be obtained from Donald Gillum, P.O. Box 536, Centerville, Texas 75833, (903) 536-2252. TRD-9321970.

The Southwest Milam Water Supply Corporation Annual Membership Meeting was held at the Rockdale Civic Center, Rockdale, April 26, 1993, at 7 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9321918.

The Southwest Milam Water Supply Corporation Board met at the Rockdale Civic Center, Rockdale, April 26, 1993, at 8:30 p.m. Information may be obtained from Dwayne Jekel, P.O. Box 232, Rockdale, Texas 76567, (512) 446-2604. TRD-9321917.

The Texas Panhandle Mental Health Authority Board of Trustees will meet at 7120 IH-40 West, Suite 150, Amarillo, April 29, 1993, at 9:30 a.m. Information may be obtained from Mellisa Talley, P.O. Box 3250, Amarillo, Texas 79121, (806) 353-3699. TRD-9321969.

The Trinity River Authority of Texas Board of Directors will meet at 5300 South Collins, Arlington, April 28, 1993, at 10 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9321956.

### Meetings Filed April 22, 1993

The Alamo Area Council of Governments Area Judges will meet at 118 Broadway, Suite 420, San Antonio, April 27, 1993, at 11:30 a.m. Information may be obtained from Al J. Notzon, III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9321990.

The Central Counties Center for Mental Health and Mental Retardation Services (Revised agenda and rescheduled from Tuesday, April 20, 1993). Board of Trust-

ees will meet at the Stagecoach Inn and Restaurant, 1 Main Street, Salado, April 28, 1993, at 6:30 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, Ext. 301. TRD-9321986.

The Dallas Central Appraisal District Appraisal Review Board will meet at 2949 North Stemmons Freeway, Dallas, April 28, 1993, at 8:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9321991.

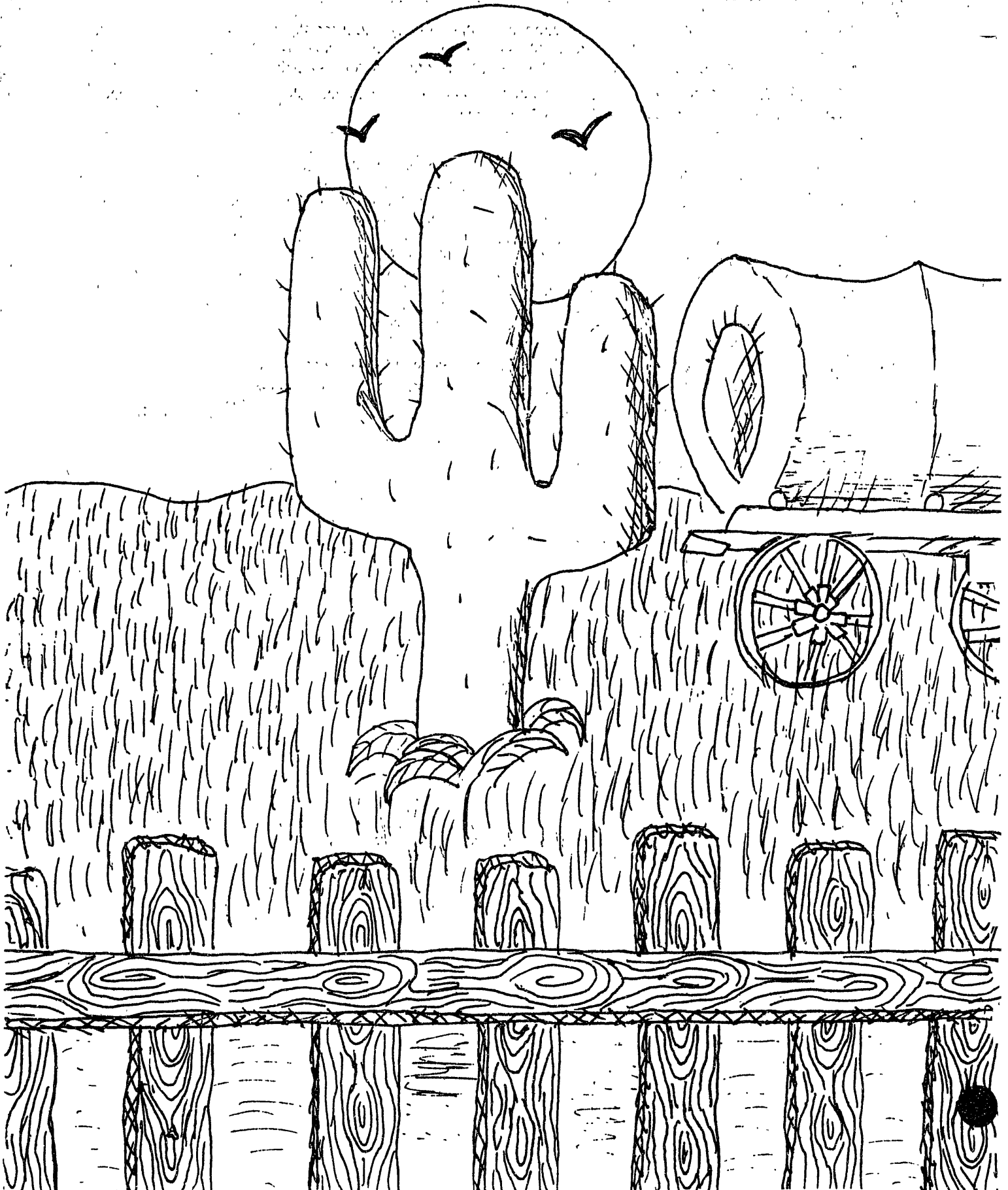
The Deep East Texas Private Industry Council, Inc. met at the City Hall, Room 102, Lufkin, April 26, 1993, 10 a.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9321983.

The Pecan Valley Mental Health Mental Retardation Region Board of Trustees will meet at the Pecan Valley MHMR Region Clinical Office, 104 Charles Street, Granbury, April 28, 1993, at 8:30 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9321985.



Name: Isela Lopez

School: Langham Creek High School, Cypress-Fairbanks 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.

## Central Texas Council of Governments Request for Proposals

The Central Texas Council of Governments, administrative entity of the Central Texas Private Industry Council, Inc., is soliciting requests for proposals for Job Training Partnership Act-sponsored vocational (occupational) classroom training. Vocational (occupational) classroom training is skill training conducted in an institutional setting and designed to ensure that individuals acquire skills, knowledge, and abilities to perform a job or group of jobs. The Central Texas Service Delivery Area encompasses seven counties: Bell, Coryell, Lampasas, Milam, Mills, Hamilton, and San Saba. Entities interested in securing a request for proposal should contact either Linda Angel or Michael Gaspard by phone at (817) 939-3771 or mail, Central Texas Council of Governments, Employment and Training Division, CRT-RFP, P.O. Box 729, Belton, Texas 76513.

The closing date for receipt of proposals to the Employment and Training Division is May 13, 1993, at 5 p.m. Proposals shall be submitted to the following address: Central Texas Council of Governments, Employment and Training Division, JTPA Proposal, P.O. Box 729, 200 North Main Street, Belton, Texas 76513, Attention: Michael Gaspard. A bidder's conference will be held on May 4, 1993, at 10 a.m. at 200 North Main Street, Belton. The following considerations apply to the selection process: all proposals considered must be received on time and be

responsive to the request for proposal instructions; the Central Texas Council of Governments and the Central Texas Private Industry Council will base their choice on demonstrated competence and qualifications, including past performance in job training and related activities, fiscal accountability, ability to meet performance standards for graduates, and the reasonableness of the fee for services. The Central Texas Service Delivery Area encourages minority and female-owned or operated institutions and organizations to secure and submit a request for proposal for vocational classroom training.

Issued in Belton, Texas, on April 20, 1993.

TRD-9321863

Susan Kamas  
Director, Employment and Training Division  
Central Texas Council of Governments

Filed: April 20, 1993

## 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, Articles 1.04 and 1.05, as amended (Texas Civil Statutes, Articles 5069-1.04 and 1.05).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer <sup>(1)</sup>/Agricultural/ Commercial <sup>(2)</sup> thru \$250,000</u>	<u>Commercial<sup>(2)</sup> over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/26/93-05/03/93	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	05/01/93-05/31/93	10.00%	10.00%

<sup>(1)</sup>Credit for personal, family or household use. <sup>(2)</sup>Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on April 19, 1993.

TRD-9321931 Al Endsley  
Consumer Credit Commissioner

Filed: April 21, 1993

## Texas Education Agency Notice of Proposed Grant Application

The Texas Education Agency hereby notifies all interested parties of the intent to make available and provide infor-

mation about the Preschool Grant Application for Fiscal Years 1994-1996. This is an application for federal funds to provide education to preschool children (ages three to five) with handicaps for fiscal years 1994-1996.

A first draft of the Preschool Grant Application for Fiscal Years 1994-1996 has been developed for public review and comment. This application will be submitted to the United States Department of Education, Office of Special Education and Rehabilitative Services on June 22, 1993. Subsequently, a summary of public comments will be submitted along with a final application, revised as necessary.

The preschool grant application includes: the percentage of funds to be flowed to local education agencies and the



purposes for which they may be used; the percentage of funds to be flowed to regional education service centers and the purposes for which they may be used; and a description of state set aside administrative projects.

Copies of the grant application are available for public review in each regional education service center in Texas. Copies are also available for public review at the Texas Education Agency, Division of Special Education, 1717 West Sixth Street, Austin, Texas 78703, Room 310. Parties interested in reviewing the grant application should contact the special education director at the nearest education service center or Al Stewart, Division of Special Education, Texas Education Agency (telephone (512) 463-9414.) Any party is invited to submit written comments regarding the Preschool Grant Application for Fiscal Years 1994-1996 to Al Stewart.

The grant application will be circulated throughout the state from April 23, 1993, to June 21, 1993. The time period for public comment begins May 1, 1993, and ends May 31, 1993. All written comments received by May 31, 1993, will be included in the Summary of Public Comments. Any comments received after May 31, 1993, will be sent with the grant as it is submitted to the Office of Special Education Programs in Washington, DC.

Issued in Austin, Texas, on April 20, 1993.

TRD-8321936 Lionel R. Meno  
Commissioner of Education  
Texas Education Agency

Filed: April 21, 1993

## Texas Department of Health Notice of Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders: Emergency Cease and Desist Order issued January 22, 1993, to James C. Baxter, D.C., 225 FM 1092, Stafford, Texas 77477, holder of Certificate of Registration Number R19376; and Emergency Cease and Desist issued January 11, 1993, to Osler Medical Laboratory, 3710 Swiss Avenue, Dallas, Texas 75204, holder of Certificate of Registration Number R00560.

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 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on April 16, 1993.

TRD-8321954 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: April 21, 1993

For further information, please call: (512) 834-6688

## Schedule for Development and Review of Block Grant Funds

Under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), the State of Texas became the recipient of the Preventive Health and Health Services (PHHS) and Maternal and Child Health Services (MCHS) Block Grants. The Texas Department of Health (TDH) is the

agency designated to administer these block grants. Provisions in the Act require the chief executive officer of each state to annually furnish the secretary of health and human services a description of the intended use of block grant funds in advance of each federal fiscal year (FFY). This description is to be made public within each state in such a manner as to facilitate comments and/or complaints regarding the quality of services funded by the block grants.

The PHHS Block Grant previously funded five departmental program areas: public health promotion, emergency medical services systems, sexual assault prevention and crisis services, fluoridation, and preventive health and health incentive (314d). The grant can now be used to support additional public health activity as a result of the passage and signing of the *Preventive Health Amendments of 1992*. New federal regulations specify that block grant monies can be expended for "activities consistent with making progress toward achieving the objectives established by the year 2000 health objectives." The PHHS Block Grant award for FFY 1992 was \$5,395,799. Of this amount, \$235,999 was required to be used for sexual assault prevention and crisis services. Funding for FFY 1993 increased to \$6,074,790 and, of this amount, \$470,007 is the required set-aside for funding sexual assault prevention and crisis services.

Programs included in the MCHS Block Grant include maternal and child health services, chronically ill and disabled children's services, and other special projects that are a part of the state's maternal and child health services. The award for FFY 1992 was \$31,087,417. Funding for FFY 1993 increased to \$34,951,877.

The Texas Department of Health has developed the following schedule for the development and review of the FFY 1994 State Plan for the PHHS Block Grant and the FFY 1994 Application for MCHS Block Grant: In May, 1993, the department will hold public hearings in the public health regions (PHR): May 17, 1993, PHR 1, 100 West 49th Street, 4:00 p.m. to 6:00 p.m.; May 17, 1993, PHR 7, 1517 West Front Street, Tyler, 1:00 p.m.; May 17, 1993, PHR 5, 2561 Matlock Road, Arlington, 1:00 p.m.; May 17, 1993, PHR 2, 1109 Kemper, Lubbock, 1:00 p.m.; May 17, 1993, PHR 3, 2301 Big Spring, #300, Midland, 1:00 p.m.; May 18, 1993, PHR 8, 601 West Sesame Drive, Harlingen, 4:00 p.m. to 6:00 p.m.; May 18, 1993, PHR 6, Old Memorial Hospital, Garner Field Road, Uvalde, 9:00 a.m.; and, May 18, 1993, PHR 4, 10500 Forum Place Drive, Houston, 1:00 p.m.

Following the public hearings, the department will summarize and consider the impact of public comments received at the regional hearings and consult with state advisory or coordinating councils that have responsibility for similar programs. The department will then notify the public of the availability of published summaries of the public hearings. In June of 1993, the department will prepare the final 1994 State Plan for the PHHS Block Grant and the Application for MCHS Block Grant funds and forward grant applications and materials to the governor, state legislature, and federal government.

Please note that TDH will continuously conduct activities to inform recipients of the availability of services/benefits, the rules and eligibility requirements, and complaint procedures. Comments directed toward the PHHS Block Grant may be submitted through June 4, 1993, to Lynne E. Hudson, Director, Federal Funds Policy Division, Texas Department of Health, 1100 West 49th Street, Austin,



Texas 78756-3199. Written comments regarding the MCHS Block Grant may be submitted through June 4, 1993, to Beverly L. Kooops, M.D., Associate Commissioner, Family Health Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321953

Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: April 21, 1993

For further information, please call: (512) 458-7321

◆ ◆ ◆  
**Texas Department of Insurance**  
**Notice of Hearing**

The State Board of Insurance of the Texas Department of Insurance at a public hearing under Docket No. 1996, scheduled for 9 a.m. May 27, 1993, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin will consider a proposal filed by the staff of the Workers' Compensation Division of the Texas Department of Insurance concerning a possible revision to the experience rating plan. The staff is proposing that the experience rating plan be revised in accordance with one of the four options presented in the 1993 Review of Workers Compensation Rating Procedures as prepared by Dr. Mark Crawshaw, consulting actuary for the firm of Wakely and Associates, Atlanta, Georgia. The four options were proposed in a petition (Reference Number W-0493-07) filed by the staff on April 15, 1993.

According to the staff's petition, four options are being presented to the State Board of Insurance for consideration. Option 1 is to update the current plan to reflect prevailing cost levels by making changes to the expected loss rates and "D" ratios found in the experience rating plan manual. This option involves no fundamental change to the current experience rating plan used in Texas. Option 2 is to revise the current plan to be consistent with the experience rating plan used in most other states. This option makes changes to the current definition of primary and excess losses and revisions to the current definition of primary and excess losses and revisions to the expected loss rates, "D" ratios, and "W" and "B" values found in the experience rating plan manual. This option increases the credibility given the actual experience of small and medium-sized employers in the experience rating process. At the same time, it decreases the credibility given the actual experience of the large employers in the experience rating process. As a consequence, some large employers with good experience would receive a substantial increase in their experience modifier, while other large employers with poor experience would receive a large decrease in their experience modifier. Option 3 is similar to Option 2, except credibility of the experience of large employers is increased. However, it decreases the compatibility of the Texas experience rating plan with the plans used in most other states. Option 4 is also similar to Option 2, except that large employers are not eligible for experience rating by Texas Department of Insurance. This option allows for the consideration of the impact of prior experience to be subject to negotiation between individual large employers and insurers.

Options 2, 3, and 4 as proposed would include a capping procedure that places an upper limit on the maximum

experience modifier for a small employer that barely qualifies for experience rating. In addition, Options 2, 3 and 4 as proposed provide for small employers with claims-free experience that barely qualify for experience rating to receive a credit comparable to the maximum 15% credit available to employers too small to qualify for experience rating pursuant to the Texas Insurance Code, Article 5.55 B.

The proposal recommends that the current three-year period continue to be used in calculating experience modifiers. Subject to limitations discussed in the proposal, it would be feasible to implement a plan that uses a shorter experience period or that gives greater weight to the most recent experience period if the Board determines this would be desirable.

A copy of the petition containing the full text of the proposed amendments to the experience rating plan is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Ms. Angie Arizpe (512) 322-4147 (refer to Reference Number W-0493-07).

This notification is made pursuant to the Texas Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321915

Linda K. von Quintus-Dorn  
Chief Clerk  
Texas Department of Insurance

For further information, please call: (512) 463-6328

◆ ◆ ◆  
**Texas State Library and Archives**  
**Commission**  
**Consultant Contract Reports**

By law (Texas Civil Statutes, Article 6252-11c), state agencies and regional councils of governments are required to file with the Office of the Secretary of State invitations to bid and details on bidding on private consultant contracts expected to exceed \$10,000. Within ten days of the award of the contract, the agency must file with the Secretary of State a description of the study to be conducted, the name of the consultant, the amount of the contract, and the due dates of the reports. Additionally, Texas Civil Statutes, Article 6252-11c, directs the contracting agencies to file copies of all documents, films, recordings, or reports developed by the private consultants with the Texas State Library. The Library is required to compile a list of the materials received and submit the list quarterly for publication in the *Texas Register*.

The following is a list of materials received for the first quarter of 1993. These materials may be examined in Room 300, Texas State Library, 1201 Brazos Street, Austin: Air Control Board, E. H. Pechan and Associates, adopting the California Low Emission Vehicle Program in Texas; Sherman Engineering, Inc., request for proposal for the design, construction, and operation of a motor vehicle inspection/maintenance program for the State of Texas; Attorney General, David M. Griffith and Associates, Limited, a cost allocation plan for State of Texas, Attorney General's Office indirect cost proposal for Fiscal Year

1994; Comptroller of Public Accounts, COMDISCO Disaster Recovery Services, Inc., State of Comptroller of Public Accounts Disaster Recovery Project impact assessment report; Comptroller of Public Accounts (Cont.), Deloitte and Touche, Texas school performance review: management and performance review of the Austin independent School District; MGT Consultants, Texas Performance Review: management and performance review of the Texas Prison Education System; Department of Human Services, Austin Data Management Associates, final report of consulting work; Lewin-ICF, analysis of Texas' reimbursement system for nursing facilities and ICFs-MR; General Land Office, KPMG Peat Marwick, Texas Veterans Land Board: funds management information systems conceptual report (5 v.); Governor Energy Management Center, Southwest Econometrics, propane demonstration in rural transit systems of Texas, University of Texas, development and demonstration of an NGV conversion technique; Governor Office of Budget and Planning, David M. Griffith and Associates, cost allocation plan for the State of Texas Statewide Cost Allocation Plan Fiscal Year 1992. Cost allocation plan for the State of Texas Statewide Cost Allocation Plan Fiscal Year 1993.

Issued in Austin, Texas, on April 15, 1993.

TRD-9321866

Raymond Hitt  
Assistant Director  
Texas State Library and Archives  
Commission

Filed: April 20, 1993

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**Public Utility Commission of Texas**  
**Notice of General Counsel's Original**  
**Petition for Generic Proceeding**  
**Regarding Purchased Power**

Notice is given to the public of an application filed by the General Counsel of the Public Utility Commission of Texas in Docket Number 11892. The application seeks to initiate a generic proceeding to consider certain issues with regard to purchased power required to be considered by the National Energy Policy Act of 1992 (NEPA).

The application states that NEPA requires each state to consider a number of issues, ranging from revenue neutrality for demand side management programs to whether non-utility power producers have an unfair advantage from highly leveraged capital structures. The application concerns only purchased power and the General Counsel intends to initiate a separate proceeding concerning other unrelated matters.

The issues concerning purchased power arise under NEPA's amendments to Section III of the Public Utility Regulatory Policy Act (PURPA). Section III of the PURPA requires states to enter a written order concerning the issues based on evidence produced at a hearing.

A prehearing conference has been scheduled to convene at 9 a.m. on May 3, 1993, in the offices of the Commission at 7800 Shoal Creek Boulevard, Austin. Interested persons wishing to participate in the proceeding should file a motion to intervene prior to the commencement of the prehearing conference. Motions to intervene should be mailed or delivered to the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757 and should specifically refer to Docket Number 11892. Faxed material is not acceptable for filing. Any person

wishing to intervene should also appear at the prehearing conference scheduled for May 3, 1993. Further information may be obtained by calling the Public Utility Commission Public Information Office at (512) 458-0256 or (512) 458-0221, teletypewriter for the deaf.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321934

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

Filed: April 21, 1993

◆ ◆ ◆  
**Notice 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 PLEXAR-Custom Service for Tyler Independent School District, Tyler.

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Tyler Independent School District pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 11940.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Tyler Independent School District. The geographic service market for this specific service is the Tyler 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) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321904

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

Filed: April 20, 1993

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**Notice of Petition of Leaco Rural**  
**Telephone Cooperative, Inc. for**  
**Waiver of Substantive Rule**  
**23.12(b)(2)(A)(ii)**

Notice is given to the public of the filing with the Public Utility Commission of Texas of a petition on March 26, 1993, seeking a waiver of Public Utility Commission Substantive Rule 23.12(b)(2)(A)(ii). The following is a summary of the application.

**Docket Title and Number.** Petition of Leaco Rural Telephone Cooperative, Inc. for Waiver of the Requirements of Public Utility Commission Substantive Rule 23.12(b)(2)(A)(ii), Docket Number 11888.

**The Application.** On March 26, 1993, Leaco Rural Telephone Cooperative, Inc. filed a petition requesting exemption from the requirement that it be required to file an annual Earnings Report in Texas because the Cooperative serves only six customers in Texas. Leaco's proposed

alternative is to file a copy of the annual report required by the State Corporation Commission of New Mexico in lieu of filing the required Earnings Report.

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, Austin, Texas 78757, or call the Public Utility Commission Public Information Office by May 28, 1993, at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221. All communications should refer to Docket Number 11888.

Issued in Austin, Texas, on April 20, 1993.

TRD-9321903

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

Filed: April 20, 1993

### Questions Concerning Economic Development Rates

The Public Utility Commission of Texas requests interested persons to comment on whether the commission should adopt rules regarding economic development rates. The commission also requests comments from interested persons regarding the staff working draft rule on economic development rates. Interested persons may obtain a copy of the staff working draft rule by contacting Russell Trifovesti, at the Public Utility Commission, 7800 Shoal Creek Boulevard, Austin, Texas 78757, telephone number (512) 458-0283.

The commission requests that interested persons respond to the questions that are set forth below and any other issue raised by the working draft rule. Comments that are no longer than ten pages should include an executive summary. Interested persons should file 15 copies of their comments with the commission's Secretary, John Renfrow, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, within 30 days of the publication of this notice in the *Texas Register*. Comments should refer to Project Number 11434. This notice is not a formal notice of proposed rulemaking, but the comments will assist the commission in the rulemaking project concerning economic development and incentive tariffs.

Is there specific empirical evidence which demonstrates that EDRs are effective or critical in encouraging economic development? If so, please provide copies of such evidence.

Should EDRs be applicable to State agencies?

Should EDRs be applicable to firms that are expanding operations?

Should the list of eligible firms be limited to certain types of industries?

Should EDRs be approved for large multi-national firms?

Should EDRs be limited to a set period of time?

What effect do EDRs have on a utility's long-term reserve margins?

What should a utility have to show to have an EDR approved?

Can EDRs be structured so there are no lost revenues? If there are lost revenues, should they be spread over all classes?

Should a utility have to propose DSM programs for EDR customers contemporaneously with the EDR tariff?

Should the customer have to participate in a utility's DSM program to be eligible for the EDR?

If an obligation is placed on the utility to propose a DSM program to the customer or if participation in a DSM program is a prerequisite for eligibility for the EDR, what, if any, cost will this cause for the utility, the customer, and/or other ratepayers?

What is the impact of EDRs on ratepayers?

How can we deal with the free rider problem?

How should EDRs be designed to avoid discrimination problems?

Are EDR customers causing load increases and increases in costs? Should they be charged for the additional costs imposed on the system?

What is the job creation experience with EDRs?

Should there be a specified minimum number of full-time jobs created for eligibility? If so, how should the minimum be determined?

How should full-time employment be defined?

Should the customer have to certify the number of estimated new jobs to be created?

Should the customer have to certify that the EDR was a significant factor in their decision to locate or expand in the utility's service area?

What should constitute a "significant factor?"

Should the customer have to show that electricity costs represent a significant cost of doing business? Should there be a minimum percentage, if so, what percent?

Should there be a specified minimum annual load factor? If so, how should this minimum be determined?

Should there be a specified minimum demand for eligibility (e.g., 100 kW)? If so, how should this minimum demand threshold be determined?

Should the rule specify a methodology for determining the rate?

Should a consistent matrix of discounts be used for all utilities? What is an appropriate matrix of discounts?

Should monitoring reports be required? If so, how often should monitoring reports be submitted?

What detriments and/or benefits to economic development and job creation could result from an EDR rule?

How could safeguards against such detrimental effects, should they exist, be implemented?

Issued in Austin, Texas, on April 16, 1993.

TRD-9321843

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

Filed: April 19, 1993

## Texas Water Commission Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Jim Miller Aircraft Painting, SWR 52111, on March 31, 1993, assessing \$10,000 in administrative penalties with \$1,000 deferred. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Sally Jo Hahn, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2056.

Issued in Austin, Texas, on April 16, 1993.

TRD-9321837      Gloria A. Vasquez  
Chief Clerk  
Texas Water Commission

Filed: April 19, 1993

## Notice of Application For Municipal Solid Waste Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 12-16, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

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.

City of Hallettsville; Type V municipal solid waste management facility (transfer station); on a 13.8 acre site approximately two miles northeast of Hallettsville, 0.4 mile north of U.S. Highway 90A, on the north side of Lavaca County Road in Lavaca County; new; MSW2220.

Issued in Austin, Texas, on April 16, 1993.

TRD-9321839      Gloria A. Vasquez  
Chief Clerk  
Texas Water Commission

Filed: April 19, 1993

## Notice of Application For Waste Disposal Permit

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 12-16, 1993.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

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.

Big Bend Motor Inn, Inc.; wastewater treatment facility and irrigation site; approximately 1/4 mile east of the intersection of State Highway 118 and State Highway 170 in Brewster County; new; 13652-01.

Central Power and Light Company; The La Palma Steam Electric Power Station; about one half mile west of Resaca de Los Fresnos, on the north side of the La Palma Boulevard in the City of San Benito, Cameron County; renewal; 01256.

City of Denison; wastewater treatment facilities; east of the City of Denison and approximately 2,200 feet north and 1,600 feet east of the intersection of Center Street and FM Road 120 in Grayson County; amendment; 10079-03.

Encycle/Texas, Inc.; an electrolytic zinc refinery converted to a solid and liquid waste treatment plant; at 5500 Up River Road in the City of Corpus Christi, Nueces County; renewal; 00314.

Familia/El Dorado, Inc.; El Dorado Mobile Home Community Wastewater Treatment Facilities; approximately one mile southeast of the intersection of U.S. Highway 59 and North Belt and 500 feet southeast of the crossing of a Harris County Flood Control ditch by Smith Road in Harris County; renewal; 11376-01.

City of Fort Stockton; wastewater treatment facilities; approximately 17 miles southwest of the City of Fort Stockton and 1.7 miles northwest of the City of Belding off of State Highway 2037 and approximately 1.65 miles northwest of the intersection of State Highway 2037 and Rural Route 3219 north of the Texas Department of Crimi-

nal Justice (TDCJ) Prison in Pecos County; new; 13651-01.

City of Fort Worth; Village Creek Wastewater Treatment Facilities; southeast of the confluence of the West Fork Trinity River with Village Creek in Fort Worth, Tarrant County; renewal; 10494-13.

Gulf Coast Waste Disposal Authority; industrial wastewater treatment plant; adjacent to State Highway Loop 197 on the south side of the Hurricane Levee Pump Discharge Canal in the City of Texas City, Galveston County; renewal; 01485.

Harris County Municipal Utility District Number 200; wastewater treatment facilities; at 13035 Kuykendahl Road, approximately 4,000 feet northwest of the intersection of Interstate Highway 45 and Rankin Road in Harris County; renewal; 12294-01.

Imperial Houiy Corporation; a sugar refining plant; at 198 Kempner Street, bordered on the south by Kempner Street, and on the west by Ulrich Street, on the north by Avenue D, and on the east by Oyster Creek, in the City of Sugar Land, Fort Bend County; renewal; 00442.

Keystone Consolidated Industries, Inc., doing business as Sherman Wire; a steel wire products manufacturing facility (West Plant); on the east side of Gibbons Road, approximately 0.5 mile north of State Highway 56 and approximately 4,000 feet west of the intersection of State Highway 56 and State Highway 289 in the City of Southmayd, Grayson County; new; 03582.

Mobile Chemical Company, Inc.; a petrochemical plant manufacturing olefins and aromatics; at a site between State Highway 347 and the Neches River which is southeast of the City of Beaumont, Jefferson County; renewal; 00462.

Texas Electric Cooperatives, Inc.; a wood preserving plant; southeast of the City of Jasper, approximately 0.6 mile south of U.S. Highway 190 adjacent to Bevil Loop Road, Jasper County; renewal; 01766.

Wal-Mart Stores, Inc.; a warehouse/distribution center and truck maintenance garage; immediately north of U.S. Highway 79/84, east of FM Road 645 and west of County Road 2206, approximately seven miles southwest of the City of Palestine, Anderson County; new; 03597.

Issued in Austin, Texas, on April 16, 1993.

TRD-9321841 Gloria A. Vasquez  
Chief Clerk  
Texas Water Commission

Filed: April 19, 1993

### Notice of Receipt of Application for Municipal Solid Waste Permits

Attached are Notices of Receipt of Applications and Declaration of Administrative Completeness for municipal solid waste permits issued during the period of April 12-16, 1993.

These applications have been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Water Commission. Persons should be advised that these applications are subject to change based on such evaluation.

These notices are issued pursuant to the Texas Health and Safety Code, §361.0665. Any person who may be affected by the facility is entitled to request a hearing from the Commission. The Commission will issue further notice of the application and the terms of any proposed draft permit once the technical evaluation is completed.

City of Carrizo Springs; Carrizo Springs; Type I municipal solid waste facility; approximately 1.6 miles southeast of the intersection of Highway 83 and FM Road 1917 in Dimmit County; new; MSW2225.

Information concerning these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Issued in Austin, Texas, on April 16, 1993.

TRD-9321840 Gloria A. Vasquez  
Chief Clerk  
Texas Water Commission

Filed: April 19, 1993

### Request for Proposal

The Texas Water Commission (TWC) requests various Texas cities, counties, city and/or county health departments, local law enforcement agencies, and other local organizations having legal authority to manage the collection and/or disposal of municipal solid waste to submit application proposals for grants to fund the collection, handling, and/or recycling of certain household hazardous wastes.

The purpose of this assistance grant program is to support local efforts to: establish and operate safe, effective, and efficient household hazardous waste collection programs that will significantly reduce the amount of undesirable materials disposed of in municipal landfills or municipal waste incinerators; increase the public's awareness of the dangers inherent in the indiscriminate use, storage and/or disposal of various materials and products; and promote, to the maximum extent feasible, the recycling, and/or reclamation of such material and products.

Both new and existing programs are eligible for funding support under this program. Where the application is for an existing program, the proposal must indicate how, with state funding support, such program is to be expanded or improved.

Any collection, handling, storage, shipping, recycling, reclamation, and/or disposal of wastes carried out under any grant awarded under the RFP must be in accordance with all applicable TWC rules and regulations regarding permits, site approvals, registrations, identification numbers, manifests, and waste codes. Due to specific Legislative requirements contained in §361.429 of the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 (Vernon Pamphlet 1992), (the Act), no grant monies, the source of which are the municipal solid waste disposal and transportation fees collected in accordance with the Act, §361.013, may be utilized to pay actual waste disposal costs. This prohibition does not extend to legitimate waste recycling or reclamation activities, nor does it apply to collection, packaging, or transportation costs even though such costs may be incurred for the purpose of disposal.

Evaluation criteria will be more fully discussed in the RFP.

To apply for a local government assistance grant under the RFP, applicants must first obtain Grant Application Packet Number 93B from the TWC. The packet contains a copy of the RFP, additional printed guidelines with respect to application format, instructions concerning the submittal process, budget forms, required application forms, and a sample of the Interlocal Contract that successful applicants will be required to execute with the TWC.

Individuals wishing to receive the grant application packet may call the TWC's Environmental and Recycling Information Center, toll-free, at 1 (800) 458-9796 and request Grant Application Packet Number 93B. Written requests for application forms should be mailed to Household Hazardous Waste Collection Grants, Texas Water Commission, Community Support Program, P.O. Box 13087, Austin, Texas 78711. To obtain additional information concerning the RFP, contact the Community Hazardous Waste Management Unit at (512) 475-4610.

A proposal writing guidance session will be held (two weeks after publishing in the *Texas Register*, at 10 a.m. in (location) of the Office Building, (location of building), Austin. Attendance at this meeting is not mandatory. The purpose of the session is to provide guidance on writing grant proposals to prospective applicants and to respond to questions applicants may have.

Proposals will be accepted only if received at the TWC's Austin Headquarters no later than 5 p.m., (60 days after

publishing in the *Texas Register*). Late proposals will not be accepted. Upon submittal, the proposals shall become the property of the State of Texas. The contents of all proposals shall be considered public record unless deemed otherwise by law. The submittal of information claimed to be confidential or proprietary should be under separate cover on or before 12 noon on the closing date. TWC reserves the right to reject the designation of any information as confidential.

By signing its proposal, the proposer affirms that he has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted proposal.

All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or natural origin.

Issued in Austin, Texas, on April 19, 1993.

TRD-9321854

Mary Ruth Holder  
Director, Legal Division  
Texas Water Commission

Filed: April 19, 1993



# 1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on July 30, November 5, November 30, and December 28. A asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Friday, January 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1992 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13 *	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7



70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 16	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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