

Texas Register

Volume 16, Number 21, March 19, 1991

Pages 1587- 1656

In This Issue...

Office of the Governor

Appointments Made March 11, 1991

1597-Texas Board of Human Services

Appointments Made March 12, 1991

1597-State Highways and Public Transportation Commission

Attorney General Opinions

1599-DM-1 (RQ-2165)

1599-DM-2 (RQ-2160)

1599-DM-3 (RQ-2130)

1599-DM-4 (RQ-2187)

1599-DM-5 (RQ-2151)

1599-DM-6 (RQ-24)

1599-DM-7 (RQ-6)

1600-DM-8 (RQ-2162)

Emergency Sections

Texas Real Estate Commission

1601-Provisions of the Real Estate License Act
State Board of Insurance

1603-Corporate and Financial Regulation

1603-Health Maintenance Organizations

Proposed Sections

Texas Department of Agriculture

1605-Agricultural and Environmental Sciences Division

Texas Education Agency

1605-Proprietary Schools and Vocational Education

1606-Curriculum

1610-Comprehensive Instruction

1611-Vocational Education

1612-Vocational and Applied Technology Education

1615-Adaptations for Special Populations

1619-Budgeting, Accounting, and Auditing

Texas Real Estate Commission

1619-Provisions of the Real Estate License Act

Texas Water Commission

1622-Industrial Solid Waste and Municipal Solid Waste

Withdrawn Sections

Railroad Commission of Texas

1629-Transportation Division

Adopted Sections

Texas Department of Agriculture

1631-Herbicide Regulations

CONTENTS CONTINUED INSIDE

Texas Register

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Governor-Appointments, executive orders, and proclamations

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

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

Proposed Sections-sections proposed for adoption

Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings-notices of open meetings

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

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

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

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

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

Texas Administrative Code

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

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

1 indicates the title under which the agency section appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §27.15 is the section number of rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).



Texas Register Publications

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Texas Motor Vehicle Commission

1631-Warranty Performance Obligations

Texas Education Agency

1632-Planning and Accreditation

1638-Hearings and Appeals

Texas Employment Commission

1638-Unemployment Insurance

Open Meetings

1641-Texas Department of Agriculture

1641-Texas Alcoholic Beverage Commission

1641-Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons

1641-Bond Review Board

1641-Credit Union Department

1642-Texas Department of Criminal Justice

1642-Texas State Board of Dental Examiners

1642-Texas Education Agency

1643-Texas Department of Human Services

1643-Department of Information Resources

1643-State Board of Insurance

1643-Commission on Jail Standards

1644-Texas Department of Licensing and Regulation

1644-Texas National Guard Armory Board

1644-State Pension Review Board

1644-Public Utility Commission of Texas

1644-Texas National Research Laboratory Commission

1644-Texas State Soil and Water Conservation Board

1645-Texas Guaranteed Student Loan Corporation

1645-The Texas A&M University System

1646-Texas Southern University

1646-Texas State Technical Institute

1646-Texas Turnpike Authority

1647-University of Houston

1647-University of Texas System

1647-Texas Water Commission

1648-Texas Water Development Board

1648-Texas Water Resources Finance Authority

1649-Texas Workers' Compensation Commission

1649-Regional Meetings

In Addition

Texas Air Control Board

1651-Notice of Application for Construction Permits

Central Texas Council of Governments

1652-Consultant Proposal Request

Texas Department of Health

1652-Intent to Revoke Radioactive Material Licenses

1652-Notice of Emergency Cease and Desist and Impoundment Order

1653-Revocation of Certificates of Registration

1653-Revocation of Radioactive Material Licenses

Heart of Texas Council of Governments
Employment and Training Program

1653-Request for Proposals

Texas Department of Human Services

1654-Open Solicitation

1654-Request for Proposals

Texas Board of Professional Land
Surveying

1654-Proposal for Continuing Education Manager

Public Utility Commission of Texas

1655-Notice of Intent To File Pursuant To Public Utility
Commission Substantive Rule 23.28

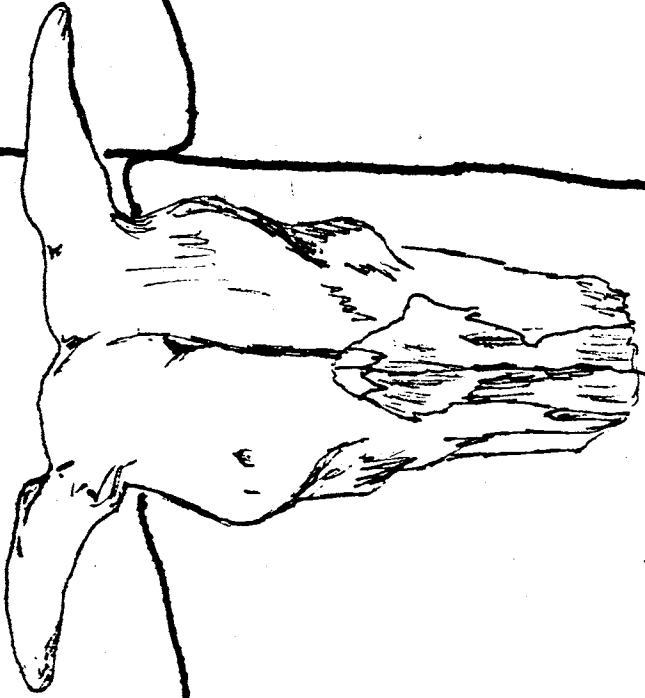
Texas Rehabilitation Commission

1655-Request for Proposals

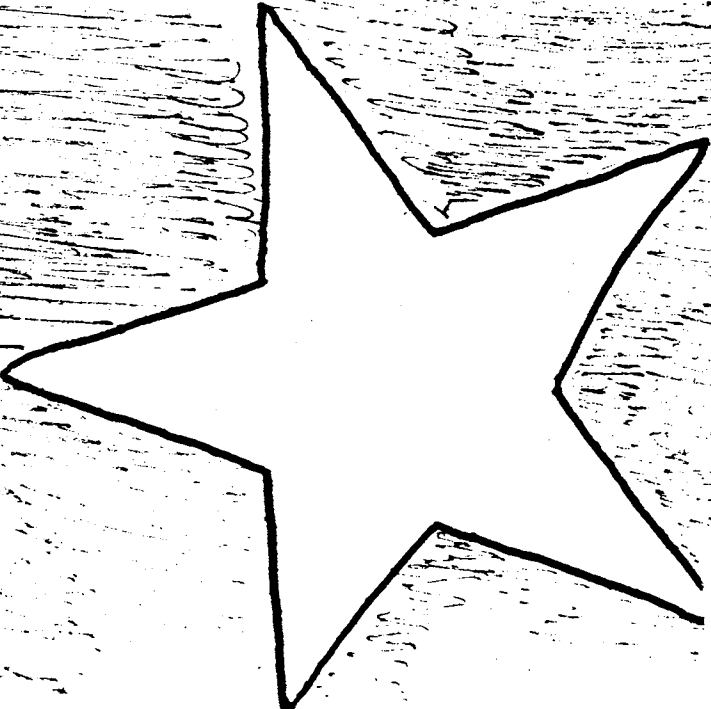
Texas Water Commission

1655-Notice of Application For Waste Disposal Permit

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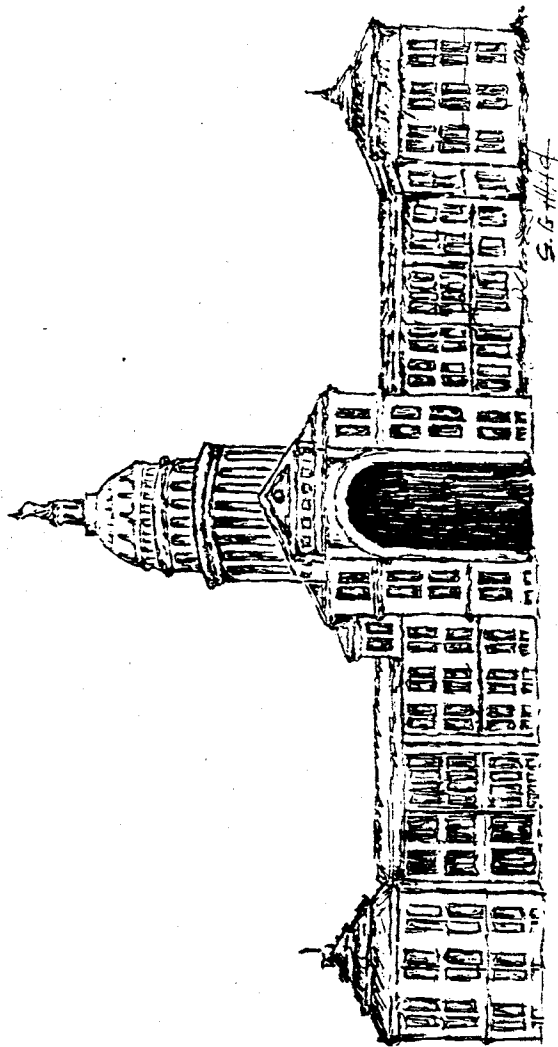
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TAC Titles Affected

TAC Titles Affected—March

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

TITLE 1. ADMINISTRATION

Part IV. Office of the Secretary of State

1 TAC §21.51—1333

1 TAC §95.51—1417

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §§5.70-5.75—1361

4 TAC §9.19—1605

4 TAC §11.2—1631

4 TAC §21.51—1333

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

7 TAC §3.33—1417

Part II. Banking Department of Texas

7 TAC §11.83—1407

Part IV. Texas Savings and Loan Department

7 TAC §63.11—1407

Part V. Office of Consumer Credit Commissioner

7 TAC §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, 85.58—1453

Part VI. Credit Union Department

7 TAC §91.402—1408

TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Commerce

10 TAC §165.2—1361

TITLE 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

13 TAC §§9.1-9.14—1361

13 TAC §§9.21-9.31—1362

Part IV. Texas Antiquities Committee

13 TAC §45.4—1507

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.294—1629

Part II. Public Utility Commission of Texas

16 TAC §23.43—1533, 1557, 1535

16 TAC §23.46—1533, 1557, 1535

Part IV. Texas Department of Licensing and Regulation

16 TAC §60.69, §60.70—1408

16 TAC §69.204—1409

16 TAC §75.20—1410

16 TAC §79.10—1410

16 TAC §80.10—1410

Part VI. Texas Motor Vehicle Commission

16 TAC §107.2, §107.8—1631

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

19 TAC §1.8—1363

19 TAC §5.211, §5.222—1363

19 TAC §§5.370-5.376—1333

19 TAC §§12.21-12.24—1334

19 TAC §§12.41-12.51—1335

19 TAC §§12.71-12.76—1337

19 TAC §§21.21-21.35—1338

19 TAC §§21.21-21.39—1338

19 TAC §21.55, §21.56—1343

19 TAC §§21.254, 21.256, 21.258—1363

19 TAC §§21.680-21.692—1363

19 TAC §§21.710-21.723—1364

19 TAC §§21.740-21.749—1364

19 TAC §§21.770-21.779—1364

19 TAC §§21.800-21.813—1364

Part II. Texas Education Agency

19 TAC §69.1, §69.2—1605
19 TAC §§69.10-69.23—1606
19 TAC §69.101—1606
19 TAC §§69.121-69.129—1606
19 TAC §§75.311-75.320—1606
19 TAC §§77.21, 77.22, 77.24-77.26—1610
19 TAC §77.331—1610
19 TAC §§77.351-77.366, 77.372—1610
19 TAC §§77.391-77.396—1611
19 TAC §§77.431—1611
19 TAC §77.451, §77.453—1611
19 TAC §§77.471-77.480—1611
19 TAC §§78.1-78.4—1612
19 TAC §§78.1-78.5—1612
19 TAC §78.10—1613
19 TAC §§78.21-78.25—1615
19 TAC §78.41—1615
19 TAC §78.61-78.64—1615
19 TAC §78.70—1615
19 TAC §89.1—1616
19 TAC §89.21, §89.22—1616
19 TAC §89.31—1616
19 TAC §§89.51-89.56—1616
19 TAC §§89.71-89.90—1616
19 TAC §§89.111-89.120—1617
19 TAC §89.131—1617
19 TAC §§89.201-89.203—1617
19 TAC §§89.211-89.246—1617
19 TAC §§89.250-89.256, 89.258, 89.259—1618
19 TAC §§89.291, 89.294, 89.296—1618
19 TAC §§89.331-89.334—1619
19 TAC §§97.1-97.7—1632
19 TAC §§97.1-97.11—1632
19 TAC §§97.21-97.30—1635
19 TAC §§97.21-97.39—1635

19 TAC §109.61—1619

19 TAC §§157.92, 157.94, 157.97—1638

TITLE 22. EXAMINING BOARDS

Part III. Texas Board of Chiropractic Examiners

22 TAC §73.6—1411

22 TAC §80.2—1417

Part V. State Board of Dental Examiners

22 TAC §116.3—1505

Part IX. State Board of Medical Examiners

22 TAC §168.1—1559

22 TAC §175.1—1535

22 TAC §187.1—1559

22 TAC §187.34—1559

22 TAC §189.1—1559

Part XI. Board of Nurse Examiners

22 TAC §217.1, §217.15—1344

Part XIV. Texas Optometry Board

22 TAC §279.10—

22 TAC §279.11—1418

22 TAC §279.12—1411

Part XV. Texas State Board of Pharmacy

22 TAC §291.31, §291.34—1365

22 TAC §303.1—1347

22 TAC §309.3—1365

Part XXII. Texas State Board of Public Accountancy

22 TAC §527.1—1445

22 TAC §527.2—1445

22 TAC §527.3—1445

22 TAC §527.4—1446

22 TAC §527.5—1447

22 TAC §527.6—1447

22 TAC §527.7—1447

Part XXIII. Texas Real Estate Commission

22 TAC §535.51—1619

22 TAC §535.71, §535.72—1601, 1620

22 TAC §535.92—1620

22 TAC §535.122—1620

Part XXIV. State Board of Veterinary Medical Examiners

22 TAC §571.3—1501

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

25 TAC §401.51—1411

25 TAC §401.55—1412

25 TAC §§401.341-401.350—1507

25 TAC §§403.181-403.185—1412

25 TAC §§403.281-403.282—1501

25 TAC §§403.321-403.336—1501

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§3.8001-3.8022—1536

28 TAC §5.4501—1348

28 TAC §5.9204—1365

28 TAC §7.49—1365

28 TAC §7.60—1603

28 TAC §§11.802-11.807—1603

28 TAC §11.803, §11.804—1603

28 TAC §§21.1001-21.1004—1557

Part II. Texas Workers' Compensation Commission

28 TAC §104.1—1366

28 TAC §110.1-110.3—1544

28 TAC §112.200—1545

28 TAC §124.7—1545

28 TAC §§133.300-133.305—1448

28 TAC §134.200—1349

28 TAC §134.501—1350

28 TAC §136.1—1367

28 TAC §136.2—1368

28 TAC §142.19—1502

28 TAC §§145.1-145.27—1546

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

31 TAC §335.29—1369

31 TAC §335.112—1370

31 TAC §335.160—1359

31 TAC §335.168, §335.173—1370

31 TAC §§335.341-335.346—1623

31 TAC §§335.341-335.352—1623

Part X. Texas Water Development

31 TAC §370.1, §370.2—1351

31 TAC §§370.21-370.35—1351

31 TAC §§370.41-370.43—1353

31 TAC §§370.51-370.53—1353

31 TAC §370.61—1354

31 TAC §§601.1-601.5—1560

TITLE 34. PUBLIC FINANCE

Part II. State Treasurer

34 TAC §11.1—1327, 1354

34 TAC §§11.1-11.32—1327, 1354

34 TAC §§11.2-11.37—1354

34 TAC §11.51—1330, 1355

34 TAC §§15.1-15.17—1507

34 TAC §§15.3-15.6—1508

Part IV. Employees Retirement System of Texas

34 TAC §§67.65, 67.87, 67.89, 67.101—1412

34 TAC §81.1, §81.7—1553

34 TAC §§87.1, 87.3, 87.5, 87.7, 87.9, 87.11, 87.13, 87.15, 87.17, 87.19, 87.21, 87.23, 87.25, 87.27—1560

Part IX. Texas Bond Review Board

34 TAC §181.6—1355

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

37 TAC §15.6—1370

Part III. Texas Youth Commission

27 TAC §81.11—1565

37 TAC §81.113—1443

37 TAC §85.41—1467

Part IX. Texas Commission on Jail Standards

37 TAC §§263.1-263.4—1468

37 TAC §§263.10-263.23—1468

37 TAC §§263.11-263.24—1468

37 TAC §§263.30-263.33—1469

37 TAC §§263.31-263.34—1469

37 TAC §§263.40-263.44—1469

37 TAC §§263.41-263.45—1469

37 TAC §§263.50-263.57—1469

37 TAC §§263.51-263.58—1471

37 TAC §263.70, §263.71—1471

37 TAC §263.71, §263.72—1471

37 TAC §§263.80-263.83—1471

37 TAC §§263.81-263.84—1471

37 TAC §263.90—1471

37 TAC §263.91—1471

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §11.6002—1566

40 TAC §15.310—1451

40 TAC §24.102—1413

40 TAC §29.1104—1566

40 TAC §48.2503—1418

40 TAC §48.3901, §48.3903—1355

40 TAC §48.3904—1508

40 TAC §§79.301-79.305—1554

Part V. Veterans Land Board

40 TAC §175.4—1451

40 TAC §175.7—1472

Part VI. Texas Commission for the Deaf

40 TAC §181.914—1508

Part XI. Texas Commission on Human Rights

40 TAC §340.19—1566

40 TAC §§301.9—1638

Part X. Texas Employment Commission

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §§25.802, 25.806, 25.807—1503



The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

Appointments Made March 11, 1991

To be a member of the **Texas Board of Human Services** for a term to expire February 1, 1993: **Cassandra Colvin Carr**, 4230 Hidden Canyon Cove, Austin, Texas 78746. Ms. Carr will be filling the unexpired term of Robert A. Mosbacher, Jr. of Houston, who resigned.

Appointments Made March 12, 1991.

To be Chairman of the **State Highway and Public Transportation Commission** for a term at the pleasure of the Governor: **Ray C. Stoker, Jr.** of Odessa. Mr. Stoker will be replacing Robert H. Dedman of Dallas, who will remain on the commission.

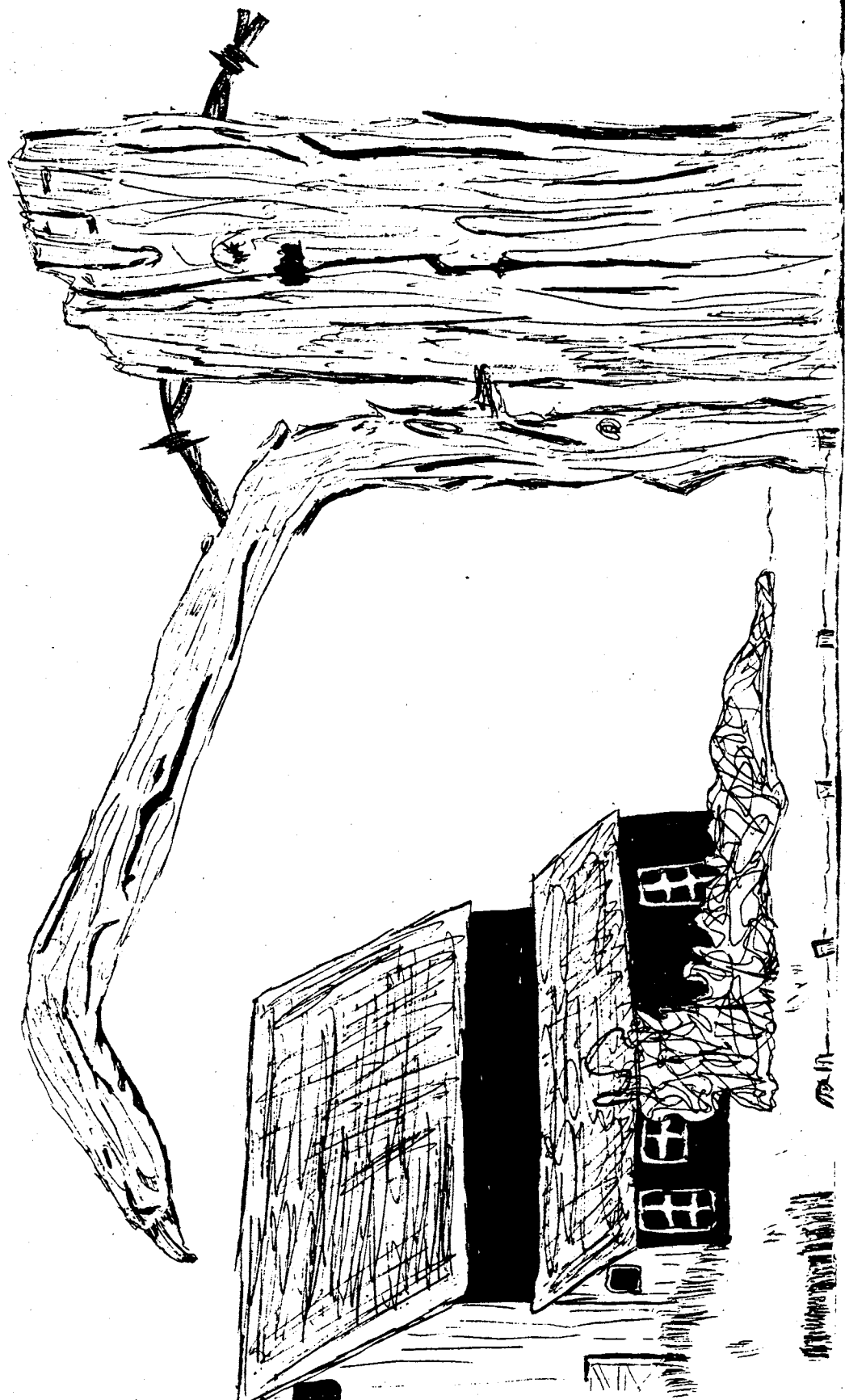
Issued in Austin, Texas, on March 12, 1991.

TRD-9102899

Ann W. Richards
Governor of Texas



© Rodney Jeter



Name: Rodney Jeter
Grade: 9
School: Rockdale High School, Rockdale ISD

Attorney General

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

Opinions

DM-1 (RQ-2165). Request from William Tenison, Chairman, On-Site Wastewater Treatment Research Council, Austin, concerning authority of the On-Site Wastewater Treatment Research Council, and related questions.

Summary of Opinion. The On-Site Wastewater Treatment Research Council may contract for administrative support only from the Department of Health pursuant to Health and Safety Code, §367.007(b), and the council must furnish consideration to the department for the furnishing of such services by the latter.

Such administrative support may include technical review or testing of grant proposals but not provision of facilities for the conduct of grant-supported research.

Whether the council may award a grant for "research support" would depend on whether, as a factual matter such "research support" was applied research at an accredited college or university regarding on-site wastewater treatment technology, or was information dissemination regarding such technology.

TRD-9102825

DM-2 (RQ-2160). Request from Maida Modgling, County Attorney of Medina County, Medina County Courthouse, Hondo, concerning application of nepotism law when an officer holds over, and construction of prior continuous service provisions of nepotism law.

Summary of Opinion. Members of a city council do not avoid the prohibitions of the nepotism law, Texas Civil Statutes, Article 5996a, by delegating the responsibility to hire city employees. The nepotism law applies to a city council member who has resigned but who is holding over in his office. The 30-day prior continuous service requirement in subsection (b)(2) of §1 of the nepotism law applies when an officer is appointed to an elective office.

TRD-9102824

DM-3 (RQ-2130). Request from John Whitmire, Chairman, Intergovernmental Relations Committee, Texas State Senate, Austin, concerning constitutionality of Chapter 64 of the Agriculture Code, which requires arbitration in vegetable seed performance disputes.

Summary of Opinion. The requirements of Chapter 64 of the Agriculture Code for non-binding arbitration of seed performance disputes do not on their face violate the open courts provision of Article I, §13, of the Texas Constitution.

TRD-9102823

DM-4 (RQ-2187). Request from Marcus D. Taylor, Criminal District Attorney, Wood County, Quitman, concerning whether a county may make a purchase in excess of \$10,000 without competitive bids if, after advertising, no bids are received.

Summary of Opinion. A county must readvertise for bids on a contract subject to the County Purchasing Act, Local Government Code, §262.022-262.035, when the initial advertisement results in the submission of no bids for the contract. The County Purchasing Act imposes no limit on the number of times a county may be required to advertise for bids in such instances.

DM-5 (RQ-2151). Request from Erwin W. Barton, Chairman, Human Services Committee, Texas House of Representatives, Austin, concerning whether the Alcoholic Beverage Code, §102.51, imposes a territorial limitation on the resale of beer by persons who purchase from general distributors.

Summary of Opinion. A local beer distributor may resell a particular brand of beer that he purchases from a general distributor only in the territory in which the local distributor is authorized by the manufacturer to see that brand.

TRD-9102821

DM-6 (RQ-24). Request from Chet Brooks, Chairman, Senate Committee of the Whole on Redistricting, Legislature of the State of Texas, Austin; and Tom Uher, Chairman,

House Redistricting Committee, Texas House of Representatives, Austin, concerning whether release of census counts subject to possible adjustment constitutes publication of the United States decennial census for purposes of the Texas Constitution, Article III, §28, and related questions.

Summary of Opinion. The release on February 5, 1991, of 1990 census population data (i.e., the public law 94-171 counts), notwithstanding their provisional nature, constitutes a publication within the meaning of Article III, §28, of the constitution. The legislature and the Legislative Redistricting Board (LRB), however, are not as a matter of law prohibited from using population counts other than the public law 94-171 counts in determining the population base for apportionment of the state legislature. The legislature may not convene to reapportion itself in special session during the jurisdictional time period of the LRB. If the United States Department of Commerce, on its own or under court order, statistically adjusts the 1990 census based on its post enumeration survey after the regular session but within the LRB's jurisdictional time period following the end of the current regular session, the LRB has limited jurisdiction to apportion the state legislature. Under these circumstances, the LRB's reapportionment duties definitely arise if the legislature failed to redistrict during regular session and, depending on factual circumstances, may arise even if the legislature enacted a redistricting plan during regular session. Still, under these circumstances, the LRB would be empowered to redistrict only on an interim basis, until the next regular session of the legislature. A statistical adjustment to the 1990 census by the department, based on the post-enumeration survey, shall be treated as a new publication of the decennial census within the meaning of Article III, §28.

TRD-9102820

DM-7 (RQ-6). Request from Amy Ayers Adams, District Attorney, Parker County, Weatherford, concerning whether the Parker County Committee on Aging is a governmental body under the Open Meetings Act, Texas Civil Statutes, Article 6252-17.

Summary of Opinion. The Parker County Committee on Aging is not a "governmental body" as defined in the Open Meetings Act, §1(c), and is not subject to the requirements of that act.

TRD-9102819



DM-8 (RQ-2162). Request from Robert A. Eckels, Chairman, Committee on County Affairs, Texas House of Representatives, Austin, concerning duty of the Teacher Retirement System to compute the adjusted statewide average maintenance and operations tax rate pursuant to the Government Code, §825.405(h).

Summary of Opinion. The Government Code, §825.405(h), requires the computation of the statewide average maintenance and operations tax rate for school districts and the adjustment of that average by 125%. The Teachers Retirement System must calculate the adjustment of the statewide average to as many decimal places as necessary to accurately compare that adjusted average with each school district's maintenance and operations tax rate.

TRD-9102818



Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Mandatory Continuing Educa- tion

• 22 TAC §535.71, §535.72

The Texas Real Estate Commission adopts on an emergency basis amendments to §535.71 and §535.72, concerning approval of providers, courses, and instructors for mandatory continuing education, presentation of courses, advertising, and records. The commission finds that the amendments are necessary because of an imminent peril to the public welfare.

Beginning August 31, 1991, all Texas real estate brokers and most Texas real estate salesmen whose licenses are on active status must complete approved mandatory continuing education (MCE) courses as a condition of license renewal. The commission has determined that amendments facilitating the approval and administration of MCE courses should be adopted on an emergency basis to avoid any disruption of real estate brokerage services to the public that might occur if sufficient MCE providers, courses, or instructors have not been approved to meet educational requirements for real estate license renewals. The amendments simplify the application process for prospective MCE providers and clarify attendance requirements.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 6573a, §5(h), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§535.71. Mandatory Continuing Education: Approval of Providers, Courses, and In- structors.

(a) The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

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

(10) Student—An individual taking an MCE course for credit [who does not have any responsibility for the administration of the course].

(b) A person who wishes to offer courses accepted by the commission for

MCE credit shall apply to the commission for approval to be an MCE provider and for approval of each MCE course and instructor using application forms prepared by the commission. The commission may refuse to accept any application which is not complete or which is not accompanied by the appropriate filing fee. Each prospective [For an original application, each] provider shall submit a **provider application**, at least one course and instructor application, and at least one principal information form. Only instructors approved by the commission for a particular course may teach that course, and providers must apply for approval of additional instructors. Approval must be sought for each course offered by each provider and for each instructor, unless the course or instructor has been previously approved by the commission for use [the same course offered] by another provider.

(c) The commission adopts by reference the following forms approved by the commission in 1990 and published and available from the commission, P.O. Box 12188, Austin, Texas, 78711-2188:

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

(3) MCE Form 2-1 [2-0], MCE Principal Information Form;

(4) MCE Form 3A-0 [3-1], MCE Course Application;

(5) MCE Form 3B-0, MCE Course Application Supplement;

(6) MCE Form 3C-0, MCE Single Course Offering Application;

(7)[(5)] MCE Form 4A-1 [4A-0], MCE Instructor Application;

(8)[(6)] MCE Form 4B-1 [4B-0], MCE Instructor Application Supplement;

(9) [(7)] MCE Form 5-2 [5-1], MCE Course Schedule;

(10) [(8)] MCE Form 6-2 [6-1], MCE Course Schedule Change Notice;

(11)[(9)] MCE Form 7-0, MCE Course Completion Card;

(12)[(10)] MCE Form 8-1, MCE Course Completion Roster;

(13)[(11)] MCE Form 9-1, MCE Correspondence Course Reporting Form; and

[(12)] MCE Form 10-0, MCE End of Month Report; and]

(14)[(13)] MCE Form 11-2 [11-1], MCE Instructor Credit Request.

(d) (No change.)

(e) To be approved to offer a classroom course for MCE credit, the provider must satisfy the commission that the course subject matter is appropriate for a continuing education course for real estate licensees and that the information provided in the course will be current and accurate.

(1) A provider applicant must submit an MCE Form 3A-0. MCE Course Application, the first time approval is sought to offer an MCE course. Once a course has been approved, no further approval is required for another approved provider to offer the same course, although the subsequent provider must complete the appropriate section of MCE Form 3B-0 and file the form with the commission prior to advertising or offering the course. Providers must submit an instructor's manual for each proposed course. A copy of the previously approved instructor's manual must also be submitted for each previously approved course the provider intends to offer. The commission will publish guidelines to aid providers in the development of instructor manuals. Each manual must contain the following:

(A) [(1)] course description;

(B)[(2)] learning objectives;

(C)[(3)] evaluation techniques;

(D)[(4)] outline of the subject matter;

(E)[(5)] instructional strategies;

(F)[(6)] course participant handouts;

(G)[(7)] bibliography or source of updated subject matter.

(2) The commission may approve a course for a single offering without regard to the requirements of paragraph (1) of this subsection. The provider must be approved by the com-

mission in accordance with the provisions of this section, and the course may not be offered again during a providership unless the course has been approved by the commission for subsequent offerings by the original provider in accordance with the provisions of this section and all requirements for approval, including payment of the application fee, have been satisfied. The provider must submit MCE Form, 3C-0, MCE Single Course Offering Application.

(f) To be approved as an instructor of any MCE course, a person must satisfy the commission as to the person's competency in the subject matter to be taught and ability to teach effectively. An instructor applicant must submit through the proposed provider an MCE Form 4A-1 [4A-0], MCE Instructor Application, the first time approval is sought to teach an MCE course. For subsequent approval to teach a different course, [the instructor applicant must submit] an MCE Form 4B-1 [4B-0], MCE Instructor Application Supplement must be submitted. Once an instructor has been approved to teach a course, no further approval is required for the instructor to teach the same course for another provider, although the subsequent provider must complete the appropriate section of MCE Form 4B-1 [4B-0] and file the form with the commission prior to using the instructor in the course.

(1) Each person approved as an instructor must also meet the following requirements:

(A)[(1)] a college degree in the subject area or five years professional experience in the subject area; and

(B)[(2)] three years experience in teaching or training; or

(C)[(3)] the equivalent of subparagraphs (A) and (B) of this paragraph [paragraphs (1) and (2) of this subsection] as determined by the commission after due consideration of the applicant's professional experience, research, authorship, or other significant endeavors in the subject area.

(2) The commission may also approve an instructor for a single offering of a course. The provider must submit an MCE Form 3C-0, MCE Single Course Offering Application, and provide additional information about the instructor's qualifications at the commission's request.

(g) (No change.)

(h) Fees shall be established by the commission in accordance with the provisions of the Real Estate Licensing Act, §7A, at such times as the commission deems appropriate. Fees are not refundable and must be submitted in the form of a

cashier's check or money order, or, in the case of state agencies, colleges, or universities, in a form of payment acceptable to the commission. If a provider seeks approval to offer a course previously approved for another provider, and less than one year remains for the course to be offered, the filing fee shall be one-half the current fee for approval of a course; provided however, the full current fee is required for an application for approval of a single course offering.

(i) -(p) (No change.)

(q) To be approved to offer a correspondence course for MCE credit, the provider must satisfy the commission that the course subject matter is appropriate for a continuing education course for real estate licensees and that the information provided in the course will be current and accurate. An applicant must submit an MCE Form 3A-0, MCE Course Application, the first time approval is sought to offer an MCE correspondence course. Once a course has been approved, no further approval is required for another approved provider to offer the same course, although the subsequent provider must complete the appropriate section of MCE Form 3B-0 and file the form together with the appropriate fee with the commission prior to advertising or offering the course. [Providers must submit each proposed correspondence course to the commission.] The commission will publish guidelines to aid providers in the development of correspondence courses. Each correspondence course must contain the following:

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

§535.72. Mandatory Continuing Education: Presentation of Courses, Advertising, and Records.

(a) Upon course approval a provider shall furnish the commission with an MCE Course Schedule, MCE Form 5-2 [5-1], of all offerings of each course approved for MCE credit. The schedule must be filed at least 15 days prior to the date the first course will be presented.

(b) Providers shall notify the commission of any change to a filed MCE Course Schedule, Form 5-2 [5-1], by filing MCE Course Schedule Change Notice Form 6-2 [6-1], no later than 10 days prior to the original starting date of the course. In the event of an emergency, including without limitation course cancellation or change in location of the course, providers shall immediately notify the commission by telephone, but no later than the beginning of the next business day.

(c) The provider offering each MCE course shall file an MCE Course Completion Roster, MCE Form 8-1, and, for each student completing the course, an MCE Course Completion Card, MCE Form

7-0, with the commission within 10 days following completion of the course. Prior to the commencement of each course, each student [students] seeking MCE credit for that course shall print his or her [their] name and license number on MCE Form 8-1. The names of students not seeking MCE credit must not appear on MCE Form 8-1. If the provider was in attendance, the provider shall sign MCE Form 8-1. If the provider was not in attendance, an authorized representative of the provider who was in attendance and for whom an authorized signature exemplar is on file with the commission shall sign MCE Form 8-1. The commission may not accept signature stamps, unsigned forms, or forms signed by persons for whom an authorized signature exemplar has not been previously filed with the commission. Providers may not certify for MCE credit a student who has not attended all class sessions or use students for administration or monitoring duties during the course if the use prevents the student's participation in a significant portion of the course.

(d) For classroom courses, a provider shall furnish each student with an MCE Course Completion Card, MCE Form 7-0, only after the student has completed the course. Providers shall obtain supplies of the cards from the commission and are responsible for the security of the cards [all cards until the cards are returned to the commission]. The provider must either arrange the cards in alphabetical order prior to filing the cards with the commission or file an alphabetized list of the names, license numbers, and course completion card numbers of students completing the course. [All voided MCE Form 7-0 cards shall be submitted monthly with MCE Form 10-0.]

(e) Providers of MCE correspondence courses shall furnish each student with an MCE Correspondence Course Reporting Form, MCE Form 9-1, at the time of the final examination. Upon completion of the examination the student shall sign MCE Form 9-1. To report successful course completion the provider shall file the completed MCE Form 9-1 with the commission. Providers may not report correspondence courses on MCE Forms 5-2 [5-1], 6-2 [6-1], 7-0, 8-1, or 11-2 [11-1]. [Providers shall report correspondence courses on MCE Forms 9-1 and 10-0.]

(f) A provider shall, prior to commencement of a course announce that the provider will not certify a student for MCE credit unless the student attends all sessions of the course, that partial credit will not be given for partial attendance, that no make-ups or written work will be allowed for MCE credit, that the student must determine if the course is timely and appropriate for the student's MCE requirement, and that the student should retain the detachable portion of MCE Form 7-0 as documentation of attendance. [The pre-course announcement

shall also include the provider's refund policy.] In lieu of the pre-course announcements, the provider may require each student to sign an enrollment agreement containing the foregoing information prior to the start of the course. If the provider has not advertised or otherwise made students aware of the provider's refund policy, the enrollment agreement must also contain the refund policy. If the course is offered in one continuous session with no meal break and no more than four hours of MCE credit is awarded, the provider may verify attendance by use of a course completion card. MCE Form 7-0, signed by each student attending all of the course. If the course involves a meal break or is presented in more than one session, such as a course offered for three hours each day for five days, the provider shall verify attendance prior to the beginning of each session using the original course completion roster, MCE Form 8-1, as the enrollment record. [A provider shall verify attendance at the beginning of class and after each break.] A provider shall retain attendance records for the period of time required by these sections for the retention of provider records.

(g) (No change.)

(h) Providers may not present MCE courses in the offices of, or facilities controlled by, or identified with, a real estate brokerage firm or real estate franchise organization. All MCE courses must be publicized as open to enrollment by the general public. Providers may give preference in enrollment to persons who need MCE credit to obtain, renew, or activate a license and may enroll all others on a space available basis.

(i) Advertising of MCE shall be subject to the following conditions.

(1) A person may not advertise a specific MCE course or represent in advertising that the person is or will be a provider until the person has received written approval from the commission for the providership and at least one [the] course or the provider has been approved and has notified the commission that the provider intends to offer a course previously approved for another provider. A person may advertise an intention to offer MCE courses if no specific course is described and the advertisement clearly indicates the person has not been approved as a provider.

(2) A provider may not advertise or offer a course until the provider has received written approval of the course or if the course has been previously approved for another provider, until the commission has been notified of the provider's intention to offer the same course.

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

(j)-(l) (No change.)

(m) Providers shall request permission to change business name, street or mailing address, ownership, person responsible for records or day-to-day operations,

[refund policy,] or persons authorized to sign MCE forms at least 15 days prior to the desired date of change. Providers shall report any change in refund policy, attorney-in-fact, address of attorney-in-fact, or business telephone number as the change occurs. All changes must be submitted on MCE Form IB-0, MCE Provider Application Supplement [, at least 15 days prior to the desired date of change].

(n) Each provider shall either destroy voided MCE 7-0 cards or return the cards to the commission [file an MCE End-Of-Month Report, MCE Form 10-0, by the 15th day of the following month. Voided MCE Form 7-0 cards shall be included with this report].

(o) (No change.)

(p) Providers may request MCE credit be given to instructors of MCE courses subject to the following guidelines.

(1) The instructors must teach or be present for at least three hours of the course.

(2) Credit may be requested only for time spent in classroom teaching or a combination of teaching and classroom attendance[, not including time researching or preparing for the course].

(3) (No change.)

(4) The provider must report the instructor on MCE Form 11-2 [11-1], and file that form with the commission along with other required forms for the course. The provider may [shall] not submit MCE Course Completion Card, MCE Form 7-0, for the instructor or obtain the signature of [list] the instructor as a student on MCE Form 8-1.

(q) Each provider shall establish written policies governing refunds and contingency plans in the event of course cancellation due to inclement weather, insufficient enrollment, instructor unavailability, or other reasons. If the provider cancels a course, the provider shall fully refund all fees collected from students, or at the student's option, the provider may credit the student for another course.

(r) The commission adopts by reference "Guidelines for Creating a Course Instructor's Manual for Mandatory Continuing Education Courses" approved by the commission in 1991. This document is published by and available from the commission, P.O. Box 12188, Austin, Texas 78711-2188.

Issued in Austin, Texas on March 12, 1991.

TRD-9102891 Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Effective date: March 12, 1991

Expiration date: July 10, 1991

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 7. Corporate and Financial Regulation

Subchapter A. Examination and Corporate Custodian and Tax

• 28 TAC §7.60

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §7.60, for a 60-day period effective March 20, 1991. The text of new §7.60 was originally published in the November 30, 1990, issue of the *Texas Register* (15 TexReg 6789).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102893 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: March 20, 1991

Expiration date: May 19, 1991

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

Chapter 11. Health Maintenance Organizations

Subchapter I. Financial Requirements

• 28 TAC §§11.802-11.807

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new and amended §§11.802-11.807, for a 60-day period effective March 14, 1991. The text of new and amended §§11.802-11.807 was originally published in the November 23, 1990, issue of the *Texas Register* (15 TexReg 6709).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102895 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: March 14, 1991

Expiration date: May 19, 1991

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

• 28 TAC §11.803 §11.804

The State Board of Insurance is renewing the effectiveness of the emergency adoption of repeal §11.803 and §11.804, for a 60-day period effective March 14, 1991. The text of repealed §11.803 and §11.804 was originally published in the November 23, 1990, issue of the *Texas Register* (15 TexReg 6709).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102894 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: March 14, 1991

Expiration date: May 19, 1991

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



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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 9. Agricultural and Environmental Sciences Division

Miscellaneous Fees

•4 TAC §9.19

The Texas Department of Agriculture (TDA) proposes an amendment to §9.19, concerning fee for phytosanitary certification inspection. The proposed amendment establishes a \$25 inspection fee per field for phytosanitary growing season inspections conducted for the purpose of issuing phytosanitary certificates required by foreign countries or other states for agricultural products exported from Texas.

Danny Johnson, quarantine specialist, has determined that there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section is in effect will be an estimated increase in revenue of \$25,000. There will be no effect on local government for the first five-year period the section is in effect. The cost of compliance with the section for small businesses will be a \$25 inspection fee per field for phytosanitary growing season inspections. The cost to small and large businesses will be the same depending upon the number of fields inspected.

Mr. Johnson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an increase in general revenues and a bringing of the cost of phytosanitary certification closer to the cost to the state for administering the Phytosanitary Certification Program. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, Director of Hearings, TDA, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §12.021, which provides the Texas Department of Agriculture with the authority to collect a fee for the issuance of a phytosanitation certificate required by foreign countries or other states for agricultural products exported from this state.

*§9.19. Fees for Issuance of a
Phytosanitary Certificate, Phytosanitary*

Growing Season Inspection Certificate. [Phytosanitation Certification Inspection].

(a) **Phytosanitary certificates.** The department shall collect an inspection fee of \$25 for the issuance of a **phytosanitary [phytosanitation] certificate** required by other states or foreign countries for agricultural products exported from this state.

(b) **Phytosanitary growing season inspection certificate.**

(1) The department shall [, when requested,] perform a growing season inspection and issue a **phytosanitary growing season inspection certificate, upon the request of a producer, for the purpose of obtaining [issuing] a phytosanitary certificate [phytosanitation certificates] from the department or from the United States Department of Agriculture (USDA).**

(2) The department shall collect a fee of **\$25 per field for the performance of a growing season inspection and the issuance of a growing season inspection certificate.**

(3) An application for a growing season inspection accompanied by [and] a field location map shall be submitted to the department no later than 40 days after planting. The department shall supply the proper forms for the application and map.

[(c) For the purpose of expediting the issuance of these phytosanitation certificates, the department shall maintain suspense balance accounts that shall allow persons requesting such certificates to maintain an account balance from which the cost of the inspection fee would be deducted.]

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 March 12, 1991.

TRD-9102964

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Earliest possible date of adoption: April 19, 1991

For further information, please call: (512) 463-7583

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 69. Proprietary Schools and Veterans Education

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Education Agency proposes the repeal of §§69.1-69.2, 69.10-69.23, 69.101, and 69.121-69.129. Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so that any rules adopted on these matters must occur under the new rulemaking relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 69 has been reviewed by the board and is being repealed. The chapter is being re-proposed as new Chapter 185, Proprietary Schools and Veterans Education, in a separate submission.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a clearer more concise statement of the agency's rule authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeals 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 chapter has been published in the *Texas Register*.

Subchapter A. General Provisions

• 19 TAC §§69.1, §69.2

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

§69.1. Certification and Regulation of Proprietary Schools.

§69.2. Proprietary School Advisory Commission.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102916 Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Earliest possible date of adoption: April 19, 1991

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

Subchapter B. Commercial Driver Training Schools

• 19 TAC §§69.10-69.23

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§69.10. General Information.

§69.11. Branch Schools.

§69.12. Driving Safety Course-Extension Locations.

§69.13. Names and Advertising.

§69.14. Facilities and Educational Materials.

§69.15. Programs of Instruction.

§69.16. Supervisory Instructors and Instructors.

§69.17. Motor Vehicles.

§69.18. Contracts-Students.

§69.19. Student Records.

§69.20. Attendance.

§69.21. Commercial Driver Training School Responsibility for Employees.

§69.22. Prohibited Activities.

§69.23. Uniform Certificates of Course Completion Driver Safety Programs.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102917 Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Earliest possible date of adoption: April 19, 1991

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

Subchapter D. Veterans Approval for Proprietary Schools

• 19 TAC §69.101

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§69.101. Accredited and Nonaccredited Courses.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102918 Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Earliest possible date of adoption: April 19, 1991

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

Subchapter E. Minimum Standards for Operation of Texas Proprietary Schools

• 19 TAC §§69.121-69.129

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§69.121. General Information.

§69.122. Definitions.

§69.123. Exemptions.

§69.124. Representatives.

§69.125. Approvals.

§69.126. Applications from Small Businesses.

§69.127. Minimum Standards for Operation of Proprietary Schools.

§69.128. Fees.

§69.129. Minimum Standards for Operation of Proprietary Schools Which Grant Degrees.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102919 Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Earliest possible date of adoption: April 19, 1991

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

Chapter 75. Curriculum

Subchapter J. Driver Education

• 19 TAC §§75.311-75.320

The Texas Education Agency proposes new §§75.311-75.320, concerning driver education. Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so that any rules adopted on

these matters must occur under the new rulemaking relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 77, Comprehensive Instruction, has been reviewed by the board and is being repealed in a separate submission. Former Subchapter J, Driver Education, in Chapter 77 is being repropounded in Chapter 75, Curriculum, to more appropriately locate it with rules relating to curriculum. The new subchapter will be reviewed as part of the ongoing process for revising Chapter 75, and any needed changes will be proposed at a later date.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the proposed new sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Moak and Criss Cloude McCuller, director for planning coordination, also have determined that for each year of the first five years the new sections are in effect the public benefit anticipated as a result of enforcing the sections will be a clearer more concise statement of the agency's rule authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloude McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed sections 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 chapter has been published in the *Texas Register*.

The new sections are proposed under Senate Bill 1, §2.25, passed by the 71st Texas Legislature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chapter 75, under Title 19 Texas Administrative Code relating to public education.

§75.311. Administration and Supervision. To be an approved course, driver education must be a part of the regular curriculum. The superintendent, chief school official, or education service center director is responsible for certifying that the course meets the standards for an approved course in driver education for Texas schools and that all driver education personnel meet state requirements. The superintendent, chief school official, or education service center director is also responsible for providing each driver education instructor and administrator with a copy of the standards. Instructors must also be provided with a state-approved curriculum guide appropriate for their phase of instruction.

§75.312. Teacher Certification.

(a) A driver education endorsement may be added as an additional specialization area on any current Texas teacher's

certificate issued by the Central Education Agency. A teacher must complete a driver education program at a college or university that has been approved for this specific area of specialization.

(b) In addition, the driver education teacher must possess a Texas drivers license, valid for the vehicle used for instruction, and meet the driver record evaluation standards established for Texas school bus drivers.

(c) A fully certified teacher of driver education may be designated by the Central Education Agency as a supervising teacher of driver education by completing six additional semester hours of university instruction that include the administration of driver education programs that include classroom and in-car instruction, techniques of simulation and multicar driving range instruction, supervision, and administration in traffic safety education. The instruction for supervising teachers must be given by a university approved to train driver education supervising teachers. Certificates of completion of training will be provided by the Central Education Agency.

§75.313. Teaching Assistants.

(a) Teaching assistants may be employed in the driver education program under the direction of a supervising driver education teacher with duties, training, and qualifications as follows.

(1) Teaching assistants may be approved to assist certified teachers in the classroom phase of driver education and to conduct behind-the-wheel, multicar range, and simulator training. Training qualifications required for this level of performance may be met by successfully completing one of the two following plans:

(A) complete a program of study in driver education developed by the Central Education Agency and the Texas Department of Public Safety;

(B) complete in an approved university the six semester hours of driver and traffic safety education required for driver education teacher certification, plus three additional hours in techniques of teaching in-car instruction and simulation.

(2) Teaching assistants may be qualified to conduct only in-car training by completing the six semester hours of driver and traffic safety education required for driver education teacher certification.

(b) Teaching assistants may be trained by approved universities as described in subsection (a)(1)(B) of this section or by colleges, school districts, or education service centers as described in subsection (a)(1)(A) of this section. When the training is conducted by colleges, school districts, or education service centers, the

program must be approved by the Central Education Agency. Applications are available from the Central Education Agency and must be submitted 30 days prior to the training program. Certificates of completion of training will be provided by the Central Education Agency.

(c) A teaching assistant in driver education must have been a licensed driver for a minimum of five years, be a high school graduate, and possess a Texas drivers license valid for the type of vehicle used in instruction. In addition, teaching assistants must meet the driving record evaluation standards established for Texas school bus drivers.

(d) Programs that employ teaching assistants must maintain a ratio of no more than six teaching assistants for each supervising teacher. Teaching assistants must receive each month a minimum of one hour of supervision and evaluation while they are giving actual instruction.

§75.314. Course Requirements.

(a) To be approved under these standards, driver education courses shall be provided under one or more of the following plans:

(1) a minimum of 32 clock hours of classroom instruction, seven hours of behind-the-wheel instruction, and seven hours of in-car observation. Under this plan, students may receive only local credit for the course;

(2) a minimum of 80 clock hours covering the essential elements in §75.121(a) of this title (relating to Driver Education) and consisting of a minimum of 56 clock hours of driver education classroom instruction, a minimum of seven hours of behind-the-wheel instruction, and a minimum of seven hours of in-car observation. Under this plan, students may receive 1/2 unit state credit counting toward graduation;

(3) a minimum of 80 clock hours of classroom instruction covering the essential elements in §75.121(b) of this title (relating to Driver Education) and consisting of a minimum of 56 clock hours of driver education classroom instruction and 24 clock hours of safety education. Under this plan, students may receive 1/2 unit state credit counting toward graduation.

(b) Schools may use multimedia systems, simulators, and multicar driving ranges for instruction in the driver education program. All simulators, including the filmed instructional programs, and all plans for multicar driving ranges must meet state specifications. Specifications for simulators and driving ranges have been developed by the Department of Public Safety and the Central Education Agency and are available from the agency.

(c) Course content, minimum instruction requirements, and administrative guidelines for each phase must conform to the state-approved curriculum guide appropriate for each phase of instruction: Driver Education Classroom and In-Car Instruction; Driver Education Simulation and In-Car Instruction; Driver Education Multicar Driving Range Instruction.

(d) Four periods of at least 55 minutes of instruction in a simulator may be substituted for one clock hour of in-car instruction. Two periods of at least 55 minutes of multicar driving range instruction may be substituted for one clock hour of in-car instruction relating to elementary or city driving lessons. However, a minimum of four clock hours must be devoted to behind-the-wheel instruction.

(e) Learning systems that have programs correlated with the course content of Curriculum Guide for Driver Educators may be used in class instruction.

(f) Class instruction courses conducted through the medium of television must be approved by the Central Education Agency.

§75.315. Scheduling.

(a) Driver education programs may be scheduled with the classroom phase presented in block form or concurrently with the laboratory phases. Under the block form program, a student may apply to the Texas Department of Public Safety for an instruction permit after completion of the required classroom instruction. Under the concurrent program, a student may apply to the Texas Department of Public Safety for an instruction permit after completion of six hours of classroom instruction devoted to the lessons in Driver Education Classroom and In-Car Instruction that cover driving laws and procedures.

(b) The remaining required time must be devoted to completion of these lessons later in the course. When a student receives an instruction permit from the Texas Department of Public Safety under the concurrent schedule provision, the license number must be recorded by the instructor. Students licensed under the concurrent program must subsequently complete the required class instruction. If a student does not subsequently complete the required class instruction, the instructor must complete Form DL-42 and send it to the License and Driver Record Division of the Texas Department of Public Safety. Form DL-42 should be initiated as soon as it is evident the student will not complete the required hours of instruction. The Texas Department of Public Safety may then revoke the student's instruction permit.

§75.316. Instructor Hours, Class Size, and Age Level.

(a) The maximum amount of instruction time permissible for any driver education instructor shall not exceed eight

hours per day. However, instructors may not exceed six hours per day of in-car instruction. This eight-hour limit shall be determined by the sum of all hours of classroom instruction per day, regardless of the subjects taught, plus the total hours per day of in-car instruction. (This total of eight hours applies in all approved programs regardless of the number of schools involved.)

(b) The number of students that may be enrolled in a driver education class must not exceed 35. However, the number of students per class may exceed 35 if the school operates under a plan that makes use of state-approved teaching assistants, adequate facilities, and innovative teaching methods and materials. Plans involving classes of more than 35 students must be approved in writing by the Central Education Agency.

(c) Driver education instruction is limited to eligible students who are at least 14 years of age when the driver education classroom phase begins and who will be 15 years of age or older at the time the classroom phase ends. Students certified by the Texas Department of Public Safety as eligible for a minor's restricted drivers license shall not be required to be 15 at the time the classroom phase ends. In all cases, students must be 15 years of age before commencing behind-the-wheel driving instruction.

(d) In-car instruction given on public roadways is limited to students who have an instruction permit or drivers license issued by the Texas Department of Public Safety for the type of vehicle being driven.

(e) Students may be dropped from the driver education class for any violation of Texas motor vehicle laws.

§75.317. Driver Education Course Records.

(a) A written record of instruction and observation time shall be maintained for each driver education student. Sample forms shown in Driver Education Classroom and In-Car Instruction or Driver Education Simulation and In-Car Instruction may be used, or appropriate forms may be developed provided they contain the basic information set forth in the sample.

(b) A record of instruction in minutes and hours is required for each driver education student. The record shall be maintained by the school district or education service center and shall be made available to officials of the Central Education Agency or the Texas Department of Public Safety.

(c) Fiscal transactions for driver education must be handled through the district's regular accounting procedures as required in the Financial Accounting Manual, Central Education Agency publication Bulletin 679.

(d) The Texas Department of Pub-

lic Safety and the Central Education Agency will accept driver education instruction given students in other states. Students who receive part of their instruction in other states may complete their instruction in Texas. Driver education instruction received in other states must be certified in writing by the designated head school official at the school where the instruction was given.

§75.318. Signatures. The Texas Department of Public Safety will accept only actual signatures of certified teachers. The signature of the chief school official or service center director may be written or stamped.

§75.319. Control of Standards.

(a) The endorsement of a driver education teacher to teach driver education is subject to suspension or revocation on any one of the following bases:

(1) for signing the driver education certificate (Form DL-41A) when the certified driver education teacher did not personally instruct that student or the certified supervising driver education teacher did not supervise the teaching assistant(s) who aided in the instruction of the student during the course described on the certificate;

(2) for signing a driver education certificate for instruction given during a period of certificate suspension;

(3) for the accumulation of a personal driving record which does not meet the driver record evaluation standards established for Texas school bus drivers;

(4) for falsification of any records; or

(5) for permitting an unlicensed student to practice behind-the-wheel driving lessons on a public roadway; for securing or aiding in securing illegal notarizations of applications for the operator's license; or for any other violation of a law or the standards as related to the driver education program which in the opinion of the commissioner of education warrants suspension or revocation.

(b) The period of any suspension shall be for no less than one summer or one semester of a school year. A teaching assistant's permit to teach driver education is subject to suspension or revocation under the same conditions described for driver education teachers.

(c) When the endorsement of a driver education teacher or permit of a teaching assistant is suspended or revoked, or when other action is taken, the Central Education Agency shall notify the Texas Department of Public Safety in writing, giving the full name of the teacher, his or her certificate number, the action taken, and the date of expiration of any suspension. The

Texas Department of Public Safety shall transmit this information to the appropriate Driver License and Safety Education Service field representative.

(d) A school district is subject to loss of its authorization to conduct an approved driver education course if its administration fails to provide supervision to prevent violations of the laws or the standards as related to the driver education program. In addition, any district that conducts a driver education course not meeting the standards may be subject to loss of state funds for the students instructed.

(e) Evidence of a violation of the standards which would establish the course as inadequate or provide for suspension or revocation of the instructor's driver education endorsement may be determined by information coming directly to the Central Education Agency. In addition, the Texas Department of Public Safety will render the following assistance in the control standards.

(1) Representatives of the Texas Department of Public Safety will not accept a student for a driver license examination when they have conclusive evidence of any violation of standards that would establish the course in which the student was enrolled as inadequate. Examples of such violations are:

(A) when fewer than the required number of hours of instruction have been given; or

(B) when the instructor of the course has not been properly certified.

(2) If, after acceptance of an application, the department receives conclusive evidence that the course was inadequate, the license will not be issued. In such cases, the department will notify the student, the Central Education Agency, and the chief administrator of the organization initiating the application. If the violation is evidenced after the license has been issued, the license will be cancelled. No refund of the driver license fee will be made in this case. When school officials discover a license has been erroneously issued and the license is subject to cancellation as indicated in this paragraph, an authorized person from the school will submit to the Texas Department of Public Safety, upon request, a completed Form DL-42 for each student enrolled in the course.

(3) Applications will not be rejected and licenses will not be denied for violations of standards which do not establish the course as inadequate. The Texas Department of Public Safety, however, will assist the Central Education Agency and the schools in maintaining the standards by consulting with school officials as requested or as may be deemed appropriate concerning other violations.

(4) When a representative of the Texas Department of Public Safety obtains conclusive evidence that a certified driver education instructor or state-approved teaching assistant may be subject to suspension or revocation as prescribed in this section, the representative shall report the evidence in writing through proper channels to the director of the Texas Department of Public Safety. The representative shall include the names of sources of information and attach any document or copy thereof that might aid the Central Education Agency in enforcing the standards. The director of the Texas Department of Public Safety shall notify the commissioner of education. The Central Education Agency will then investigate the report. When a report from the Texas Department of Public Safety concerning the standards results in a hearing before the commissioner, a representative from the Texas Department of Public Safety may be requested to be present.

§75.320. Procedures for Student Certification.

(a) The Texas Department of Public Safety will provide driver education certificates (Form DL-41A) upon request. On this form, the driver education instructor and the chief school official or executive director must certify that the driver education course was conducted in accordance with the standards for an approved course in driver education for Texas schools.

(b) A student may take the examination for an instruction permit when Form DL-41A showing completion of class instruction or of specified lessons in concurrent programs is presented to any drivers license office.

(c) The instruction permit limits the students to driving "accompanied by licensed driver, age 18 or over, in the front seat." An examination for the removal of this restriction cannot be given until licensee reaches the age of 18 or presents driver education certificate (Form DL-41A) showing completion of the laboratory phase after reaching the age of 16.

(d) The Texas Department of Public Safety trooper will accept a Form DL-41A upon certification by a driver education instructor that the program has been completed according to the provisions of these sections; that the person has achieved the competencies described in Driver Education Classroom and In-Car Instruction; and that the driver education instructor so certifying is properly certified or approved. The school official will make a copy of the teacher's certificate for driver education available to authorized Texas Department of Public Safety representatives when requested.

(e) When the student completes the driver education course under more than one certified driver education instructor,

each instructor shall complete the proper portions of the driver education certificate (Form DL-41A) and attach thereto a statement of the hours taught. A certificate must be completed by each instructor for the part of the course he or she taught and must be numbered in the order in which the student received instruction. In concurrent programs only one teacher will be required to sign a Form DL-41A, but all teachers giving instruction in the concurrent program must be fully certified driver education teachers or state-approved teaching assistants.

(f) When students changes schools before completing the classroom or laboratory instruction, they shall receive credit for the hours completed provided they enter within 90 days and complete courses at least comparable to those in which they were first enrolled. The teacher of the course in which the student was originally enrolled shall execute the driver education certificate (Form DL-41A), attaching thereto a statement showing the number of hours completed; the teacher shall mail the certificate to the chief school official in the school to which the student is transferring. The second teacher, upon the student's completion of the course, will issue a second Form DL 41-A certifying the student's instruction as explained previously.

(g) When more than one certificate is necessary to show completion of a course, each certificate must be presented to the drivers license office when the student applies for a Texas instruction permit or for removal of restrictions.

(h) When it is impossible for a driver education instructor to sign a driver education certificate (because of transfer, illness, or death), the superintendent, education service center director, or a designated official may certify that official records show the completion of an approved course. This must be done by completion of the driver education affidavit form on the reverse side of Form DL-41A.

(i) A student may receive credit for course hours completed prior to the date of suspension of a teacher's endorsement provided the suspension was not for an infraction that would conclusively establish the course as inadequate.

(j) The Texas Department of Public Safety will accept Form DL-41A certificates marked "innovative program" only when the program has been approved in advance by the Central Education Agency and the Texas Department of Public Safety. When an innovative program has been approved, the affected Texas Department of Public Safety personnel will be notified.

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

Issued in Austin, Texas, on February 21, 1991.

Earliest possible date of adoption: April 19, 1991

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

Chapter 77. Comprehensive Instructions

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Education Agency proposes the repeal of §§77.21, 77.22, 77.24-77.26, 77.331, 77.351-77.366, 77.372, 77.391-77.396, 77.431, 77.451, 77.453, and 77.471-77.480. Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so that any rules adopted on these matters must occur under the new rulemaking relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 77 has been reviewed by the board and is being repealed. Subchapters B, General Education Program (retitled Career Education), and R, Bilingual Education and Other Special Language Programs, are being proposed as new subchapter in Chapter 89, Special Programs, in a separate submission. Subchapter W, Driver Education, is being proposed as Subchapter J, in Chapter 75, Curriculum, also in a separate submission.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a clearer more concise statement of the agency's rule authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeals 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 chapter has been published in the *Texas Register*.

Subchapter B. General Education Program

- 19 TAC §§77.21, 77.22, 77.24-77.26

The repeals are proposed under Senate Bill 1, §2.25, passed by the 71st Texas Legis-

lature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chapter 75, under the Texas Administrative Code, Title 19, relating to public education.

§77.21. Program Elements.

§77.22. Summer School Pilot Programs.

§77.24. Pilot Projects for Summer and After-School Instructional Programs for Science and Mathematics.

§77.25. Pilot and Demonstration Programs in Career Education.

§77.26. Pilot and Demonstration Projects in Concurrent Enrollment in Institutions of Higher Education.

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

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Subchapter Q. Multicultural Education

- 19 TAC §77.331

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§77.331. Multicultural Education in General.

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

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Subchapter R. Bilingual Education and Other Special Language Programs

- 19 TAC §§77.351-77.366, 77.372

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§77.351. Policy.

§77.352. Required Bilingual Education and Special Language Programs.

§77.353. Program Content; Method of Instruction.

§77.354. Home Language Survey.

§77.355. Language Proficiency Assessment committee.

§77.356. Testing and Classification of Students.

§77.357. Eligible Handicapped Students.

§77.358. Participation of Non-limited English Proficiency Students.

§77.359. Facilities; Classes.

§77.360. Parental Authority and Responsibility.

§77.361. Staffing and Staff Development.

§77.362. Bilingual Education Allotment.

§77.363. Preschool, Summer School, and Extended Time Programs.

§77.364. Pilot Programs

§77.365. Monitoring of Programs and Enforcing Law and State Board of Educational Rules.

§77.366. Performance Report.

§77.372. Bilingual Education Training Institutes.

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

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**Subchapter S. Good Neighbor
Scholarship Program**

• 19 TAC §§77.391-77.396

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§77.391. Establishment of Good Neighbor Scholarships.

§77.392. Nomination of Students.

§77.393. Selection of Students.

§77.394. Notification of Award.

§77.395. Reallocation of Good Neighbor Scholarships.

§77.396. Student Transfers.

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

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Subchapter U. Community Education

• 19 TAC §77.431

(Editor's note: The text of the following section proposed for repeal will not be published. The

section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§77.431. Community Schools.

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

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**Subchapter V. Adoptions by
Reference**

• 19 TAC §§77.451, §77.453

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§77.451. Guide for Administration of Postsecondary Occupational Education and Technology Programs in Texas.

§77.453. State Plan for Federal Vocational Education Funding.

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

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Subchapter W. Driver Education

• 19 TAC §§77.471-77.480

(Editor's note: The text of the following sections

proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§77.471. Administration and Supervision.

§77.472. Teacher Certification.

§77.473. Teaching Assistants.

§77.474. Course Requirements.

§77.475. Scheduling.

§77.476. Instructor Hours, Class Size, and Age Level.

§77.477. Driver Education Course Records.

§77.478. Signatures.

§77.479. Control of Standards

§77.480. Procedures for Student Certification.

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

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**Chapter 78. Vocational
Education**

Subchapter A. General Provisions

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Education Agency proposes the repeal of §§78.1-78.5. Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so

that any rules adopted on these matters must occur under the new rule-making relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 78 has been reviewed by the board and is being repealed. A new Chapter 78, Vocational and Applied Technology Education, is being proposed in a separate submission.

Lynn Moak, deputy commissioner for research and development has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a clearer more concise statement of the agency's rule authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeals 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 chapter has been published in the *Texas Register*.

• 19 TAC §§78.1-78.5

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

§78.1. State Board of Vocational Education.

§78.2. Local Advisory Councils.

§78.3. Equal Access to Vocational Programs.

§78.4. Program Reports and Information.

§78.5. Vocational Monitoring.

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

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TRD-9102928

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Interim Commissioner of
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Chapter 78. Vocational and Applied Technology Education

Subchapter A. General Provisions

• 19 TAC §§78.1-78.4

The Texas Education Agency proposes new §§78.1-78.4, and 78.10, concerning vocational education. Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so that any rules adopted on these matters must occur under the new rule-making relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 78 has been reviewed by the board and is being repealed in a separate submission. The proposed new sections eliminate many obsolete provisions and provisions without statutory authority.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also 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 agency's rule authority. 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 McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9701. All requests for a public hearing on the proposed sections 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 chapter has been published in the *Texas Register*.

The new sections are proposed under Senate Bill 1, §2.25, passed by the 71st Texas Legislature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chapter 75, under the Texas Administrative Code, Title 19, relating to public education.

§78.1. Vocational and Applied Technology Education.

(a) Any local education agency desiring to receive state and/or federal funds to support vocational and applied technology education programs, services, and activities shall submit an annual application in accordance with instructions issued by the Texas Education Agency.

(b) To be eligible for state funding, vocational and applied technology education programs shall:

(1) provide instruction by an appropriately certified teacher; and

(2) utilize facilities, instructional materials, and equipment for safe, effective instruction commensurate with the standards of the applicable industry.

(c) Prior to implementing new vocational and applied technology programs, the district shall:

(1) identify the number of students having a desire to enroll in the program;

(2) assess the needs of the community as evidenced by a community labor-market survey and regional labor-market needs assessment; and

(3) determine the costs-benefits of providing the program compared to contracting for instruction with a neighboring public or private educational institution.

(d) Vocational education funds shall be earned and shall be used to support only the programs, services, and activities conducted for the grade levels identified in §75.214 of this title (relating to Vocational Course Requirements).

§78.2. Local Advisory Councils.

(a) Each local education agency operating approved vocational programs shall establish a district-wide local advisory council for vocational education.

(b) The local advisory council should be composed of representatives of the general public, business, industry, labor, one member knowledgeable of at-risk students, at least one parent of a program participant, and at least one representative from each vocational program area offered in the school district (agriculture, health occupations, home economics, marketing education, office, and trade and industrial). The council shall have appropriate representation of both sexes and of the racial and ethnic minorities found in the schools, community, or region which the local advisory council serves.

(c) The local advisory council shall advise the school district on current job needs and the relevance of programs and courses being offered by the local education agency in meeting current job needs.

(d) The local advisory council shall consult with the school district in developing its annual application for federal funds.

(e) The local advisory council shall meet at least two times each year.

(f) Minutes of local advisory council meetings shall be maintained at the local level.

§78.3. Sunset Review.

(a) Each approved vocational program unit shall undergo a sunset review at

least once every five years to re-establish approval status. To justify continued approval, the following items will be considered:

- (1) student competencies acquired;
- (2) student enrollments;
- (3) adequacy of facilities and equipment;
- (4) instructional materials utilized;
- (5) methods of instruction;
- (6) opportunities for employment; and
- (7) follow-up records for program completers.

(b) If the sunset review process indicates that the vocational program unit has discrepancies that can be corrected, the local education agency may be granted a one-year period to correct the identified discrepancies. If the discrepancies are not removed during the one-year period, the vocational program unit will be discontinued.

§78.4. Vocational Education for Public School Students by Contract. Any school district offering contracted instruction in accordance with the Texas Education Code, §21.1111 shall ensure that the contracted instruction teachers meet the following requirements.

(1) Contracted instruction teachers employed by public school districts, private postsecondary institutions, or trade or technical schools shall meet the certificate requirements for public secondary teachers in Chapter 141 of this title (relating to Teacher Certification).

(2) Contracted instruction teachers employed in public postsecondary institutions shall meet the initial approval requirements for public secondary vocational teachers as prescribed by the Central Education Agency in §141.295 of this title (relating to Vocational Education Emergency Teaching Permits: Requirements and Procedures).

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

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TRD-9102933 Thomas E. Anderson, Jr.
Interim Commissioner of
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Subchapter B. Quality Work

Force Planning

• 19 TAC §78.10

The new section is proposed under Senate Bill 1, §2.25, passed by the 71st Texas Legislature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chapter 75, under the Texas Administrative Code, Title 19, relating to public education.

§78.10. Integrated Vocational-Technical Education and Training Delivery System for a Quality Work Force.

(a) Purpose. Texas must develop a skilled and educated work force to enhance economic development in this state and to compete in a global economy. An integrated delivery system for vocational-technical education and training would ensure that the skills attained by graduates and completers of education and training programs match the skills needed by employers. The purpose of quality work force planning shall be to determine priorities for vocational-technical education programs in the state's 24 planning regions. Planning committees shall develop partnerships of employers and educators to analyze regional job opportunities and education and training needs.

(b) Regional boundaries. Effective September 1, 1990, 24 quality work force planning regions shall be established that have boundaries coterminous with the governor's state planning regions.

(c) Partnership. Public school districts, education service centers, public community/junior colleges and technical institutes, public senior colleges and universities, other public institutions of higher education, and the Job Training Partnership Act/private industry council system shall work together to form a partnership with business and industry to address the issue of developing a skilled and educated work force. Private colleges and universities, private providers of vocational education programs, and other interested public sector entities may be active participants.

(d) Quality work force planning committees. Effective September 1, 1990, a quality work force planning committee shall be initiated in each region. Each committee shall facilitate the development of an integrated delivery system for vocational-technical education and training. Each committee shall identify education and training providers, consistent with their role and mission, for vocational-technical education programs in the region so that programs will be delivered in a cost-effective and systematic manner that avoids unnecessary duplication. Each committee shall provide a planning forum to:

- (1) address the needs of employers for a skilled and educated work force;
- (2) address the needs of students, including members of special population groups, for occupationally specific

vocational-technical education programs based upon current and projected labor market needs and related secondary occupationally non-specific vocational-technical education programs, services, and activities;

(3) promote partnerships that support vocational-technical education programs, services, and activities that result in:

(A) program articulation and 2+2+2 programs;

(B) resource sharing among education and training providers and with business and industry;

(C) coordination with dropout, adult education, and literacy programs; and

(4) improve communication within the region among:

(A) education and training providers and employers by sharing ideas to improve the quality of vocational-technical education programs; and

(B) education and training providers and economic development organizations to meet the region's future employment training needs.

(e) Establishment of committees. Only one quality work force planning committee shall be established in each region. The tri-agency partnership identified in subsection (m) of this section shall initiate activities within each region to establish the committee. A newly formed or existing entity that meets the committee membership criteria found in subsection (j) of this section, and that has adopted bylaws as specified in subsection (k) of this section, may petition the tri-agency partnership to be designated as the quality work force planning committee for the region. The chief executive of each agency of the tri-agency partnership shall determine if membership and bylaw requirements are met and grant official status to the committee.

(f) Regional labor market information system. Each quality work force planning committee shall establish a regional labor market information system for use in program planning. Data from the state labor market information system shall be used as a primary source. Other reliable data sources may be used to augment these primary data provided that data standards are compatible with those identified by the State Occupational Information Coordinating Committee (SOICC). Each committee shall use the flexible planning methodology developed by the SOICC to produce and periodically update:

(1) an inventory of key regional industries with the greatest job opening potential; and

(2) an inventory of targeted occupations, within key regional industries. The committee shall identify targeted occupations based upon: projected average annual job openings, positive growth-to-replacement ratios, specific vocational preparation training times, and other appropriate labor market variables. The committee shall have discretion to establish the parameters used for each variable. The committee shall give consideration to new and emerging occupations using the methodology developed by the Texas Innovation Information Network System.

(g) Regional program and economic development inventories. Each quality work force planning committee shall establish and periodically update the following inventories for use in planning:

(1) an inventory of occupationally specific secondary, postsecondary, adult, and proprietary school vocational-technical education programs, including apprenticeship programs, using data provided by the Central Education Agency and the Texas Higher Education Coordinating Board;

(2) an inventory of secondary occupationally non-specific vocational-technical education programs, using data provided by the Central Education Agency;

(3) an inventory of adult education and literacy programs; and

(4) an inventory of economic development organizations and services.

(h) Regional inventory of vocational-technical education and training programs for targeted occupations. Each quality work force planning committee shall develop an inventory of vocational-technical education and training programs for the targeted occupations identified under subsection (f)(2) of this section. When developing the inventory, the committee shall assess the match between existing vocational-technical education program supply and existing projected occupational demand in the region.

(i) Service delivery plan. Each quality work force planning committee shall develop a service delivery plan for its region to address the responsibilities specified under subsection (d) of this section.

(1) The plan shall contain a mission statement, goals, objectives related to each goal, and specific activities designed to meet each objective.

(2) The plan shall identify priorities for vocational-technical education programs in the region, taking into consideration information from the regional inventories developed under subsections (f)-(h) of this section and the statewide list of priority occupations. The plan shall be in accordance with vocational-technical education planning rules and regulations of the Central Education Agency and the Texas Higher Education Coordinating Board.

(3) A transitional one-year plan for the period July 1, 1991, through June

30, 1992, will be developed prior to July 1, 1991. A copy of the plan shall be provided prior to July 1, 1991, to the tri-agency partnership established under subsection (m) of this section.

(4) A two-year plan for the period July 1, 1992, through June 30, 1994, will be developed prior to July 1, 1992. Subsequent two-year plans will be developed prior to July 1 of even-numbered years. A copy of the plan shall be provided prior to July 1 of even-numbered years beginning in 1992 to the tri-agency partnership established under subsection (m) of this section.

(j) Committee membership. Each quality work force planning committee shall have an equal percentage of membership from the education and public sectors and from the business and industry sectors. The committee may be a newly formed or an existing entity that meets the following membership characteristics.

(1) Voting members from the education and public sectors shall comprise 50% of the committee. These members shall include participants from the region who represent: public school districts; education service centers; public community/junior colleges; the Texas State Technical Institute System; public senior colleges and universities; public health science centers; the Texas Engineering Extension Service; the Job Training Partnership Act/private industry council system; adult education cooperatives; and apprenticeship programs. Representatives from private colleges and universities, private providers of vocational education programs, the Texas Employment Commission, the Texas Innovation Information Network System, and other interested public sector entities may be included as voting members at the discretion of the committee.

(2) Voting members from the business and industry sectors shall comprise the remaining 50% of the committee. These members shall include participants from the region who represent: large and small employers; business and trade associations; labor organizations; and economic development organizations.

(3) Voting members shall reflect the population characteristics of the region with regard to race/ethnicity and gender.

(4) Voting members shall reflect the geographic diversity of the region, including urban, suburban, and rural areas.

(5) The committee may include, as voting members of the 50% education and public sectors, representatives of educational institutions and public sector entities which have education and training responsibilities that cross regional boundaries.

(k) Committee bylaws. Each quality work force planning committee shall establish bylaws that address: rules of procedure; committee size; subcommittee functions; conducting committee business; meeting times; attendance requirements;

election and terms of officers; voting rules; approving the service delivery plan and related amendments; and approving amendments to bylaws.

(1) Executive/steering committee. Each quality work force planning committee shall establish an executive steering committee comprised of committee officers and others as specified in committee bylaws. The executive steering committee shall meet as needed to guide policy development and provide direction for the committee and its subcommittees.

(m) Tri-agency partnership. The three agencies responsible for the statewide implementation of quality work force planning are: the Central Education Agency; the Texas Higher Education Coordinating Board; and the Texas Department of Commerce (as the administrative agency for the Job Training Partnership Act and for the State Job Training Coordinating Council).

(1) Each agency shall provide support and technical assistance to the statewide quality work force planning effort. In addition, each agency shall have a specific coordination role, with support from the other two agencies. Central Education Agency staff shall provide technical assistance in coordinating committee functions and operations. Texas Higher Education Coordinating Board staff shall provide technical assistance in developing program articulation agreements and 2+2+2 programs. Texas Department of Commerce staff shall provide technical assistance in establishing regional labor market information systems.

(2) The three agencies shall evaluate the statewide implementation of quality work force planning. The committees shall provide information for that purpose.

(3) A tri-agency management team comprised of staff from each of the three agencies shall coordinate the implementation of statewide quality work force planning activities.

(4) The chief executive of each agency shall appoint three individuals participating in quality work force planning activities to advise the tri-agency management team on the implementation process.

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

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TRD-9102934

Thomas E. Anderson, Jr.
Interim Commissioner of
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For further information, please call: (512) 463-9701

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The Texas Education Agency proposes the repeal of §§78.21-78.25, 78.41, 78.61-78.64, 78.80 Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by this provision so that any rules adopted on these matters must occur under the new rule-making relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 78 has been reviewed by the board and is being repealed. A new Chapter 78, Vocational and Applied Technology Education, is being proposed in a separate submission.

Lynn Moak, deputy commissioner for research and development has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a clearer more concise statement of the agency's rule authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeals 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 chapter has been published in the *Texas Register*.

Subchapter B. Vocational Education Funding and Program Approval

• 19 TAC §§78.21-78.25

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§78.21. Annual Applications.

§78.22. Formula for the Distribution of Federal Funds.

§78.23. State Vocational Education Allotment.

§78.24. Vocational Program Unit Approval.

§78.25. Approval of Vocational Program

Units for the Texas Department of Corrections.

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

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TRD-9102929 Thomas E. Anderson, Jr.
Interim Commissioner of
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Subchapter C. Vocational Education by Contract or Agreement

• 19 TAC §78.41

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§78.41. Vocational Education for Public School Students by Contract.

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

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

Subchapter D. Adult Vocational Education Provided by Local Education Agencies

• 19 TAC §§78.61-78.64

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§78.61. Types of Programs.

§78.62. Teacher Qualifications.

§78.63. Funding.

§78.64. Reporting.

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

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Subchapter E. Quality Work Force Planning

• 19 TAC §78.70

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§78.70. Integrated Vocational-Technical Education and Training Delivery System for a Quality Work Force.

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

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Chapter 89. Adaptations for Special Populations

The Texas Education Agency proposes the repeal of §§89.1, 89.21, 89.22, 89.31, 89.51-89.56, 89.71-89.90, 89.111-89.120, 89.131, 89.201-89.203, 89.211-89.224, 89.226-89.229, 89.231-89.246, 89.250-89.256, 89.258, 89.259, 89.291,

89.294, 89.296, and 89.331-89.334. Senate Bill 1, passed by the 71st Texas Legislature, requires the State Board of Education (SBOE) to reconsider all rules affected by these provisions so that any rules adopted on these matters must occur under the new rulemaking relationship between the SBOE and the Legislative Education Board. The review of the rules is to be conducted over a three-year period. Chapter 89 has been reviewed by the board and is being repealed. A new Chapter 89, Adaptations for Special Populations, is being proposed in a separate submission.

Lynn Moak, deputy commissioner for research and development has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be a clearer more concise statement of the agency's rule authority. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeals 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 chapter has been published in the *Texas Register*.

Subchapter A. General Provisions

• 19 TAC §89.1

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.1. Providing for Special Populations.

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

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

Subchapter B. Early Childhood Education

Early Childhood Education as a Part of the Educational Program

• 19 TAC §89.21, §89.22

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.21. Provision for Early Childhood Education Programs.

§89.22. Definitions.

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

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Implementation of Early Childhood Education Programs

• 19 TAC §89.31

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.31. Policy and Procedure.

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

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Subchapter C. Educational Programs for Gifted and Talented Students

• 19 TAC §§89.51-89.56

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.51. General Provisions.

§89.52. Definition.

§89.53. Student Participants.

§89.54. State Plan.

§89.55. Establishment and Approval of Programs.

§89.56. Gifted and Talented Student Allotment.

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

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Subchapter D. Adult Basic and Secondary Education

• 19 TAC §§89.71-89.90

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed under Senate Bill 1, §2.25, passed by the 71st Texas Legislature, Sixth Called Session, which provides the State Board of Education with the authority to

review all rules, other than portions of Chapter 75, under the Texas Administrative Code, Title 19, relating to public education.

§89.71. *Provision of Adult Education.*

§89.72. *Definitions.*

§89.73. *Essential Program Components.*

§89.74. *Diploma Requirements.*

§89.75. *Student Eligibility.*

§89.76. *Attendance and Class Size.*

§89.77. *Qualifications and Training of Staff.*

§89.78. *Service Requirements for Staff.*

§89.79. *Salaries for Staff.*

§89.80. *Program Delivery System.*

§89.81. *Cooperatives To Have Written Policies.*

§89.82. *Local Advisory Committee.*

§89.83. *Coordinating Committee.*

§89.84. *Program Application.*

§89.85. *Allocation of Funds.*

§89.86. *Tuition and Fees.*

§89.87. *Allowable and Nonallowable Expenditures.*

§89.88. *Reports.*

§89.89. *Staff Development and Special Projects.*

§89.90. *Adult Education Advisory Committee.*

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

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TRD-9102939 Thomas E. Anderson, Jr.
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Subchapter E. General Educational Development

• 19 TAC §§89.111-89.120

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.111. *Policy.*

§89.112. *Official Testing Centers.*

§89.113. *Eligibility for a Texas Certificate of High School Equivalency.*

§89.114. *Identification.*

§89.115. *Retesting.*

§89.116. *Testing the Handicapped.*

§89.117. *Reporting Testing Scores.*

§89.118. *Issuance of the Certificate.*

§89.119. *State Administrator.*

§89.120. *Equivalency Examination Pilot Program.*

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

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Subchapter F. Remedial and Compensatory Instruction

• 19 TAC §89.131

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeal is proposed under Senate Bill 1, §2.25, passed by the 71st Texas Legislature, Sixth Called Session, which provides the State Board of Education with the authority to review all rules, other than portions of Chap-

ter 75, under the Texas Administrative Code, Title 19, relating to public education.

§89.131. *Definition of Remedial and Compensatory Instruction.*

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

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Subchapter G. Special Education

General Provisions

• 19 TAC §§89.201-89.203

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.201. *Scope and Applicability.*

§89.202. *Planning and Evaluation for School Districts and Cooperatives.*

§89.203. *Compliance Monitoring.*

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

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Clarification of Provisions in Federal Regulations and State Law

• 19 TAC §§89.211-89.246

(Editor's note: The text of the following sections

proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.211. *Handicapped Students.*

§89.212. *Intermediate Educational Units.*

§89.213. *Qualifications of Special Education Personnel.*

§89.214. *Special Education Professional Support Personnel.*

§89.215. *Related Services Personnel.*

§89.216. *Special Education Paraprofessional Personnel.*

§89.217. *Related Services.*

§89.218. *Participation of Special Education Students in Regular Education Programs.*

§89.219. *Use of Federal Funds.*

§89.220. *Age-ranges for Student Eligibility.*

§89.221. *The Admission, Review, and Dismissal (ARD) Committee.*

§89.222. *Parent Participation in ARD Committee Meetings.*

§89.223. *Content of the Individual Educational Plan (IEP).*

§89.224. *Local District Procedures Required.*

§89.226. *Comprehensive System of Personnel Development.*

§89.227. *Contracting for Educational Placements for Handicapped Students.*

§89.228. *Provisions of Services for Students Placed by Their Parents in Private Schools.*

§89.229. *Notice Requirements and Compliant Procedures.*

§89.231. *Child Identification.*

§89.232. *Referral for Comprehensive Assessment.*

§89.233. *Comprehensive Individual Assessment.*

§89.234. *Learning Disable Students: Criteria for Determining the Existence of a Severe Discrepancy Between Achievement and Intellectual Ability.*

§89.235. *General Program Requirements.*

§89.236. *Special Education Cooperatives.*

§89.237. *Regional Day School Program for the Deaf.*

§89.238. *Regional Education Service Center Special Education Programs.*

§89.239. *Other Special Program Provisions.*

§89.240. *Texas School for the Blind and Texas School for the Deaf.*

§89.241. *Other Program Options.*

§89.242. *Instructional Arrangements and Settings.*

§89.243. *Provision of Services for Students Residing in Intermediate Care Facilities for the Mentally Retarded in Texas.*

§89.244. *Advisory Committees.*

§89.245. *Memorandum of Understanding on Coordination of Services to Disabled Persons.*

§89.246. *Memorandum of Understanding on Transition Planning for Students Enrolled in Special Education.*

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102943

Thomas E. Anderson, Jr.
Interim Commissioner of
Education

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

Funding

• 19 TAC §§89.250-89.256, 89.258, 89.259

(Editor's note: The text of the following sections

proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.250. *Distribution of State Funds.*

§89.251. *Special Education Personnel.*

§89.252. *Allowable Expenditures with State Special Education Funds.*

§89.253. *School Districts Serving Out-of-District Handicapped Students Residing in Residential Care and Treatment.*

§89.254. *Comprehensive Services for the Visually Handicapped.*

§89.255. *Budgeting, Accounting, and Auditing for Special Education.*

§89.256. *Regional Education Service Centers.*

§89.258. *Early Childhood Intervention Programs for Developmentally Delayed Children.*

§89.259. *Provision of Services for Students Residing in Intermediate Care Facilities for the Mentally Retarded in Texas.*

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

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Subchapter H. Adoptions by Reference

• 19 TAC §§89.291, 89.294, 89.296

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.291. The Texas State Plan for Adult Education.

§89.294. State Plan for Supporting the Community School Concept in Texas.

§89.296. State Plan for Migrant Education.

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

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

Subchapter J. Migrant Education Program

• 19 TAC §§89.331-89.334

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Education Agency or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

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

§89.331. Program Definition.

§89.332. Definition of Eligibility.

§89.333. Program Scope.

§89.334. State Parent Advisory Council for Migrant Education.

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

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TRD-9102946 Thomas E. Anderson, Jr.
Interim Commissioner of
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For further information, please call: (512) 463-9701

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter D. Adoptions by Reference

• 19 TAC §109.61

The Texas Education Agency proposes an amendment to §109.61, concerning the adoption by reference of the financial accounting manual for school districts and regional education service centers, Bulletin 679. The amended bulletin includes a revision and clarification of certain account code definitions; combining function codes for instructional computing and instruction, research, and development to existing codes for instruction and instructional administration, respectively; updating the manual to include recent changes in federal regulations on program compliance matters; and edit to correct minor errors.

Lynn Moak, deputy commissioner for research and development, has determined that for the first five-year period the section is in effect there will be fiscal implications as a result of enforcing or administering the section. There will be no fiscal implications for state government. The effect on local government for the first five-year period will result in a cost savings of approximately \$300,000. The savings will result from a decrease in the number of accounting codes needed for recording transactions; a reduction in paperwork and review time spent by CPA's; and a reduction in the number of pages for the annual financial report. There will be no fiscal implications for small businesses.

Mr. Moak and Criss Cloudt McCuller, director for planning coordination, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section to provide a more uniform accounting procedure for school districts statewide, resulting in more accurate data for policy-making and administrative purposes. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Criss Cloudt McCuller, Office of Planning Coordination, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed sections 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 chapter has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §11.29, which directs the commissioner of education to adopt annually a budget for operating the Foundation School Program, the Central Education Agency, and other programs for which the State Board of Education has responsibility.

§109.61. Financial Accounting Manual.

(a) The rules for financial accounting are described in the official Central Education Agency bulletin, Financial Accounting Manual, Bulletin 679, as amended May 1991 [May 1990], which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m. to 5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

(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.

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TRD-9102947 Thomas E. Anderson, Jr.
Interim Commissioner of
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For further information, please call: (512) 463-9701

TITLE 22. EXAMINING BOARDS

Part XXIII. Texas Real Estate Commission

Chapter 535. Provisions of the Real Estate License Act

Requirements for Licensure

• 22 TAC §535.51

The Texas Real Estate Commission proposes an amendment to §535.51, concerning requirements for licensure. The amendment is necessary to conform the section with amendments to Texas Civil Statutes, Article 6573a, passed by the 71st Legislature in 1989 permitting application for an inactive salesman license, shortening the time for satisfying the examination requirement to six months, and making fees nonrefundable.

Mark A. Moseley, general counsel, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Moseley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to conform the section with the agency's enabling legislation. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Mark A. Moseley, General Counsel, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The amendment is proposed under Texas

Civil Statutes, Article 6573a, §5(h), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§535.51. General Requirements.

(a) (No change.)

(b) Applications are returned to [broker] applicants or the sponsoring broker (in the case of an application for an active salesman license [salesman applications]) when it has been determined that the application is not acceptable because, on its face, it fails to comply with one of the following requirements, based upon the Real Estate License Act, §6 and §7:

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

[(3) acceptable evidence of completion of any required educational standards does not accompany the application;]

(3)[(4)] an incorrect filing fee or no filing fee is received;

(4)[(5)] the application is submitted in pencil;

[(6) a broker fails to properly complete information required of him or of the application for a salesman he is sponsoring;]

(5)[(7)] the applicant is not a citizen of the United States or a lawfully admitted alien;

(6)[(8)] on broker applications, any requisite active experience is not established;

[(9) any other essential information required on the application for is absent, incomplete, or unintelligible.]

(c) An application is considered void and is subject to no further evaluation or processing when one of the following events occurs:

(1) the applicant fails to satisfy an examination requirement within six months [one year] from the date the application is filed;

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

[(d) When an application is considered void, the commission shall refund to the applicant any fee paid by the applicant for deposit in the real estate recovery fund.]

[(e) When an application is considered void, the commission shall refund to the application any fee paid by the applicant for the taking of a license examination if such examination has not been taken.]

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 March 12, 1991.

TRD-9102884

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

Earliest possible date of adoption: April 19, 1991

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

Mandatory Continuing Education

• 22 TAC §535.71 §535.72

(Editor's Note: The Texas Real Estate Commission proposes for permanent adoption the amendments to §535.71, and §535.72 it adopts on an emergency basis in this issue. The text of the amendments is in the Emergency Rules section of this issue.)

The Texas Real Estate Commission proposes amendment to §535.71 and §535.72, concerning approval of providers, courses, and instructors for mandatory continuing education and presentation of courses, advertising, and records. The amendments are proposed for adoption in connection with the commission's simultaneous adoption in connection with the commission's simultaneous adoption of the amendments on an emergency basis.

Beginning August 31, 1991, all Texas real estate brokers and most active Texas real estate salesmen will be required to attend mandatory continuing education (MCE) course in order to renew a real estate license. The amendments are necessary for sufficient MCE providers, courses, and instructors to be approved and available to meet the educational needs of Texas real estate licensees.

The amendment to §535.71 clarifies the extent to which students may be used in the administration of an MCE course, eliminates a requirement of commission approval to use instructors or offer courses previously approved for another provider, and adopts by reference a series of shortened application forms. Providers may also seek approval for a single offering of a course using a new application form and provisions relating to equivalent qualifications for MCE instructors have been clarified. An end-of-month report from each provider would no longer be required.

The amendment to §535.72 simplifies attendance verification for short courses offered with no meal break and provides more specific requirement for attendance verification at courses presented in more than one session. Providers would be permitted to give preference in enrollment to persons who need MCE credit to obtain, renew, or activate a real estate license. Provisions dealing with advertising are modified to reflect the elimination in §535.71 of a requirement for prior approval to use a previously approved course or instructor. Reporting requirements are simplified. Instructors would also be eligible for MCE credit for course attendance as well as classroom teaching. Providers would be permitted to credit a student with any fees collected for a canceled course with the consent of the student. The commission would also adopt by reference revised guidelines for creating an instructor's manual. Nonsubstantive changes are also proposed to restate or clarify the sections.

Donald C. Roose, education officer, has determined that for the first five-year period the

sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. Roose also has 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 increased efficiency in the review and approval of MCE providers, courses, and instructors. 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 Donald C. Roose, Education Officer, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

The amendments are proposed under Texas Civil Statutes, Article 6573a, §5(h), which provide the Texas Real Estate Commission with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 March 12, 1991.

TRD-9102890

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

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

Licenses

• 22 TAC §535.92

The Texas Real Estate Commission proposes an amendment to §535.92, concerning satisfaction of mandatory continuing education requirements for real estate license renewals. The amendment clarifies when renewal notices must be mailed by the commission and that a person acting as the designated officer or partner for a licensed corporation or partnership is subject to mandatory continuing education (MCE). If the designated officer or partner is licensed as a real estate broker, the MCE requirements for the corporation or partnership would be satisfied by the designate when the designate's individual license is renewed. If the designate is not individually licensed, the commission would treat the designate as being licensed on September 1, 1991, and measure MCE compliance from that date. The amendment also permits the commission to renew a license on an inactive basis without satisfaction of MCE requirements if the license is one for which an inactive status is provided by Texas Civil Statutes, Article 6573a.

The amendment is necessary to establish an orderly procedure for renewing licenses held by corporations or partnerships or by persons who have failed to meet MCE requirements necessary for license renewal on an active basis.

Donald C. Roose, education officer, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Roose also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of confusion or uncertainty in the renewal of real estate licenses subject to mandatory continuing education. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Donald C. Roose, Education Officer, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

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

§535.92. Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements.

(a)-(f) (No change.)

(g) The commission shall advise each licensee of the time period for filing a renewal application and paying the renewal fee by mailing an appropriate notice to the licensee's last known business address, or if the licensee is an inactive salesman, to the licensee's last known residence address. The notice shall be mailed at least three months before expiration of the current license. If the licensee is subject to mandatory continuing education (MCE) requirements, the notice must also contain the number of MCE hours for which the licensee has been given credit and the number of additional MCE hours required for renewal of the license. The commission shall have no obligation to so notify an inactive salesman who has failed to furnish the commission with the salesman's residence address or a corporation or partnership that has failed to designate an officer or partner who meets the requirements of the Real Estate License Act (the Act). The commission may [shall] not renew a license issued to a corporation or partnership unless the corporation or partnership has designated an officer or partner who meets the requirements of the Act, including satisfaction of MCE requirements. No person may act as designated officer or partner if the person has failed to meet MCE requirements. For the purpose of this section, MCE requirements for the designated officer or partner must be satisfied during the term of any individual broker license held by the officer or partner. A designated officer or partner who is not licensed individually as a broker on September 1, 1991, shall be considered to have been licensed as a broker on that date and must complete MCE required

for a two-year license expiring on August 31, 1993, and for every two years thereafter in order to renew the license of the corporation or partnership. The commission shall assign a number to an unlicensed designated officer or partner to use in lieu of an individual license number when completing MCE forms required by the commission. If the individual real estate broker license of the designated officer or partner expires after September 1, 1991 [has expired], the corporation or partnership may only renew its license if the designated officer or partner has satisfied [satisfies] MCE requirements that would have been imposed if the license of the designated officer or partner had not expired.

(h) If a licensee files a timely application to renew a license but has not satisfied applicable MCE requirements, the commission shall advise the applicant of the number of MCE hours required to renew the license and the time for satisfying MCE requirements. If MCE requirements have not been satisfied by the expiration date of the existing license, and an inactive status is provided by the Act for the license, the commission shall place the license in an inactive status. If MCE requirements have not been satisfied by the expiration date of the existing license and no inactive status is provided by the Act for the license, the license expires; the licensee must then file an original application for a license which must be approved by the commission before a new license is issued. Original applications and return to active status are subject to MCE requirements imposed by the Act. If [The commission shall deem] an application is filed prior to the expiration of the current license the licensee must satisfy the MCE requirements that would have been imposed for a timely renewal [for the purpose of determining the number of MCE hours required].

(i)-(j) (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 March 12, 1991.

TRD-9102880

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

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

◆ ◆ ◆
Termination of Salesman's Association with Sponsoring Broker

• 22 TAC §535.122

The Texas Real Estate Commission proposes an amendment to §535.122, concerning reactivation of a real estate salesman

license. The amendment conforms the section with the commission's practice of permitting a real estate salesman whose license is in an active status to act for a new sponsoring broker from the date a notice and fee are mailed or delivered to the commission. The amendment also would permit an inactive salesman whose return to active status is subject to satisfaction of mandatory continuing education (MCE) to resume practice under the sponsorship of a broker once MCE requirements are satisfied without the necessity of confirmation from the commission. The amendment clarifies that changes from inactive to active status are not subject to MCE requirements if the changes occur during the term of a license issued prior to MCE courses being required or issued subject to other educational requirements.

The amendment is necessary to bring the section into conformity with the agency's practice and to simplify the process by which inactive salesmen return to active status.

Donald C. Roose, education officer, has determined that for the first five-year period the section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Roose also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of delay in the process of returning inactive salesmen to active status. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Donald C. Roose, Education Officer, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188.

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

§535.122. Reactivation of License.

(a) When a [licensed] salesman whose license status is active enters the sponsorship of a broker other than the broker named on the salesman's current license certificate, [it is necessary that] the salesman and broker whose sponsorship the salesman [he] has entered shall notify the commission within 10 days, submit the appropriate fee, and request issuance of [that] a new license reflecting the new association [be issued]. The salesman may act as the broker's salesman from the date the notice and fee are mailed or delivered to the commission.

(b) When a salesman whose license status is inactive [An inactive salesman who] enters the sponsorship of a broker and the salesman [who] is subject to mandatory continuing education (MCE) [MCE] requirements, the salesman is not returned to active status until MCE requirements are satisfied [the salesman's

sponsoring broker has received written confirmation from the commission authorizing the salesman to act as a real estate agent]. A salesman whose original application or renewal application was not subject to MCE requirements or was subject to educational requirements imposed by the Real Estate License Act, §7, is not subject to MCE requirements as a condition of returning to active status during the term of the license issued from the original application or renewal application. The commission may [shall] not issue a license reflecting the sponsorship or otherwise confirm that the salesman is authorized to act as a real estate agent until the commission has received documentation of satisfaction of any required MCE courses [requirements] in a form acceptable to the commission and all other requirements have been met to return the salesman's license to active status. For the purposes of this section, the commission may accept as documentation a course completion certificate or letter from an approved MCE provider or such other proof as is satisfactory to the commission.

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

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TRD-9102882

Mark A. Moseley
General Counsel
Texas Real Estate
Commission

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 335. Industrial Solid Waste and Municipal Solid Waste

Subchapter K. Hazardous Waste Facilities Assessment and Remediation

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Water Commission or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

• 31 TAC §§335.341-335.346

The Texas Water Commission (TWC) proposes the repeal of §§335.341-335.346 and new §§335.341-335.352, concerning the identification, assessment, and remediation of hazardous substance facilities or areas (state superfund sites).

The TWC is required, under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 (Vernon's Supplement 1990), Subchapter F, §§361.181-361.202, as amended, (the Act) to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or a threatened release of hazardous substances into the environment. The facilities or areas so identified are to be listed on the state registry (state superfund list) which shall identify the priority for action at each listed facility. The executive director of the TWC may use money in the hazardous waste disposal fee fund for removal and remedial action at listed sites if there are insufficient funds available from potentially responsible parties or from the federal government.

This set of proposed sections completely replaces the existing §§335.341-335.346; it also adds §§335.347-335.352. The proposed sections set forth in detail the procedures for implementing the comprehensive revisions to the state superfund program enacted by the 71st Legislature under Senate Bill 1502 (Acts 1989, 71st Legislative, Chapter 703, §5, amending Texas Civil Statutes, Article 4477-7, §13). In addition, the sections seek to set out policies and procedures of general applicability which the executive director of the Texas Water Commission (the executive director) will follow when scoring a facility for listing, considering delisting petitions, conducting financial capability determinations, evaluating a remedial investigation/feasibility study or a remedial action, and negotiating settlement agreements. A brief summary of the effect of each of the sections of 31 TAC Chapter 335, Subchapter K is set forth below.

Section 335.341 concerning purpose and scope is repealed and replaced with new §335.341 concerning purpose and scope to describe the applicability of Subchapter K and the procedures the executive director is statutorily required to follow in determining whether a facility qualifies for the state superfund registry.

Section 335.342 concerning definitions is repealed and replaced with new §335.342 definitions to propose a set of definitions of terms not already defined in the Act. This section also proposes to adopt by reference all definitions set forth in the Act which are not specifically included in this section.

Section 335.343 concerning draft survey is repealed because it is no longer applicable, and it is replaced with new §335.343 concerning ranking of facilities. This new section describes the procedures the executive director proposes to use to score a facility to determine its eligibility for listing on the registry. This section adopts by reference an Appendix I to Subchapter K entitled "Texas State Superfund Hazard Ranking System Guidance Document" which describes the quantitative analysis the executive director uses to determine the hazardous ranking score.

Section 335.344 concerning registry is repealed and replaced with new §335.344 concerning delisting and modifications to set forth criteria for deleting facilities from the registry or for modifying information regarding such a facility, as well as for holding public hearings on delisting and modification requests.

Section 335.345 concerning substantial change in use is repealed and replaced with new §335.345 concerning requests for information or production of documents to describe procedures the executive director may employ under the Act for obtaining information or documents concerning a state superfund site.

Section 335.346 concerning delisting and modifications is repealed and replaced by new §335.346 removal actions and preliminary site investigations to describe procedures for obtaining executive director authorization to conduct removal actions and preliminary site investigations at state superfund sites. This section also makes clear that such an authorization to conduct a preliminary site investigation or partial removal does not constitute a waiver by the TWC of any obligation of the potentially responsible parties (PRPs) to conduct a full remedial investigation and feasibility study (RI/FS) or remedial action at a later point.

New §335.347 concerning financial capability determinations proposes that the executive director will determine whether a PRP is financially capable of participating in a facility investigation or remediation and includes the criteria to be used in making such a determination.

New §335.348 general requirements for a RI/FS proposes a detailed listing of general requirements for a RI/FS. Although a study similar to a RI/FS may be approved as an alternative to the performance of a full RI/FS, any such study must adequately characterize the site so as to enable the TWC to select an appropriate remedial action to address the cleanup of the release or threatened release of the hazardous substance(s) present at a particular site. Among other requirements, a RI/FS must include investigations of surface water, soils, hydrogeology, local climatological conditions, impacts on sensitive natural resources and ecological systems, concentrations and sources of hazardous substances, and a baseline public health evaluation, a description of remedial action alternatives, and a RI/FS workplan and report.

New §335.349 concerning general requirements for a remedial action proposes general requirements for a remedial action and provides that the executive director will select the appropriate remedial action for each site based on the results of the feasibility study.

New §335.350 concerning defenses to liability and claims of divisibility proposes requirements for demonstrating a PRP's entitlement to certain defenses to liability established in the Act. This section places the burden of proof on the PRP to show that it qualifies for a defense or for a determination of divisibility.

New §335.351 concerning settlement agreements proposes guidelines by which settlement agreements may be reached. The general purpose of this section is to encourage the achievement of a negotiated settlement so that effective cleanup of the Superfund site can be done quickly. The proposed sections cover partial settlements, mixed funding settlements, de minimis settlements, and covenants not to sue.

Section 335.352 concerning Appendix I is adopted by reference. To obtain copies of this section, please contact the Texas Water

Commission, Library, P.O. Box 13087, 1700 North Congress Avenue, Austin, Texas 78711-3087, (512) 463-7834.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five-year period these sections are in effect, there will be fiscal implications as a result of enforcing or administering these sections. Generally, these sections will affect the costs to a potentially responsible party in the process of determining the extent of obligation for a State Superfund site and the actions to be taken. These costs would not presumably be higher than those under existing regulations, but would vary on a case-by-case basis. Under the revisions to the State Superfund Program, the commission has contemplated expansion of the efforts to identify and remediate contaminated sites. The effect on state government will be an increase in cost of \$975,000 in each of the fiscal years 1991-1995. Costs of site investigation and remediation are not directly attributable to this proposal, but are projected to increase by \$6 million annually for the period 1991-1993. Costs beyond 1993 have not been projected at this time. There are no fiscal impacts to local governments or economies anticipated.

Mr. Bourdeau also has determined that for each year of the first five years these sections as proposed are in effect, the public benefit anticipated as a result of enforcing and administering the sections will be improvements in the identification, assessment and remediation of facilities which may constitute an imminent and substantial endangerment to public health and safety or the environment due to the improper management of hazardous substances and enhanced enforcement of the provisions of the Texas Health and Safety Code and the regulations of the Texas Water Commission. There will be no effect on small businesses. There are no anticipated costs to persons required to comply with these sections.

Comments on the proposed sections may be submitted to Steve Dickman, Staff Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, 1700 North Congress Avenue, Austin, Texas 78711-3087. Comments will be accepted 45 days after publication of these proposed sections in the *Texas Register*.

• 31 TAC §§35.341-335.346

The repeals are proposed under the Texas Water Code, §5.103, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. These sections are also repealed under the Texas Solid Waste Disposal Act, Texas Health and Safety Code, (Vernon Supplemental 1990), §361.024, and Senate Bill 1502, Acts 1989, 71st Legislature, Chapter 703, §5, (amending Texas Civil Statutes Article 4477-7, §13.)

§335.341. *Purpose and Scope.*

§335.342. *Definitions.*

§335.343. *Draft Survey.*

§335.344. *Registry.*

§335.345. *Substantial Change in Use.*

§335.346. *Delisting and Modifications.*

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 March 12, 1991.

TRD-9102968

Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: April 19, 1991

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

◆ ◆ ◆
• 31 TAC §§335.341-335.352

The new sections are proposed under the Texas Water Code, §5.103, which provides the Texas Water Commission with the authority to adopt any rules necessary to carry out the powers and duties under the provisions of the Texas Water Code and other laws of this state. These sections are also proposed under the Texas Solid Waste Disposal Act, Texas Health and Safety Code (Vernon Supplement 1990), §361.024, and Senate Bill 1502, Acts 1989, 71st Legislature, Chapter 703, §5, (amending §13 Texas Civil Statutes, Article 4477-7.)

§335.341. *Purpose and Scope.*

(a) The purpose of this subchapter is to establish an assessment and remediation program to identify and assess facilities that may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment. The provisions of this subchapter supplement and therefore should be read in conjunction with the provisions of Subchapter F of the Texas Solid Waste Disposal Act, Texas Health and Safety Code, Chapter 361 (Vernon Supplement), §361.181 et seq. as amended, herein referred as the Act.

(b) This subchapter applies only to facilities listed or proposed for listing on the State Registry pursuant to the Act.

(1) Prior to proposing a facility for inclusion on the State Registry, the executive director shall first determine whether any potential endangerment to public health and safety or the environment at a facility can be resolved by the present owner or operator under the federal Resource Conservation and Recovery Act, 42 United States Code §6901 et seq. (1976), as amended.

(2) If the potential endangerment cannot be fully resolved by the present owner or operator, then the executive director shall determine whether the poten-

tial endangerment can be resolved by voluntary cooperation of some or all of the potentially responsible parties (PRPs) identified in the Act, §361.271, pursuant to an agreed administrative order issued by the commission. If it can be cleaned up pursuant to Agreed Administrative Order, then it should not be listed.

(3) If, after reasonable efforts, the executive director determines that the potential endangerment to public health and safety or the environment cannot be resolved by either of these approaches, the executive director shall evaluate the facility to determine whether it is eligible for listing on the federal National Priorities List established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 United States Code §9601 et seq. (1980), as amended.

(4) The executive director shall determine whether the facility is eligible for proposed listing on the State Registry only if, based on information available to the executive director, the facility is not eligible for inclusion on the Federal National Priorities List.

(5) If the executive director determines that the potential endangerment to public health and safety or the environment can be resolved by any of the approaches described in subsection (b)(1)-(3) of this section, then the site will not be proposed for listing on the State Registry. Notice of the approach selected to resolve the apparent endangerment to public health and safety or the environment and the fact that such action is being taken in lieu of listing the facility on the State Registry shall be published in the Texas Registry.

§335.342. *Definitions.* Definitions set forth in the Act that are not specifically included in this section shall also apply. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Agreed order—An administrative order issued by the commission and agreed to by one or more PRPs for the purpose of settling potential liability for the remedial investigation/feasibility study and/or remediation of a facility proposed for listing, or listed on, the State Registry.

Divisible—That the hazardous substance(s) released or threatened to be released are capable of being managed separately under a remedial action plan.

Facility—

(A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer public-owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft); or

(B) any site or area where a hazardous substance has been posted, stored, disposed of, or placed or otherwise come to be located, but does not include any consumer product in consumer use or any vessel.

Federal hazard ranking system—The scoring system developed by the United States Environmental Protection Agency as set out in 40 Code of Federal Regulations Part 300, Appendix A, as amended.

Good faith offer—A written proposal by one or more PRPs which is not contingent on participation of other PRPs which, in the judgment of the executive director, will:

(A) in the case of a good faith offer to fund or perform a remedial investigation/feasibility study or other similar study, effectively determine the nature and extent of the release or threatened release of hazardous substances and its impact on air, soils, groundwater, and surface water, both within and beyond the boundaries of the facility; or

(B) in the case of a good faith offer to fund or perform a remedial action, effectively mitigate or minimize damage to, and provide adequate protection of, the public health and safety or the environment.

Hazardous waste disposal fee fund—The fund described in the Act, §361.133.

Imminent and substantial endangerment—A danger is imminent if, given the entire circumstances surrounding each case, exposure of persons or the environment to hazardous substances is more likely than not to occur in the absence of preventive action. A danger is substantial if, given the current state of scientific knowledge, the harm to public health and safety or the environment which would result from exposure could cause adverse environmental or health effects.

Non-participating PRPs—Potentially responsible parties who:

(A) are unwilling or unable to join in the making of a good faith offer;

(B) are unwilling or unable to become a party to an agreed order to perform an RI/FS or remedial action; or

(C) intentionally violate the terms of an agreed order so as to substantially interfere with the achievement of the purposes of the agreed order.

Oversight costs—All administrative costs and costs for technical and legal services incurred by commission personnel, or agents or contractors for the commission, incurred in the oversight of the RI/FS and remedial action, plus all such costs incurred

in verifying compliance by PRPs with the terms of any agreed order which may be issued.

Potentially responsible party (or "PRP")—A person potentially responsible for solid waste as defined in the Act, §361.271.

Remedial investigation/feasibility study (or RI/FS)—

(A) an investigative study of the entire facility designed to determine the nature and extent of a release or threatened release of hazardous substances and, as appropriate, its impact on air, soils, groundwater, and surface water, both within and beyond the boundaries of the facility in accordance with the requirements of §335.348 of this title (relating to General Requirements for a RI/FS); and

(B) a study which describes and evaluates a set of remedial action alternatives for effectively mitigating or minimizing damage to, and for providing adequate protection of, the public health and safety or the environment in accordance with the requirements of §335.348 of this title (relating to General Requirements for a RI/FS).

Remedial action plan—A detailed plan for the design, construction, and long-term operation and maintenance of the remedial action agreed to by the commission.

Substantial change in use—A physical or functional alteration of a facility, the effect of which is to interfere significantly with a proposed or ongoing RI/FS or similar study or to expose the public health and safety or the environment to a significantly increased threat of harm. The term includes, but is not limited to, actions such as the erection or razing of a building or other structure at the facility, the use of a facility for agricultural production, the paving over of a facility, the creation of a park or other public or private recreational use on the facility, and any partial or total removal actions at a facility.

State superfund hazard ranking system—The scoring system used by the executive director for determining the relative priority for an RI/FS or remedial action needed at a facility.

§335.343. Ranking of Facilities.

(a) The relative priority for action needed at a facility investigated by the executive director for possible listing on the State Registry is based on a State Superfund Hazard Ranking System (HRS). The State Superfund HRS is a methodology designed to determine a numerical score for a facility based on the judgment of the executive director concerning various factors which may impact the public health and safety or the environment. The State Superfund HRS is published as a guidance document by the Hazardous and Solid Waste Division of the commission and is included with these sections as Appendix I.

(b) Upon appropriate investigation by the executive director, a facility proposed for listing on the State Superfund Registry will be assigned a State Superfund HRS score. A facility may be proposed for listing on the State Superfund Registry if it is assigned a state Superfund HRS score 5.0 or greater.

(c) Facilities with the highest State Superfund HRS score shall receive the highest priority for remedial action and state-funded cleanup, unless a situation described in the Act, §361.191 warrants more immediate action.

(d) The relative priority for action at facilities listed on the State Registry will be periodically reviewed and revised by the commission as necessary to accurately reflect the need for action at the facilities.

§335.344. Delisting and Modifications.

(a) Any PRP of a facility listed or proposed for listing on the State Registry or any interested person may request the executive director to delete such facility from the Registry, modify the facilities priority ranking within the Registry, or modify any information regarding such facility by submitting a written statement setting forth the grounds of the request. The PRP or interested person shall submit to the executive director any information as may be reasonably required to enable the executive director to further evaluate the facility including, but not limited to, information on all factors used to develop a State Superfund HRS score and to make a determination on the request.

(b) The commission shall hold a public contested case hearing within the meaning of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a (Vernon Supplement 1990) on requests filed pursuant to subsection (a) of this section, provided that a written request for hearing is filed with the Chief hearings examiner of the commission by any PRP of a facility listed or proposed for listing on the Registry, or any interested person, within 30 days after receipt of a determination by the executive director made pursuant to a request filed in accordance with subsection (a) of this section. At least 30 days prior to the date set for hearing, notice shall be provided by first class mail to all other PRPs and other interested persons, and by publication in a newspaper of general circulation in the county where the facility is located. The person submitting the request shall bear the cost of publication of the notice.

(c) In making a determination under subsection (a) of this section, the executive director or the commission will consider the following:

(1) the extent to which the facility has been remediated pursuant to the terms of a remedial action plan agreed to by the executive director;

(2) what further action, if any, is appropriate;

(3) whether the release no longer poses an imminent and substantial endangerment to public health and safety or the environment and, therefore, taking further action is not appropriate; or

(4) whether, because of the nature of the remedial action implemented at the facility, it is not yet feasible to make a determination that the remedial action has effectively remediated the release or threat of release of hazardous substances.

(d) No requests for the delisting of a facility from the State Registry or requests to modify information about a facility eligible for listing on the Registry will be granted unless, at a minimum, the facility has been investigated pursuant to the terms of an RI/FS or other similar study approved by the executive director.

§335.345. Requests for Information or Production of Documents.

(a) The executive director may submit requests for information and requests for production of documents as authorized by the Act, §361.182 to any person who has information or documents which in the executive director's opinion are necessary for the adequate investigation or remediation of a facility listed on the Registry or proposed for listing on the Registry. If the requested information or documents are not produced in a timely manner, the executive director may petition the commission to issue an order directing compliance with the requests for information or production of documents. The executive director shall serve a copy of the petition on the person to whom the request for information or production of documents was directed at least 20 days prior to the scheduled date of commission action on the petition. The person to whom the request for information or production of documents was directed may appear before the commission and present evidence and argument on the petition or in support of a claim asserted under subsection (b) of this section, or the commission may refer the matter to the office of hearings examiners for the taking of evidence.

(b) Information or documents provided to the executive director in accordance with this section are presumed to be public records except to the extent that a showing satisfactory to the commission is made that the information or documents would divulge trade secrets if made public. The commission shall deem the information or documents to be confidential and not subject to public disclosure if such a showing is made. Upon request, confidential information and documents supplied to the executive director will be returned to the person supplying the information or documents after it has served the purpose for which it was requested by the executive director.

§335.346. Removal Actions and Preliminary Site Investigations.

(a) For facilities listed on the Registry or proposed for listing on the Registry, no person may perform any partial or total removal activities at such facility or conduct on-site sampling, testing, or preliminary investigations of any type at such facility without the advance written authorization of the executive director after notice and opportunity for comment to all other PRPs.

(b) To expedite the executive director's consideration of a proposal to conduct removal activities or preliminary investigations at a facility, the person proposing such actions should submit to the executive director a workplan describing the precise nature of the removal or investigation activities proposed, a safety and health plan and a QA/QC plan as well as a schedule for completing various subtasks identified in the workplan.

(c) Any authorization by the executive director to perform on-site testing, sampling, or preliminary investigations or partial or total removal activities at a facility does not constitute a finding or determination by the commission that such testing, sampling, or preliminary investigation constitutes an approved RI/FS or that the removal activities constitute the final remedial action. An authorization by the executive director to perform any partial or total removal activities also does not constitute a determination or finding by the commission that any release or threatened release attributed to the removed materials is divisible as defined in the Act.

§335.347. Financial Capability Determinations.

(a) The executive director will make a determination of whether a PRP is financially capable of participating in a facility investigation or remediation. Such a determination may be based on some or all of the following financial information:

- (1) audited financial statements;
- (2) federal or state income tax returns;
- (3) a PRP's gross and net income for each of the preceding three years;
- (4) a PRP's net worth for each of the preceding three years;
- (5) a PRP's current cash flow position;
- (6) a PRP's longterm liabilities;
- (7) the liquidity of a PRP's assets; and
- (8) any other data which requested pursuant to 31 TAC §335.345 of this title (relating to Requests for Information or Production of Documents), which in

the opinion of the executive director is relevant to a determination of the ability of the PRP to participate in a facility investigation or remediation.

(b) A determination by the executive director pursuant to this section shall be provided to all PRPs.

§335.348. General Requirements for a RI/FS.

(a) Unless otherwise directed by the commission, a remedial investigation/feasibility study or other similar study as approved by the TWC shall be completed before the executive director's selection of the remedial action, except for emergency removal actions and preliminary site investigations pursuant to 31 TAC 335.346 of this title (relating to Removal Actions and Preliminary Site Investigations).

(b) A similar study may be approved by the TWC as an appropriate alternative to the performance of a full RI/FS when necessary to avoid delay, to make more effective use of resources or when such similar study is sufficient to adequately characterize a site.

(c) The contents of the remedial investigation/feasibility study, as approved by the commission, will depend on the particular circumstances of each specific facility. Under any RI/FS, however, sufficient information must be collected and evaluated to allow the commission to select an appropriate remedial action.

(d) A remedial investigation/feasibility study may include the following, as appropriate to a particular facility, for the purpose of allowing the TWC to select an appropriate remedial action.

(1) Investigations of surface water and sediments necessary to characterize hydrologic features such as surface drainage patterns, areas of erosion and sediment deposition, surface waters, floodplains of surface and subsurface sediments which would influence the type and rate of hazardous substance migration or affect the ability to implement alternative remedial actions shall be characterized.

(2) Investigations to adequately characterize the vertical and areal distribution and concentrations of hazardous substances in the soils encompassing the facility. Properties associated with the soils which would influence the type and rate of hazardous substance migration or affect the ability to implement alternative remedial actions shall be characterized.

(3) Investigations of hydrogeology and geology to adequately characterize the horizontal and vertical distribution and concentrations of hazardous substances in the ground water and the features which affect the fate and transport of those hazardous substances. This should include, but is not limited to, the physical

properties and distribution of bedrock and unconsolidated materials, groundwater flow rate and gradient for contaminated and potentially contaminated aquifers, groundwater divides, areas of groundwater recharge and discharge, and location of public and private groundwater wells.

(4) Information regarding local climatological characteristics which are likely to affect the hazardous substance migration such as: rainfall patterns; frequency of storm events; temperature variations; prevailing wind direction; and wind velocity.

(5) Information to determine the impact or potential impact on the natural resources and ecology of the area such as sensitive environments, plant and animal species and other environmental receptors.

(6) Descriptions of the location, quantity, horizontal and vertical extent, concentrations and sources of hazardous substances in disposal areas. Information on the physical and chemical characteristics and the toxicological effects of hazardous substances shall be provided, if available.

(7) In order to identify possible health problems associated with the "no action" remedial action alternative, a Baseline Public Health Evaluation will be conducted in accordance with the Environmental Protection Agency's Superfund Public Health Evaluation Manual. The evaluation may not be required when the executive director determines that remediation standards are apparent and undisputed and adequately protective of human health and the environment.

(8) The number and types of remedial action alternatives to be evaluated shall take into consideration the particular characteristics and complexities of the facility. Development of remedial action alternatives shall include, at a minimum, the following:

(A) an alternative which involves the treatment of wastes to health-based levels or the level of Best Demonstrated Available Technology (BDAT);

(B) an alternative consisting of containment of all wastes either on-site or off-site;

(C) an alternative consisting of a combination of on-site and off-site containment;

(D) no remedial action.

(9) At a minimum, the following criteria will be used to evaluate each remedial action alternative:

(A) the extent to which the alternative mitigates long-term exposure of any residual contamination;

(B) the extent to which the alternative achieves remediation standards and complies with applicable federal, state and local regulations;

(C) the extent to which the alternative permanently and significantly reduces the volume, toxicity, and mobility of hazardous substances;

(D) the present value cost including the total costs of implementation and annual operation and maintenance costs;

(E) the extent to which local community concerns are addressed and whether implementation of the alternative would result in other adverse effects on the local community;

(F) other significant impacts on human health and the environment resulting from implementation of the remedial action alternative; and

(G) the technical merits of each remedial alternative relative to the other.

(10) A workplan for a RI/FS shall be submitted to the executive director for final review and possible modifications and shall include the following:

(A) a Sampling and Analysis Plan covering all sampling activities to be undertaken pursuant to the RI/FS;

(B) a Quality Assurance/Quality Control (QA/QC) Plan to assure the integrity of all samples taken pursuant to the RI/FS;

(C) a Health and Safety Plan to describe steps to be taken to assure the health and safety of all personnel engaged in implementing the RI/FS; and

(D) a Schedule of Implementation for all aspects of the RI/FS.

(11) Treatability studies may be required as necessary to provide information to evaluate remedial action alternatives.

(12) A report shall be prepared at the completion of the remedial investigation/feasibility study and submitted to the executive director for review, possible modification and final approval.

§335.349. General Requirements For a Remedial Action.

(a) Based on the proposals set forth in the feasibility study, the executive

director shall select a remedial action. The selection of the remedial action shall be based on relevant information collected during the remedial investigation/feasibility study, or other approved study, as well as any other information available to the commission. The commission may select a final remedial action which incorporates elements from different remedial action alternatives as proposed in a RI/FS.

(b) Engineering documents submitted in connection with the remedial action will be required to demonstrate compliance with relevant cleanup standards, except as provided in the Act, §361.193. The scope of these documents will depend on the nature and complexity of the proposed remedial action and may vary from site to site.

(c) A remedial action plan shall consider the following factors if relevant to a particular facility, but shall not be limited to, those factors, as follows:

(1) a design engineering report to include information for the development and review of construction plans and specifications;

(2) construction plans and specifications describing in detail the cleanup actions to be performed and prepared in conformance with currently acceptable engineering techniques and practices; and

(3) an operation and maintenance plan to assure effective and environmentally safe operations under normal and emergency situations.

§335.350. Defense to Liability and Claims of Divisibility.

(a) The burden of establishing that a PRP qualifies for any defenses to liability set forth in the Act, §361.275, or that a release is divisible as set forth in the Act, §361.276, lies with the PRP asserting such claim.

(b) A PRP must demonstrate to the executive director its entitlement to a defense or claim under the Act, §361.275 or §361.276. The determination by the executive director of a PRP's request for limitation of liability under these sections of the Act is a discretionary act which does not entitle the PRP to an appeal to the commission or an adjudicatory hearing on such determination.

(c) The executive director will not consider claims of divisibility until a site has been adequately characterized by a RI/FS or other approved study.

(d) A determination by the executive director on a defense or claim asserted under the Act, §361.275 or §361.276, shall have no res judicata or collateral estoppel effect on a PRP's ultimate liability for remediation of a facility as determined in subsequent commission proceedings or in district court.

§335.351. *Settlement Agreements.*

(a) General purpose. The Texas Water Commission encourages PRPs to enter into negotiated settlement agreements with the commission so that an effective cleanup of a State Superfund facility can be quickly implemented while at the same time resolving PRPs' apparent liability for the facility. The goal of the executive director in negotiating PRP settlements is to obtain a complete investigation and cleanup of the facility by PRPs, or to collect from PRPs 100 of the commission's cost of performing a complete investigation and cleanup of the facility.

(b) Partial settlements. The commission may consider a settlement proposal for cleanup of less than 100% of a facility's cleanup activities or cleanup costs. Upon settling with cooperative parties, the commission will vigorously seek all remaining relief, including full cost recovery of monies expended from the Hazardous Waste Disposal Fee Fund, including penalties, damages, and interest where appropriate, as well as TWC oversight costs, from parties whose non-cooperation prevented the achievement of a complete settlement.

(c) Mixed funding. Mixed Funding means use of funds from federal, state, and private party sources, or any combination of those sources, to fund a timely response action. Mixed funding may be used in the following circumstances.

(1) In order to achieve an expeditious cleanup of a facility listed on the Registry, the commission may agree to reimburse parties to a settlement agreement from the Hazardous Waste Disposal Fee Fund, with interest, for certain costs incurred as a result of the timely implementation of the remedial action plan that the parties agree to perform but which the commission agrees to finance. The commission may agree to utilize funds from whatever other federal or state source is available to the commission for the funding of a facility remediation.

(2) Mixed funding shall be provided only to PRPs whom the commission has found to be eligible and who have entered into an agreed administrative order with the Texas Water Commission. The agreed administrative order shall identify remedial action tasks to be addressed by the mixed funding, costs to be borne by the hazardous waste disposal fee fund and the terms of agreement.

(3) A PRP must submit sufficient documentation, as requested by the executive director, to support its request for mixed funding.

(4) The commission's granting of a request for mixed funding does not diminish or alter the standard and scope of liability as set out in the Act. The commission will not approve mixed funding based

solely on the grounds that a share of wastes at a site may be attributable to an unknown or financially non-viable party. In addition, the availability or the amount of any fund-financing for a particular site will not be dependant on consistency with any volumetric allocation.

(5) Good faith negotiations and early cooperation of settlers will be considered in mixed funding requests. Mixed funding for remedial actions would not be appropriate where the executive director did not receive a good faith offer for the participation of the PRPs in the completion of the remedial investigations/feasibility study.

(6) If a PRP is found to be eligible for mixed funding, the executive director shall make an initial determination regarding the amount of funding to be provided. This determination is solely within the discretion of the executive director and is not subject to adjudication in an administrative hearing or appeal to the commission. A determination of eligibility is not a funding commitment as actual funding will depend on availability of funds and approval of the commission.

(7) Where a remedial action has been completed at a facility pursuant to a mixed funding agreement, the Hazardous Waste Disposal Fee Fund (the Fund) shall be subject to an obligation for subsequent remedial actions at the same facility only to the extent that such subsequent actions are necessary by reason of failure of the original remedial action. Such obligation shall be in a proportion equal to, but not exceeding, the proportion contributed by the Fund for the original remedial action. The Fund's obligation for such future remedial action may be met through fund expenditures, or through payment by parties who were not signatories to the original agreement.

(8) Pursuant to the Act, §361.133(c), the executive director may use money in the Hazardous Waste Disposal Fee Fund for necessary and appropriate removal and remedial action at sites at which solid waste or hazardous substances have been disposed if funds from a liable party, independent third party, or the federal government are not sufficient for the removal or remedial action. A necessary and appropriate aspect of any such removal or remedial action is the construction of a fence as necessary to provide site security, and the taking and analysis of samples of potential hazardous substances, and potentially contaminated soils, surface water and ground water.

(d) De minimis settlements. The commission may reach a final settlement with a PRP for only a minor portion of the response costs at a facility if the conditions in either of the following subparagraphs (1) or (2) of this subsection are met.

(1) A PRP can demonstrate the following:

(A) the amount of the hazardous substances contributed by a particular PRP is minimal in comparison to the amounts of other hazardous substances at the facility; or

(B) the toxicity or other hazardous effects of the hazardous substances contributed by a particular PRP are minimal in comparison to the toxicity or other hazardous effects of other hazardous substances at the facility.

(2) The PRP can demonstrate that it:

(A) is the owner of the real property on or in which the facility is located;

(B) did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility; and

(C) did not contribute to the release or threat of release of a hazardous substance at the facility through any action or omission.

(3) Paragraph (2) of this subsection does not apply if the PRP purchased the real property with actual or constructive knowledge that the property was used for the generation, transportation, storage, treatment, or disposal of any hazardous substance.

(e) Covenants not to sue.

(1) The commission may, in its discretion, provide any PRP with a covenant not to sue concerning any existing or future liability resulting from a release or threatened release of a hazardous substance addressed by a remedial action if each of the following conditions is met:

(A) the covenant not to sue is in the public interest as determined by criteria set forth in subparagraph (2) of this section;

(B) the granting of the covenant not to sue would expedite a remedial action approved by the commission; and

(C) the PRP is in full compliance with the terms of any order issued by the commission for response to the release or threatened release concerned.

(2) In assessing the appropriateness of granting a covenant not to sue and in determining the appropriate legal scope of such a covenant, the commission shall consider whether the covenant is in the public interest on the basis of such factors as the following:

(A) the effectiveness and reliability of the remedial action, in light of other alternative remedies considered for the facility concerned;

(B) the nature of the environmental risks remaining at the facility;

(C) the extent to which performance standards are included in the order or decree;

(D) the extent to which the response action provides a complete remedy for the facility, including a reduction in the hazardous nature of the substances at the facility;

(E) the extent to which the technology used in the response action is demonstrated to be effective;

(F) whether the Hazardous Waste Disposal Fee Fund or other sources of funding would be available for any addi-

tional remedial actions that might eventually be necessary at the facility; and

(G) whether the remedial action will be carried out, in whole or in significant part, by the PRPs themselves.

(3) A covenant not to sue shall be subject to the satisfactory performance by the PRP of its obligations under any order issued by the commission for response of remedial actions to address the release or threatened release of a hazardous substance at the facility. A covenant not to sue concerning future liability for remediation of the facility shall not take effect until the executive director certifies that the remedial action has been completed in accordance with any such order issued by the commission.

(4) A covenant not to sue a PRP concerning future liability for remediation of a facility may include an exception to the covenant that allows the commission to sue such person where such liability arises out of conditions which are unknown to the executive director at the time he certifies under paragraph (3) of this subsection that the remedial action has been completed at

the facility. A covenant not to sue may provide that such future liability may be limited to the same proportion as that established in the original settlement agreement or order issued by the commission.

(f) Any settlement agreement with the commission which resolves a PRP's liability for remediation of a facility does not discharge the liability of any other PRP unless its terms so provide, but it reduces the potential liability of the other PRPs by the amount of the settlement. A PRP will be afforded the opportunity to comment on any settlement agreement with the commission to which it is not a party.

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 March 12, 1991.

TRD-9102969

Jim Haley
Director, Legal Division
Texas Water Commission

Earliest possible date of adoption: April 19, 1991

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



Withdrawn Sections

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

TITLE 16. ECONOMIC
REGULATION
Part I. Railroad
Commission of Texas
Chapter 5. Transportation
Division
Subchapter P. Commercial
Zones

• 16 TAC §5.294

The Railroad Commission of Texas has withdrawn from consideration for permanent adoption a proposed amendment to §5.294 which appeared in the October 2, 1990, issue of the *Texas Register* (15 TexReg 5790). The effective date of this withdrawal is March 11, 1991.

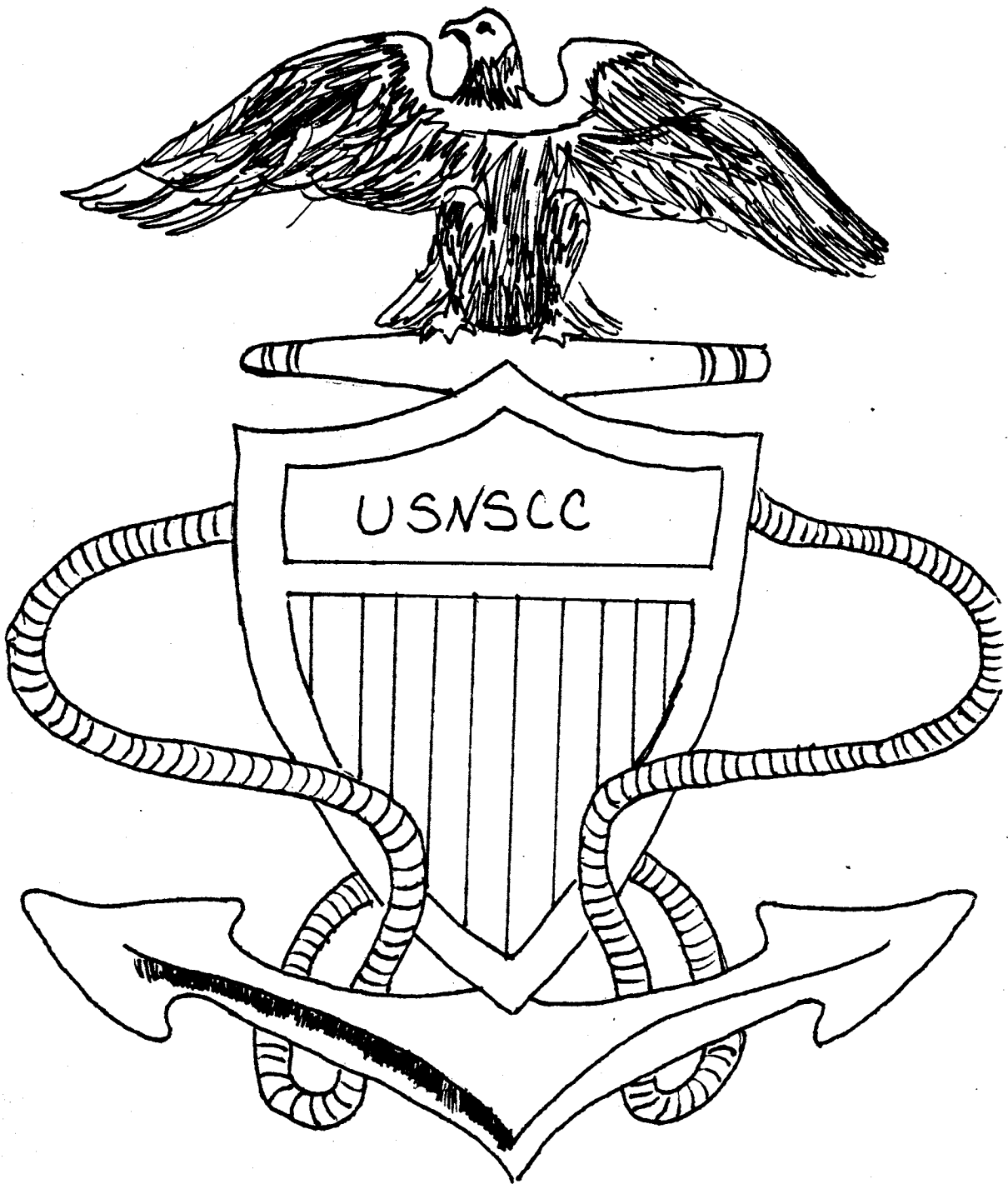
Issued in Austin, Texas, on March 11, 1991.

TRD-9102828 Brenda Loudermilk
Assistant Director-Legal
Division, General Law
Railroad Commission of
Texas

Effective date: March 11, 1991

For further information, please call: (512)
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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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 11. Herbicide Regulations

• 4 TAC §11.2

The Texas Department of Agriculture adopts an amendment to §11.2, without changes to the proposed text as published in the February 8, 1991, issue of the *Texas Register* (16 TexReg 708).

The amendments are made upon the request of County Commissioners for Collingsworth and Dawson Counties on behalf of producers in those counties, and after public hearing as required by the Texas Agriculture Code, §75.018.

The amendments, as adopted, allow the use of 2,4-DB in Collingsworth County for weed control in peanut production, and add special provisions for the use of hormone type herbicides in Dawson County.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Agriculture Code, §75.018 which provides the Texas Department of Agriculture with the authority to promulgate rules, after notice and hearing, for the administration of the Texas Herbicide Law.

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 March 12, 1991.

TRD-9102965

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: April 2, 1991

Proposal publication date: February 8, 1991

For further information, please call: (512) 463-7583

TITLE 16. ECONOMIC REGULATION

Part VI. Texas Motor Vehicle Commission

Chapter 107. Warranty Performance Obligations

• 16 TAC §107.2, §107.8

The Texas Motor Vehicle Commission adopts amendments to §107.2 and §107.8. Section 107.8 is adopted with changes to the pro-

posed text as published in the November 13, 1990, issue of the *Texas Register* (15 TexReg 6446). Section 107.2 is adopted without changes and will not be republished.

The amendment to §107.2 is proposed in order to specify particular information that must be provided by consumers who are lessees of new vehicles, and who wish to file lemon law complaints. The addition of a new paragraph (5) to §107.8 is proposed to provide a method by which the purchase price of a leased vehicle is determined in the event repurchase is ordered by the commission, as well as to provide a method for the calculation of a reasonable allowance for a lessee's use of the vehicle in lease situations. A reasonable allowance for use is required by the Texas Motor Vehicle Commission Code, §6.07(c), Texas Civil Statutes, Article 4413(36), whenever a repurchase is ordered by the commission. An exception from the method of calculation of the leased vehicle price is provided for, in unusual and limited situations. Current paragraphs (5), (6), and (7) are maintained, but renumbered.

The new paragraph (5) is added to §107.8 for the purpose of identifying specific information necessary to determine the vehicle's purchase price to the lessor. Using that information, the commission can then allocate specific amounts payable to lessees and lessors by manufacturers, distributors, or converters in situations where repurchase of a leased vehicle occurs. In addition, using the purchase price information provided by the lessor, the commission will be able to calculate the reasonable allowance for use that will be charged against the lessee in a repurchase situation.

The new paragraph provides needed guidance on how to deal with repurchase of leased vehicles in a rational, uniform, and predictable manner. The section requires that a lessor supply verifiable information on what the acquisition cost of a leased vehicle was to him. Five percent of the purchase price representing profit is made payable to the lessor in order to offset some of the lessor's loss of expected income when the leased vehicle is repurchased and the lease is terminated, without penalty to the lessee. The manufacturer, distributor, or converter would be required to pay the original purchase price plus the 5.0% profit less any payments that the lessee had previously made toward the lease. In other words, the manufacturer, distributor, or converter receives a credit consisting of any sums the lessee already paid, against the total amount that would be paid the lessor by the manufacturer.

With regard to what is payable to the lessee, the paragraph provides that the lessee should receive whatever amounts he paid toward the lease minus a reasonable allowance for use. The reasonable allowance for use is calcu-

lated in the same manner indicated in §107.8(4), with the understanding that the pertinent purchase price to be used is the purchase price provided by the lessor.

Comments on the proposed new paragraph (5) were received from Trans-National Leasing, Inc., Leasing Associates/Allstate, and the National Vehicle Leasing Association. In general, these comments opposed the commission's proposal, indicating that the amount proposed to be paid lessors by manufacturers in a repurchase situation was not sufficient to compensate lessors for their costs, especially when the time value of money was taken into account. They pointed out that although dealers would be allowed to retain their profits, lessors would not receive the profit for which they had bargained. They recommended the section be changed to allocate a greater profit amount in the repurchase price to lessors involved in lemon law repurchase cases. The commission generally disagreed with lessors, although an amount representing the costs associated with a lessors purchase of the lease itself was included as a compensable item. The 5.0% profit margin remained unchanged.

Comments were also received from Ford Motor Company, Chrysler Corporation, General Motors Corporation, and Sterling Motor Cars. In general, these comments indicated that the paragraph should be changed to place lessees of lemon vehicles more on a par with typical retail purchase complainants. It was noted that the actual acquisition cost of the vehicle should be obtained from the lessor in a verifiable form and that price should be the starting point in a lease repurchase case. The point was also made that inasmuch as interest was not refundable in retail purchase complaints, lessees should not be entitled to it either. Comments were made that the reasonable allowance for use charged against a lessee should be comparable to that charged a retail purchaser. In summary, manufacturers commented that the repurchase price in a leased vehicle lemon law case should closely approximate what a manufacturer would be required to pay in a regular lemon law case situation, instead of being penalized by having to pay an exorbitantly higher price, simply because a lease was involved. The commission agreed with many of the comments received from manufacturers and incorporated a number of changes in the proposal to achieve a degree of parity in the repurchase price of a leased vehicle versus a repurchase price in a typical lemon law case.

Comments were also received from the Texas Automobile Dealers Association, which primarily raised questions about dealers' obligations and/or potential liabilities in cases involving vehicles leased through Texas dealerships. The sections do not change dealers' obligations in lemon law cases. The

only provision incorporated in the paragraph that could affect a dealer is the initial "exception" language in paragraph (5), which would allow the commission to use a different method of calculating the leased vehicle acquisition cost when the vehicle was the subject of a sale between a dealer and the dealer's captive lease company.

Comments in support of the proposed paragraph were submitted by commission staff members, who urged adoption of the proposal as a good compromise that provided uniformity and rationality to the repurchase price calculations in leased vehicle lemon law cases. Staff also pointed out that although lease companies are not licensed by the commission, §6.07(a) clearly indicates that persons who lease new motor vehicles are entitled to protection under the lemon law. It was noted that lessors are necessary parties to such lemon law cases, inasmuch as they hold legal title to the vehicles. Additionally, if termination of the lease with no penalty to lessees were not possible, a lemon law hearing would accomplish very little, and lessees would have no relief. The commission agreed with staff comments and decided that lessors should be included in lemon law cases involving leased new motor vehicles.

The amendments are adopted under Texas Civil Statutes, Article 4413(36), §6.07(e), which provide the commission with the authority to adopt rules for the enforcement and implementation of the Texas Motor Vehicle Commission Code, §6.07.

§107.8. Decisions. Any decisions by the Commission and recommended decision by a hearing officer shall give effect to the presumptions provided in the Texas Motor Vehicle Commission Code, §6.07(d), where applicable.

(1)-(4) (No change.)

(5) Except in cases involving unusual and extenuating circumstances, supported by a preponderance of the evidence, where refund of the purchase price of a leased vehicle is ordered, the purchase price shall be allocated and paid to the lessee and the lessor, respectively as follows.

(A) The lessee shall receive the total of:

(i) all lease payments previously paid by him to the lessor under the terms of the lease; and

(ii) all sums previously paid by him to the lessor in connection with entering into the lease agreement, including, but not limited to, any capitalized cost reduction, down payment, trading, or similar cost, plus sales tax, license and registration fees, and other documentary fees, if applicable.

(B) The lessor shall receive the total of:

(i) the actual price paid by the lessor for the vehicle, including tax,

title, license, and documentary fees, if paid by lessor, and as evidenced in a bill of sale, bank draft demand, tax collector's receipt, or similar instrument; plus

(ii) an additional 5.0% of such purchase price plus any amount or fee, if any, paid by lessor to secure the lease or interest in the lease;

(iii) provided, however that a credit, reflecting all of the payments made by the lessee, shall be deducted from the actual purchase price which the manufacturer is required to pay the lessor, as specified in clauses (i) and (ii) of this subparagraph.

(C) When the commission orders a manufacturer to refund the purchase price in a lease vehicle transaction, the vehicle shall be returned to the manufacturer with clear title upon payment of the sums indicated in subparagraphs (A) and (B) of this paragraph. The lessor shall transfer title of the vehicle to the manufacturer, as necessary in order to effectuate the lessee's rights under this rule. In addition, the lease shall be terminated without any penalty to the lessee.

(D) Refunds shall be made to the lessee, lessor, and any lienholders as their interests may appear. The refund to the lessee under subparagraph (A) of this paragraph shall be reduced by a reasonable allowance for the lessee's use of the vehicle. A reasonable allowance for use shall be computed according to the formula in paragraph (4) of this section, using the amount in subparagraph (B)(i) of this paragraph as the applicable purchase price.

(6) In any award in favor of a complainant, the commission may require the dealer involved to reimburse the owner lessor, lessee, lienholder, manufacturer, converter, or distributor for the cost of any accessories, equipment, or extended service policies sold by the dealer and which were not included in the original price of the vehicle as delivered to the dealer by the manufacturer.

(7) If it is found by the commission that a complainant's vehicle does not qualify for replacement or repurchase, then the commission shall enter an order dismissing the complaint insofar as relief under the lemon law is concerned. However, the commission may enter an order in any proceeding, where appropriate, requiring repair work to be performed or other action taken to obtain compliance with the manufacturer's, distributor's, or converter's warranty obligations.

(8) (No change.)

(9) The commission will issue a written order in each case in which a hearing is held and a copy of the order will be sent to all parties.

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 March 11, 1991

TRD-9102835

Russell Harding
Executive Director
Texas Motor Vehicle
Commission

Effective date: April 1, 1991

Proposal publication date: November 13, 1990

For further information, please call: (512) 476-3618

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TITLE 19. EDUCATION
Part II. Texas Education
Agency
Chapter 97. Planning and
Accreditation

Subchapter A. General Provisions

• **19 TAC §§97.1-97.7**

The Texas Education Agency (TEA) adopts the repeal of §§97.1-97.7 and 97.21-97.30 without changes to the proposed text as published in the December 7, 1990, issue of the *Texas Register* (15 TexReg 6986). The passage of Senate Bills 1 and 417 amended several sections of the Texas Education Code. In addition to amending sections, the bills also added new sections that strengthen the performance-based accreditation process and require the State Board of Education to adopt rules and criteria for the accreditation of school districts. Because of the numerous changes to the current rules the sections are being repealed. The new sections are being proposed in a separate submission.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Texas Education Code, §21.753, which provides the State Board of Education with the authority to adopt rules regarding the accreditation of school districts.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102911

Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Effective date: April 2, 1991

Proposal publication date: December 7, 1990

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

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• **19 TAC §§97.1-97.11**

The Texas Education Agency (TEA) adopts new §§97.1-97.11 and amendments to §§97.21-97.39. Sections 97.3-97.5,

97.7-97.8, 97.11, 97.21-97.22, 97.24-97.29, and 97.32-97.39 are adopted with changes to the proposed text as published in the December 7, 1990, issue of the *Texas Register* (15 TexReg 6987). New §§97.1-97.2, 97.6, 97.9, 97.10, 97.23, and 97.30-97.31 are adopted without changes and will not be republished. The passage of Senate Bills 1 and 417 amended several sections of the Texas Education Code. In addition to amending sections, the bills also added new sections that strengthen the performance-based accreditation process and require the State Board of Education (SBOE) to adopt rules and criteria for the accreditation of school districts. Because of the numerous changes to the current rules the sections are being repealed in a separate submission.

No comments were received regarding adoption of the new sections; however, changes have been made as a result of requests by the SBOE Committee on Personnel at its January 18th and February 15th committee meetings. Section 97.3 is changed to further clarify the appeal process available to school districts in cases of disagreement with the accreditation rating, and to clarify the number of days that are given to school districts to respond before a draft accreditation report becomes final. Section 97.4 is changed to further clarify the relationship between the school districts' annual performance results on the academic excellence indicators and the level of on-site investigative effort during the districts' scheduled accreditation review. Sections 97.5, 97.7-97.8, 97.11, 97.21-97.22, 97.24-97.29, and 97.32-97.39 are changed editorially to clarify the rule requirements.

The new sections are adopted under the Texas Education Code, §21.753, which provides the State Board of Education with the authority to adopt rules regarding the accreditation of school districts.

§97.3. *The Accreditation Process.*

(a) Each school district in the state shall receive an accreditation visit at least once every six years or as specified in the law, dependent upon the performance as measured by the state's district and campus academic excellence indicators. The commissioner shall establish the level of investigative effort and monitoring frequency based upon a history of the district's ability to satisfy the accreditation criteria and the performance of each campus on the academic excellence indicators. Districts and/or campuses with sustained annual performance evaluation ratings equivalent to exemplary or recognized will receive a modified level or investigative effort. The investigative effort at such districts will include the identification and documentation of successful practices having potential for replication at other districts or campuses.

(b) The Central Education Agency shall give written notice to the superintendent and board of trustees of each district before a scheduled accreditation visit.

(c) Each accreditation visit shall begin with an opening session during which administrators and other persons, as appropriate, shall be given information about procedures to be followed during the visit.

(d) During the course of the visit, members of the accreditation team shall review pertinent documents, make observations on campuses and in classrooms, and interview administrators, teachers, and parents of input, the accreditation team shall hold announced public meetings during the course of the visit.

(e) At the conclusion of each visit, the accreditation team shall orally report its preliminary findings to administrators and representatives from the board of trustees, as appropriate. District representatives may, if they wish, respond to the preliminary report orally during the closing session. The district or campus may also make written responses to the preliminary findings.

(f) A draft report shall be sent to the district. The report shall include a recommendation to the commissioner of education concerning district accreditation status.

(g) Within 12 days of receipt of the draft report, the district may request informal resolution of any disagreement with the draft report. The district may submit written comments or may request a conference with the agency to discuss the contents of the draft report.

(h) If the district disagrees with the recommended accreditation status, the district shall be afforded an opportunity for a hearing or for informal resolution as provided for in subsection (g) of this section. The hearing must be requested within 12 days of the district's receipt of the draft report and shall be conducted in accordance with the provisions of Chapter 157 of this title (relating to Hearings and Appeals). Decisions of the commissioner of education may be appealed in accordance with the Texas Education Code, §11.13(c).

(i) The draft report shall become final and shall become a public document:

(1) upon receipt of a request for hearing; or

(2) upon completion of the informal resolution; or

(3) upon expiration of 12 days after the district receives the report if no hearing or informal resolution is requested; subject to the provisions of the Texas Open Records Act. For purposes of fixing a date of receipt, a draft report will be deemed received by the district three days after the date on which it is mailed unless the district submits evidence to the Central Education Agency of actual receipt after the three-day period.

(j) The final report shall be sent to the superintendent and the board of trustees. If corrective/improvement actions are required, deadlines for their completion shall be specified. If follow-up visits are required, timelines for those visits shall be included.

(k) When a district has had its accreditation status lowered from accredited, a technical assistance team shall review the accreditation report with the board of trustees, the superintendent, district administrators, and teachers. Public hearings shall be held with parents and the community. Ongoing technical assistance activities as appropriate to district needs shall be conducted. The coordination of technical assistance efforts of the Central Education Agency, the Regional Education Service Centers, and other supporting organizations also shall be provided. The emphasis of technical assistance efforts shall be to assist the school district in meeting quality standards for the restoration of its accreditation status.

§97.4. *The Accreditation Cycle.*

(a) Each district shall be visited and all accreditation criteria investigated at least once every six years, except that the board may extend that period for a district rated:

(1) as exemplary, for an additional period not to exceed two years; and

(2) as recognized, for an additional period not to exceed one year.

(b) Each district rated as accredited advised shall be visited and assisted not less than once every two years.

(c) Each district rated as academically unaccredited shall be visited and assisted not less than once each year.

(d) Each district that demonstrates unsatisfactory performance under the indicators adopted under the Texas Education Code, §21.7531, shall be investigated more frequently than otherwise required under this section.

(e) In compliance with the Texas Education Code, §21.925, the board shall make optimal use of the agency's Public Education Information Management System to minimize the written reporting requirements of school districts.

(f) To determine if a district qualifies for a higher rating or on identification of potential problems, the commissioner of education may direct the agency to conduct on-site investigations at any time and may raise or lower the accreditation rating as a result of the investigation.

(g) The resolution of corrective/improvement actions may be negotiated with the chairperson of the accreditation team who visited the district or campus. Timelines for addressing specific corrective/improvement actions shall be established by the Texas Education Agency staff member who was assigned to assist the affected district or campus.

§97.5. *Obtaining Information From Parents.* During on-site visits, accreditation team members shall review procedures used

by district personnel to notify parents and community residents about their right to meet individually and/or as a group with members of the accreditation team. The purpose of these meetings is to provide parents and community residents with the opportunity to share with team members pertinent information about the district and individual campuses. Because district personnel and board members are provided opportunities to share information with accreditation team members at other times during the accreditation visit, meetings with parents and community residents shall be closed to district personnel and board members.

§97.7. Monitors, Masters, and Management Teams.

(a) A monitor may be appointed by the commissioner of education to advise a district's board of trustees regarding ways of addressing cited deficiencies. This procedure may be followed when:

(1) a district's accreditation rating has been lowered;

(2) the district has not taken required corrective/improvement actions after verbal and written notices of accreditation deficiencies have been received by the superintendent and board of trustees; or

(3) circumstances in the district warrant immediate and expert intervention.

(b) A master or management team may be appointed by the commissioner of education to oversee operations of a district when the district has failed to bring about required corrective/improvement actions. A master or management team may approve or disapprove any action of the board of trustees or the superintendent of the district. A master or management team serves at the discretion of the commissioner for a period ending with the reinstatement of the district's accreditation.

(c) The cost of providing a monitor, master, or management team shall be paid by the district.

§97.8. Types of Accreditation Status.

(a) In accordance with statute, some parts of this section shall not be effective until the 1991-1992 school year. The designation of exemplary and recognized status shall become effective when the academic excellence indicators become operational.

(b) The academic excellence indicators adopted under this section shall be the main consideration of the Central Education Agency in the rating of a district under the Texas Education Code, §21.753. Performance information on each of the academic excellence indicators shall be used to establish a longitudinal performance data base which shall become the primary consideration in the assignment of an ac-

creditation rating at the completion of a district's scheduled on-site evaluation visit.

(c) The types of accreditation status are as follows.

(1) **Exemplary.** A district may be classified as exemplary if an assessment indicates that an exceptionally high level of quality exists in all areas of the district's operation for all student populations.

(A) The assignment of exemplary status is contingent upon evidence of sustained exemplary performance on each of the academic excellence indicators and exemplary practices identified through an on-site visit. A district may retain its exemplary status unless it fails to meet appropriate criteria as assessed by an on-site visit, or following an on-site visit based on concerns raised by the annual review of performance results reported on each of the academic excellence indicators.

(B) The performance results reported on each of the academic excellence indicators shall be the primary consideration of exemplary status.

(C) Reinstatement of exemplary status is based on the joint review of on-site accreditation findings and the district's results on the state's academic excellence indicators.

(D) The commissioner of education shall announce annually those districts that have achieved exemplary status.

(2) **Recognized.** A district may be classified as recognized if an assessment indicates that a high degree of quality exists in all of the district's operations for all student populations.

(A) The assignment of recognized status is contingent upon evidence of sustained exceptional performance on each of the academic excellence indicators and exceptional practices identified through an on-site visit. A district may retain its recognized status unless it fails to meet appropriate criteria as assessed through an on-site visit or following an on-site visit based on concerns raised by the annual review of data reported by the academic excellence indicators.

(B) The district's data reported through the academic excellence indicators shall be considered the prime determiner of recognized status.

(C) The district's reinstatement of recognized status may be based on the joint review of on-site accreditation findings and the district's results on the academic excellence indicators.

(D) The commissioner of education shall announce annually those districts that have achieved recognized status.

(3) **Accredited.** A district shall be classified as accredited when it meets the standards of the state's academic excellence indicators and when it is determined, as a result of an on-site visit, that accreditation criteria have been met.

(4) **Accredited, conditional.** A newly formed district, or a district adding grades, shall be placed on accredited, conditional status until the agency can conduct a full accreditation review and establish an accreditation status for the new district or the total district, including the new grade levels.

(5) **Accredited, advised.** A district shall be classified as accredited, advised when discrepancies exist between the district's program or operations and accreditation requirements and when the district does not satisfactorily meet the standards of the state's academic excellence indicators. A district placed on accredited, advised status may be assigned a monitor, master, or management team to oversee operations at the discretion of the commissioner.

(6) **Academically unaccredited.**

(A) A district shall be classified as academically unaccredited when an on-site visit indicates at least one of the following conditions exist:

(i) the district does not satisfactorily meet the standards of the academic excellence indicators;

(ii) the district has not corrected deficiencies for which it was placed on accredited, advised status; or

(iii) serious discrepancies are noted between district programs or operations and accreditation requirements.

(B) The commissioner of education may appoint a master, monitor, or management team to oversee the operations of a district rated as academically unaccredited.

§97.11. Non-public Schools. The commissioner of education shall be authorized to review the criteria of other accrediting bodies that accredit nonpublic schools in Texas. Where the commissioner determines that such criteria are comparable to the standards in this chapter, the commissioner may recognize the accrediting association. The commissioner shall disseminate information on schools accredited by associations recognized by the commissioner of education. Student credits earned in nonpublic schools accredited by a recognized association shall be transferable to Texas public schools, and teacher service in accredited nonpublic schools shall be creditable in accordance with Chapter 121, Subchapter C of this title

(relating to Years of Service for Salary Increment Purposes).

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102913

Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Effective date: April 2, 1991

Proposal publication date: December 7, 1990

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

Subchapter B. Principles and Standards for Accreditation

• 19 TAC §§97.21-97.30

The repeals are adopted under the Texas Education Code, §21.753, which provides the State Board of Education with the authority to adopt rules regarding the accreditation of school districts.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102912

Thomas E. Anderson, Jr.
Interim Commissioner of
Education

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

• 19 TAC §§97.21-97.39

The amendments are adopted under the Texas Education Code, §21.753, which provides the State Board of Education with the authority to adopt rules regarding the accreditation of school districts.

§97.21. Accreditation Standards, Criteria, and Academic Excellence Indicators.

(a) The evaluation of school districts shall be based on a multiple performance information system. This system assesses conditions and measures the efficiency and effectiveness of the district's total operation. The district and campus must ensure the delivery of equitable and high quality instructional and educational support services to each student. Through oversight provided by the local board of trustees and the district superintendent, operations shall be carried out in accordance with statutory requirements and state policy. Planning, implementation, and evaluation practices that are consistent with the most recent research findings of educational effectiveness shall be in evidence.

(b) Performance information for a district and each of its campuses shall be collected annually by the Central Education Agency through established reporting systems and/or through on-site evaluations conducted in accordance with an accreditation schedule established by the State Board of Education or during special investigations authorized by the commissioner of education. This information shall be disaggregated and analyzed to make comparisons and to determine the performance progress of the special student populations of the campuses and district. The performance information collected annually on the academic excellence indicators shall be the main determiner of the accreditation rating earned by the district at the completion of an on-site visit.

(c) No later than November of the year immediately preceding the regularly scheduled session of the legislature, the State Board of Education shall adopt a set of academic excellence indicators which include, but is not limited to, the criteria contained in statute. Additionally, the State Board of Education shall adopt a set of grouping variables and procedures to be used for the purpose of establishing a projection of expected performance. These indicators, grouping variables, and procedures shall be adopted considering the advice of the academic excellence indicators advisory committee, the educational excellence committee, and the Legislative Education Board prior to final adoption.

(d) The criteria used for on-site evaluation shall be organized within domains that represent essential operational functions and/or contextual conditions of districts and campuses. These criteria must also reflect the areas stipulated in the Texas Education Code, §21.753. The criteria may be supplemented with program or contextual condition descriptors. The commissioner with the advice of the Academic Excellence Indicator Advisory Committee shall determine the program description for each criteria for the purposes of on-site data collection by the accreditation team members. Domains for district evaluation criteria are as follows:

- (1) planning and evaluation;
- (2) curriculum;
- (3) instruction;
- (4) student services;
- (5) instructional resources;
- (6) personnel;
- (7) governance;
- (8) community awareness and support;
- (9) physical facilities;
- (10) district and campus organization and management; and
- (11) district resource allocation.

(e) Domains of campus evaluation criteria are as follows:

- (1) instructional leadership;
- (2) instructional focus;
- (3) school climate;
- (4) teacher behavior and high expectations;
- (5) assessment;
- (6) parental and community involvement; and
- (7) campus resource allocation.

§97.22. District Domain I. Planning and Evaluation. The district is continually improving the effectiveness of its planning and evaluation programs. Efforts are made to plan strategies for immediate and long-range improvements. Planning and evaluation of programs and services encompass measurable student performance objectives that relate to the academic excellence indicators.

(1) Criterion 1. The district's board of trustees and its staff members are accountable for the effectiveness of the district's programs and service's.

(2) Criterion 2. The district's evaluation of district performance, programs, and services in all areas is an integral part of the planning process.

(3) Criterion 3. The district uses a planning process to implement identified strategies for improving the quality and effectiveness of district and campus programs and services.

(4) Criterion 4. The district incorporates programs specifically required by the state into its planning process.

(5) Criterion 5. The district incorporates into its planning and evaluation process those items specifically addressed in the state-adopted academic excellence indicators.

§97.24. District Domain III. Instruction. The district's instructional guidelines and practices are determined by students' needs. The district's board of trustees and its staff are accountable for the effectiveness and improvement of instructional programs. The instructional program complies with all statutory requirements and rules of the State Board of Education. Program delivery is guided by equity, effectiveness, and efficiency.

(1) Criterion 1. The district and campus performance on the state-adopted indicators reflect that quality instruction and learning are occurring in the district.

(2) Criterion 2. The district's instructional arrangements and procedures in the district support effective teaching and learning, and promote a positive school climate.

(3) Criterion 3. The district's instructional placement procedures are evaluated annually for their effectiveness in producing acceptable student outcomes.

(4) Criterion 4. The district's coordination between general education, vocational, bilingual, and special programs is systematically and regularly planned to ensure continuity of instruction, efficient use of time and resources, and the effective attainment of instructional goals for all students.

(5) Criterion 5. The district's instructional placement procedures allow for and promote flexible grouping techniques; avoiding systems that rigidly track students.

(6) Criterion 6. The district, if receiving Chapter 1 Migrant Education Funds, has an appropriate identifiable program that provides instructional services to three- and four-year-old migrant children participating in the district's prekindergarten education program.

§97.25. District Domain IV. Student Services. The district provides student services to augment and support its instructional program through guidance, safety, and health services. Measures are taken to ensure that all statutory requirements are met.

(1) Criterion 1. The district has a realistic developmental program of guidance services that exists at all grade levels in the district.

(2) Criterion 2. The district ensures that adequate student health services are provided.

(3) Criterion 3. The district's school health services are a part of the instructional program.

(4) Criterion 4. The district's measures promoting student safety are prescribed in district policy and carried out in practice.

(5) Criterion 5. The district's student services are coordinated with local, public, and private health and human service organizations to ensure efficient use of resources and effective responses to student needs.

§97.26. District Domain V. Instructional Resources. The district provides resources that are appropriate for the instructional program and related services. Such resources are available on an equitable and efficient basis; and they include services such as equipment, facilities, textbooks, and media services that may be needed to deliver instruction. Resources are used effectively and efficiently to maximize the learning of all students.

(1) Criterion 1. The district systematically acquires, maintains, allocates, and appropriates instructional materials that are suitable for its instructional program.

(2) Criterion 2. The district operates a planned program for library media services and materials as delineated in the Library Media Standards.

(3) Criterion 3. The district's schools have the full complement of instructional personnel, resources, facilities, and services necessary to implement its library media program.

(4) Criterion 4. The district uses educational technology to enhance the learning environment for all students. The district uses a variety of resources.

§97.27. District Domain VI. Personnel. The district employs qualified and competent personnel, assigns them appropriately, and encourages their personal and professional growth. Opportunities for growth and improvements are provided to personnel through staff development activities that are consistent with the needs of the staff and the district, as well as rules of the State Board of Education. The district's appraisal process is managed in a fair and consistent manner. All state laws and board rules and regulations are followed.

(1) Criterion 1. The district's professional instructional personnel are properly assigned, prepared, and supervised.

(2) Criterion 2. The district's paraprofessional instructional personnel are properly assigned, prepared, and supervised.

(3) Criterion 3. The district's personnel records are properly maintained and contain all items required by rules of the State Board of Education.

(4) Criterion 4. The district operates a staff development program based upon a written plan that initiates educational improvement and meets legal requirements.

(5) Criterion 5. The district's appraisal process for professional personnel provides a framework for educational improvement. This process reflects provisions stated in Chapter 149, Subchapter C of this title (relating to Appraisal of Certified Personnel).

§97.28. District Domain VII. Governance. The district's commitment to responsible governance produces sound policies and procedures that facilitate excellence in fiscal matters. Ethical and educational standards are upheld in all instructional, fiscal, and personnel matters allow the organization to operate in the best interest of students.

(1) Criterion 1. The district's board of trustees functions as the district's policy-making body.

(2) Criterion 2. Board members individually and collectively adhere to the Statewide Standards on Duties of a School Board Member.

(3) Criterion 3. The district's policies are in writing and have been officially adopted by its board of trustees. These policies are given appropriate distribution; and they are accessible to staff members, parents, and community residents.

(4) Criterion 4. The district's board of trustees upholds educational and ethical standards, which promote the best interests of the school district.

(5) Criterion 5. The district's board of trustees holds regularly scheduled meetings and keeps official minutes of those meetings.

(6) Criterion 6. The district's board of trustees regularly recognizes and rewards teachers and administrative personnel for academic efforts, professional growth, and teaching accomplishments.

(7) Criterion 7. The district's board of trustees recognizes and respects the superintendent's rights and responsibilities as the chief administrative officer of the district.

(8) Criterion 8. The district's superintendent of schools functions as its chief administrative officer.

§97.29. District Domain VIII. Community Awareness and Support. The district's degree of community awareness and support is an essential variable in the creation and maintenance of effective schools. As a social system, the school is an integral part of the external environment. Conditions in the community reflect the value of an education to youth. Continuous, open communications foster understanding and participation.

(1) Criterion 1. The district uses the annual academic excellence indicators and other evaluative information to identify and report to the public those programs and services that need improvement, and those programs of high quality that should be maintained.

(2) Criterion 2. The district, through its policies and actions, recognizes and promotes the rights of parents and the importance of parental involvement in the educational process.

(3) Criterion 3. The district's personnel, and its board of trustees, together with the representatives of the community, work harmoniously toward promoting and producing positive student learning outcomes.

§97.32. District Domain XI. District Resource Allocation. The district's efficient, adequate, and equitable distribution of resources ensures equality of opportunity to learn. Planning for resource allocation is based on identified student needs.

(1) Criterion 1. The district's board of trustees and the superintendent have established procedures for developing the budget.

(2) Criterion 2. The district's budget allocations reflect resources necessary to provide services for required instructional programs.

(3) Criterion 3. The district's board of trustees has considered the budgetary needs of the instructional programs before setting the tax rate.

§97.33. Campus Domain I. Instructional Leadership. Campus instructional leadership refers to the responsibility of the building principal for establishing and maintaining the tone and climate for teaching and learning at the school site. By law, the principal is designated as "the instructional leader of the school." The Texas Education Code, §21.753(c)(7), stipulates that criteria in the accreditation rules must include consideration of the effectiveness of the principal as an instructional leader. The principal is a key instructional leader whose main responsibility is to improve the quality of the instructional program. He or she demonstrates knowledge about the curriculum and instructional practices. A sense of shared community exists among faculty, students, and parents.

(1) Criterion 1. The campus principal is instrumental in developing and communicating the school mission and effectively focuses the energy and talent of students, staff, and community residents toward its realization.

(2) Criterion 2. The campus principal is actively involved in promoting a positive, supportive, and least restrictive environment for students with special needs.

(3) Criterion 3. The campus improvement teams, composed of representatives of parents and staff members, are engaged in planning activities under the leadership of the principal.

(4) Criterion 4. The campus administrators continually monitor school and classroom practices to ensure the effective implementation of campus plans.

(5) Criterion 5. The campus instructional programs are supervised and monitored by the principal.

(6) Criterion 6. The campus principal actively secures appropriate resources to meet the needs of staff members and students.

(7) Criterion 7. The campus principal ensures that counterproductive classroom practices are eliminated because of the classroom observation and teacher appraisal process.

(8) Criterion 8. The campus principal is responsible for managing test

data, supervising schoolwide instructional changes based on the data, monitoring student progress, and directing needed staff development.

(9) Criterion 9. The campus principal provides opportunity for all staff members to become involved in the day-to-day improvement of instruction and encourages ownership in the process.

§97.34. Campus Domain II. Instructional Focus. The instructional focus of a campus refers to efforts within the broader school context to ensure that instructional programs are designed to maximize the learning for all students. A clear and well-defined focus provides remedies to the socioeconomic and cultural barriers that typically impede student progress. Instructional programs are focused with specific objectives and evaluative measures in place. Teamwork and coordination characterize the interaction between departments and grade levels. Professional staff members understand the instructional goals that guide instructional practices.

(1) Criterion 1. Professional staff members on the campus commit themselves to ranking instruction above all other activities.

(2) Criterion 2. These staff members use a planning process to improve the quality and effectiveness of campus programs and services. Campus planning is consistent with the district's improvement plan.

(3) Criterion 3. Campus goals reflect the philosophy that all students can learn. Campus personnel demonstrate an awareness of school goals through their instructional practices.

(4) Criterion 4. Campus principals and teachers know and use a variety of proven instructional techniques, innovative approaches, and educational technologies that have reasonable expectations of success. Alternative delivery systems for instruction are used as needed.

(5) Criterion 5. Campus staff members understand it is their responsibility for the instructional program to impact student outcomes.

§97.35. Campus Domain III. School Climate. Climate on a school campus refers to the atmosphere that exists in a school and from which results the interaction of beliefs, values, and attitude shared by students, teachers, administrators, members of the support staff, and parents. Positive school climate is characterized by safety, orderliness, cleanliness, clear and reasonable disciplinary rules, a system for rewarding student behavior and academic performance, and special focus on at-risk students. Schools with a positive climate have teachers who are involved collaboratively in making decisions and they are highly valued as professionals.

(1) Criterion 1. Campus communications, collegiality, and collaboration are valued by the school staff in reaching campus goals.

(2) Criterion 2. Campus students are rewarded for academic and citizenship efforts and accomplishments.

(3) Criterion 3. Campus teachers are rewarded for academic efforts, professional growth, and instructional accomplishments.

(4) Criterion 4. Campus principals and teachers possess and exhibit skills in effective applications of classroom and discipline management strategies. Clear rules, policies, and expectations are effectively communicated and consistently enforced by all adults.

(5) Criterion 5. Campus environment is safe, orderly, clean, and conducive to learning.

§97.36. Campus Domain IV. Teacher Behavior and High Expectations. Teacher behavior refers to activities that teachers exhibit to help all students reach their maximum potential. Academic learning time is fully used by all teachers. Higher-level thinking skills are taught to all students. High expectations refers to the perceptions of the school teaching staff regarding a student's learning ability. These perceptions should translate into positive learning experiences for all students, regardless of cultural and social conditions. The belief that all students can learn characterizes the philosophy and policies of the campus principal and staff. Teachers provide quality feedback to students and parents regarding student performance.

(1) Criterion 1. Campus personnel receive staff development concerning implementation of campus plans reflecting the position that all students can learn, if they are given sufficient time and practice.

(2) Criterion 2. Campus administrators and teachers are responsible for making full use of allocated time and enhancing academic learning for all students.

(3) Criterion 3. Campus instruction includes the essential elements and higher-order thinking skills.

(4) Criterion 4. Campus guidance programs are predicated on the belief that all students must graduate, and they encourage all students to realize and reach their maximum potential.

(5) Criterion 5. Campus teachers and administrators believe it is their responsibility to teach all students and to demonstrate positive overt behaviors toward all students regardless of gender, race, and socioeconomic status.

§97.37. Campus Domain V. Assessment. Campus assessment refers to mea-

asuring student performance at specific times during the instructional process. Pretests, diagnostic instruments, checking for understanding before and after independent practice, and final examinations are forms of assessment. Assessment includes data required by the academic excellence indicators. The results of testing and other data are used to improve individual student performance, curriculum, and instructional practices.

(1) Criterion 1. Campus administrators and teachers carefully define what information they need and want about individual students and groups of students.

(2) Criterion 2. The campus uses a variety of assessment instruments for planning and evaluation purposes.

(3) Criterion 3. The campus needs assessment includes data required by the academic excellence indicators.

(4) Criterion 4. The campus assessment data are disaggregated and analyzed according to appropriate variables such as the socioeconomic status, ethnicity, and gender of the students.

(5) Criterion 5. The campus assessment data collected throughout the school year on a regular basis are used to modify materials, instruction processes, and instructional/support programs.

(6) Criterion 6. The results of the campus assessment are used to diagnose the individual strengths and weaknesses of students and they are also used in diagnostic and prescriptive processes.

(7) Criterion 7. The student performance data of a campus are used by its personnel to evaluate the effectiveness of its instructional programs.

§97.38. Campus Domain VI. Parental and Community Involvement. The campus effectively communicates expectations to all parents and community residents. Evidence indicates that parent staff members respect the expectations of parents and members of the community. Procedures for involvement are clearly communicated and used consistently. Parents actively participate in campus planning and improvement.

(1) Criterion 1. Citizens are systematically kept informed of campus-related events and issues.

(2) Criterion 2. Information is provided on an ongoing basis to encourage parents and community residents to participate in planning activities.

(3) Criterion 3. Campus administrators, teachers, and other professional staff members provide quality feedback to students, parents, and the community regarding the effectiveness of programs and services.

(4) Criterion 4. Campus programs promoting parental and community involvement are established and maintained.

(5) Criterion 5. Campus professional staff provide parents with techniques for helping students learn.

§97.39. Campus Domain VII. Campus Resource Allocation. The allocation of resources to a campus refers to both the process and product components of budgeting resources at the campus level. This concept incorporates the belief that the major portion of a district's budget is allocated to campus operations. This concept also expresses the belief that principals, with valuable input from professional staff, are responsible for developing the budget for their respective campuses according to the requirements in the Texas Education Code, §13.352(d)(3).

(1) Criterion 1. Campus resources are allocated equitably and efficiently, and they meet the identified instructional needs of the student population. The campus budget allocates resources for personnel and programs to provide necessary services for the number of eligible students.

(2) Criterion 2. Campus budget allocations are targeted for personnel and programs based on priorities identified in the campus improvement plan.

(3) Criterion 3. Campus resource allocations for special population programs can be identified by program and instructional arrangement.

(4) Criterion 4. District guidelines are followed for the generation and management of additional resources. These resources include funds allocated for parent-teacher organizations, school activities, booster clubs, and fund-raisers.

(5) Criterion 5. Campus resource allocations are equitable across campuses.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102914 Thomas E. Anderson, Jr.
Interim Commissioner of
Education

Effective date: April 2, 1991

Proposal publication date: December 7, 1990

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

Chapter 157. Hearings and Appeals

Subchapter D. Hearings Concerning Handicapped Students

• 19 TAC §§157.92, 157.94, 157.97

The Texas Education Agency (TEA) adopts amendments to §§157.92, 157.94, and 157.97, without changes to the proposed text

as published in the December 7, 1990, issue of the *Texas Register* (15 TexReg 6994). The amendments are required as a result of the federal review of the Texas State Plan for Fiscal Year 1991-1993 Part B of the Education of the Handicapped Act, as Amended. The amendments include changes to the TEA address and a Texas Administrative Code reference, and the addition of language to clarify the authority of a hearing officer to grant extensions for issuing a final written decision.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Part B of the Education of the Handicapped Act as amended by Public Law 94-142, 20 United States Code §1401 et seq., and 34 Code of Federal Regulations §300.1 et seq. which provide the Texas Education Agency with the authority to adopt rules regarding hearings and appeals for handicapped students.

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

Issued in Austin, Texas, on February 21, 1991.

TRD-9102915 Thomas E. Anderson, Jr.
Interim Commissioner of
Education
Texas Education Agency

Effective date: April 2, 1991

Proposal publication date: December 7, 1990

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part X. Texas Employment Commission

Chapter 301. Unemployment Insurance

• 40 TAC §301.9

The Texas Employment Commission adopts an amendment to §301.9, without changes to the proposed text as published in the February 8, 1991, issue of the *Texas Register* (16 TexReg 767).

The amendment will require the electronic payment of Unemployment Compensation contributions by those employers who paid \$500,000 or more in the previous year. This action is in conjunction to similar rules issued by the State Treasurer and State Comptroller, and will increase the efficiency of cash management procedures resulting in increased earnings of the Texas Unemployment Compensation Trust Fund.

The Texas Employment Commission will notify the liable employers who will choose the method and means of electronic transfer of funds. These funds will be transmitted to the State Treasurer for credit to the Texas Employment Commission Unemployment Compensation Trust Fund.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 5221b, which provide the Texas Employment Commission with the authority to adopt, amend, or rescind rules as it deems necessary for the effective administration of this Act.

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

Issued in Austin, Texas, on March 12, 1991.

TRD-9102892

J. Ferris Duhon
Legal Counsel
Texas Employment
Commission

Effective date: July 1, 1991

Proposal publication date: February 8, 1991

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





Name: Nick Angel
Grade: 10
School: Rockdale High School, Rockdale 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 outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Department of Agriculture

Thursday, March 27, 1991, 9 a.m. The Texas Department of Agriculture will meet at the Liberty National Bank Auditorium, 1900 Sam Houston, Liberty. According to the complete agenda, the department will hold a public hearing to receive public comments regarding proposed amendments to the Texas Herbicide Law regarding special provisions for Liberty County concerning aerial applications of 2,4-D.

Contact: Kelby R. Boldt, 2103 Cost Street, Liberty, Texas 77575, (512) 463-7583.

Filed: March 13, 1991, 4:49 p.m.

TRD-9103036

Thursday, March 28, 1991, 10 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, 122 Heiman Street, First Floor, San Antonio. According to the complete agenda, the department will hold an administrative hearing to review alleged violations of Texas Administrative Code by Ed Reynolds and Wendell Edwards.

Contact: Cordelia L. Martinez, P.O. Box 12847, Austin, Texas 78711, (512) 475-1609.

Filed: March 12, 1991, 2:01 p.m.

TRD-9102881

Monday, April 1, 1991, 9 a.m. The Texas Department of Agriculture will meet at the Texas Department of Agriculture District Office, Expressway 83, Two Blocks West of Morningside Road, San Juan. According to the complete agenda, the department will hold an administrative hearing to review alleged violations of Texas Agriculture Code and/or Texas Administrative Code by Patrick Kormegay doing business as Sun Valley Dusting.

Contact: Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

Filed: March 12, 1991, 2:02 p.m.

TRD-9102883

Texas Alcoholic Beverage Commission

Monday, March 25, 1991, 2 p.m. The Texas Alcoholic Beverage Commission will meet at 5806 Mesa, Room 180, Austin. According to the complete agenda, the commission will approve minutes of March 4, 1991 meeting; hear administrator's and staffs' report of agency activity; and approve affidavit of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: March 12, 1991, 1:48 p.m.

TRD-9102875

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

Friday, March 22, 1991, 9 a.m. The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons will meet at the Texas Commission for the Blind, Criss Cole Rehabilitation Center, Auditorium, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the committee will call the meeting to order; introduce members and guests; accept minutes from December 13 and 14, 1990 meeting; discussion and action on new services; renewal services; new products; product changes and revisions; discussion and action of America Provides Foundation Inc.'s Ceramic and Plastic Highway Markers contract; work stations in industry/enclaves; TIBH Commission reduction; and adjourn.

Contact: Michael T. Phillips, P.O. Box 12866, Austin, Texas 78711, (512) 459-2604.

Filed: March 14, 1991, 9:48 a.m.

TRD-9103042

Bond Review Board

Thursday, March 21, 1991, 10 a.m. The Bond Review Board will meet at the State Capitol, Sergeant's Committee Room, Austin. According to the agenda summary, the board will call the meeting to order; approve minutes; consider proposed issues; discuss other business; and adjourn.

Contact: Tom K. Pollard, 506 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1741.

Filed: March 13, 1991, 4:49 p.m.

TRD-9103037

Credit Union Department

Wednesday, March 20, 1991, 10 a.m. The Credit Union Commission of the Credit Union Department will meet at the Credit Union Department Building, 914 East Anderson Lane, Austin. According to the complete agenda, the commission will invite public input for future consideration; receive minutes of January 31, 1991 and March 4, 1991 meetings; communications reported by the commissioner; reports by the Director Qualifications and Commissioner Evaluation Committees; consider final adoption of rule 91.206; emergency repeal of Rules 95.3, 95.306, 95.307 and 95.308; emergency proposed rules 95.3, 95.306 and 95.307; emergency proposed amendments of rules 95.02, 95.201 and 95.309; repeal of rules 95.3, 95.306, 95.307 and 95.308; proposed amendments to rules 91.402, 95.02, 95.201 and 95.309; proposed rules 95.3, 95.306 and 95.307; conduct an executive session to discuss credit unions and problem cases and to confer with legal counsel regarding impending hearings.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: March 12, 1991, 12:54 p.m.

TRD-9102873

Wednesday, March 20, 1991, 10 a.m. The Credit Union Commission of the Credit Union Department will meet at the Credit

Union Department Building, 914 East Anderson Lane, Austin. According to the emergency revised agenda, the commission will receive a report on legislation. The emergency status is necessary to inform the commission of the potential impact of Senate Bill 1309 on the Credit Union Department.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

Filed: March 14, 1991, 9:21 a.m.

TRD-9103041

Texas Department of Criminal Justice

Thursday, March 21, 1991, 1:30 p.m. The Community Justice Assistance Division of the Texas Department of Criminal Justice will meet at 8100 Cameron Road, Conference Room, Suite 600, Building B, Austin. According to the complete agenda, the division will review and discuss "Time to Think", a cognitive model of offender rehabilitation.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: March 12, 1991, 3:19 p.m.

TRD-9102900

Thursday, March 21, 1991, 1:30 p.m. The Community Justice Assistance Division of the Texas Department of Criminal Justice will meet at 8100 Cameron Road, Conference Room, Suite 600, Building B, Austin. According to the complete agenda, the division will review boot camp guidelines; electronic monitoring update; grant deobligations and adjustments; grant applications; standard conditions for grant awards and CCP funded programs; community corrections program (CCP) progress report; substance abuse treatment facility guidelines approval; Community Justice plans (CJP) for FY 1992; a status report; CJP commitment statement discussion.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: March 12, 1991, 3:20 p.m.

TRD-9102902

Friday, March 22, 1991, 9 a.m. The Community Justice Assistance Division of the Texas Department of Criminal Justice will meet at 8100 Cameron Road, Conference Room, Suite 600, Building B, Austin. According to the complete agenda, the division will call the meeting to order; introduce guests; approve minutes; program recognition committee report; grants review committee report; information items; employment services program status; intermediate sanctions benchbook project status report; data services statistical report; hear execu-

tive division report; discuss other administrative business; set date of next meeting; and adjourn.

Contact: Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

Filed: March 12, 1991, 3:19 p.m.

TRD-9102901

Texas State Board of Dental Examiners

Saturday, March 23, 1991, 2:30 p.m. The Laboratory Certification Council of the Texas State Board of Dental Examiners will meet at the Harvey House, 14315 Midway Road, Dallas. According to the complete agenda, the council will meet to discuss Rule 116; registration revisions; and to hear any complaints.

Contact: C. Thomas Camp, 327 Congress Avenue, #500, Austin, Texas 78701, (512) 477-2985.

Filed: March 14, 1991, 8:08 a.m.

TRD-9103038

Texas Education Agency

Tuesday, March 19, 1991, 10 a.m. The Commissioner's Advisory Council for Regional Services-Committee for Research and Development will hold an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will review actions taken by the State Board of Education (SBOE); discuss Public Education Information Management System (PEIMS); discuss computer services to school districts; and discuss current legislation and its effect on service centers. The emergency status is necessary as the agency finds it is of urgent public necessity for this meeting to be held at this time so the council can review current legislation and its effect on service centers.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: March 14, 1991, 9:52 a.m.

TRD-9103045

Tuesday, March 19, 1991, 1:30 p.m. The Commissioner's Advisory Council for Regional Services-Committee for Operations and Services/Special Programs will hold an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the committee will review actions by the SBOE; discuss issues related to the education service center comprehensive plan and application; discuss current legislation and its effect on service centers. The emergency status is necessary as the

agency finds it is of urgent public necessity for this meeting to be held at this time so the council can review current legislation and its effect on service centers.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: March 14, 1991, 9:51 a.m.

TRD-9103044

Tuesday, March 19, 1991, 1:30 p.m. The Commissioner's Advisory Council for Regional Services-Committee for Accreditation will hold an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will review actions taken by the SBOE; discuss issues related to the provision of training services to school districts; discuss current legislation and its effect on service centers. The emergency status is necessary as the agency finds it is of urgent public necessity for this meeting to be held at this time so the council can review current legislation and its effect on service centers.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: March 14, 1991, 9:52 a.m.

TRD-9103046

Tuesday, March 19, 1991, 1:30 p.m. The Commissioner's Advisory Council for Regional Services-Committee for Curriculum and Personnel Development will hold an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the complete agenda, the committee will review actions taken by the SBOE; discuss efforts for curriculum and personnel development by TEA and Education Service Centers. The emergency status is necessary as the agency finds it is of urgent public necessity for this meeting to be held at this time so the council can review current legislation and its effect on service centers.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: March 14, 1991, 9:52 a.m.

TRD-9103047

Wednesday, March 20, 1991, 8:30 a.m. The Commissioner's Advisory Council for Regional Services General Session will hold an emergency meeting at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the council will hear committee reports; comments from the Interim Commissioner of Education; and discussion of current legislation and its effect on service centers. The emergency status is necessary as the agency finds it is of urgent public necessity for this meeting to be held at this time so the council can review cur-

rent legislation and its effect on service centers.

Contact: J. Robert Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9371.

Filed: March 14, 1991, 9:53 a.m.

TRD-9103048

Texas Department of Human Services

Wednesday, March 20, 1991, 10:30 a.m.

The Texas Board of Human Services of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the agenda summary, the board will implement the board adopted position statement on the development of community based services for persons with disabilities; discuss consultant contracts; pending equal employment opportunity commission complaints filed against DHS since January 1990; survey of DHS facilities and contracted providers of department services for accessibility by persons with disabilities; and time, place and dates of future board meetings.

Contact: Bill Woods, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3047.

Filed: March 12, 1991, 4:22 p.m.

TRD-9102962

Department of Information Resources

Thursday, March 21, 1991, 9 a.m. The Board of the Department of Information Resources will meet at One Capitol Square, Suite 1300, 300 West 15th Street, Austin. According to the complete agenda, the board will call the meeting to order; take roll call and witness registration; approve meeting minutes; hear executive director's report; division reports, financial reports through February 28, 1991, February parity report; discussion and adoption of the proposed rules for specification review; discussion and vote on ISD hardware needs; DIR Strategic Plan for IRM; discussion of TEAA division and vote on vendor policy; legislation issues; discuss other business; hear public testimony; and adjourn.

Contact: Debra Williams, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 371-1120.

Filed: March 12, 1991, 4:29 p.m.

TRD-9102963

State Board of Insurance

Wednesday, March 13, 1991, 9 a.m. The State Board of Insurance met at 1110 San

Jacinto Street, State Insurance Building, Room 460, Austin. According to the complete agenda, the board considered a request from the American States Insurance Company of Texas for cessation of acceptance of small premium policies through the Small Premium Policy Plan of the Texas Workers' Compensation Insurance facility. The emergency status was necessary in order to comply with the clear mandate of the legislature and to assure that the petitioner is not disadvantaged.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: March 12, 1991, 2:49 p.m.

TRD-9102896

Wednesday, March 20, 1991, 9 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, State Insurance Building, Room 460, Austin. According to the agenda summary, the board will consider proposed action on amendments to 28 TAC 19.1001-19.1012; internal audit report on Commodore County Mutual; discuss personnel; and litigation.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: March 12, 1991, 2:50 p.m.

TRD-9102897

Thursday, March 21, 1991, 1:30 p.m. The State Board of Insurance will meet at 1110 San Jacinto Street, State Insurance Building, Room 460, Austin. According to the agenda summary, the board will discuss personnel; litigation; solvency matters; and amendments to the personnel manual.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: March 13, 1991, 2:45 p.m.

TRD-9103022

Tuesday, April 23, 1991, 9 a.m. The State Board of Insurance will meet at 1110 San Jacinto Street, State Insurance Building, Room 460, Austin. According to the complete agenda, the board will consider a request by Contract Employment Systems, Inc., for a hearing concerning calculation of experience modifier applicable to workers' compensation insurance premiums.

Contact: Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6328.

Filed: March 12, 1991, 2:50 p.m.

TRD-9102898

Commission on Jail Standards

Wednesday, March 27, 1991, 9 a.m. The Commission on Jail Standards will meet at the Employees Retirement Building, Room 100, 18th and Brazos Streets, Austin. Ac-

ording to the agenda summary, the commission will call the meeting to order; take roll call of members; reading and approval of minutes of last meeting of January 23, 1991; recognition of new members; departing members; discuss old business: Midland County, Uvalde County, Juvenile Justice survey; HIV/AIDS workshops and program; education committee report; NIC short term technical assistance; status of private facilities; status of Sunset Review; completed jail projects; jail population report and active remedial orders; discuss new business: Ector County; Rockwall County; Washington County; Wichita County; status of FY 1992-1993 appropriations; regulating privately operated city facilities; change to standards; housing out-of-state prisoners and pending legislation affecting jail commission; application for variances for Bailey County and Kerr County; hear directors report; discuss other business; meet in executive session; and adjourn.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505.

Filed: March 13, 1991, 2:04 p.m.

TRD-9103019

Texas Department of Licensing and Regulation

Wednesday, March 20, 1991, 11 a.m. The Talent Agency Department of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold a hearing on Motion to Compel Phoenix Texas Publishing, Inc. doing business as Faces International pursuant to Articles 5221a-9 and 9100.

Contact: Imelda Martinez Escobar, 920 Colorado Street, Austin, Texas 78701, (512) 463-7332.

Filed: March 12, 1991, 11:48 a.m.

TRD-9102871

Thursday, March 28, 1991, 9 a.m. The Auctioneering Department of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Maurice "Skip" Macklem for violation of Statutes, Articles 8700, 9100.

Contact: Imelda Martinez Escobar, 920 Colorado Street, Austin, Texas 78701, (512) 463-7332.

Filed: March 12, 1991, 11:48 a.m.

TRD-9102872

Texas National Guard Armory Board

Saturday, March 23, 1991, 3 p.m. The Texas National Guard Armory Board will meet at the Marriott Hotel, 900 North Shoreline Boulevard, Corpus Christi. According to the agenda summary, the board will approve minutes of previous meeting; review and discuss administrative matters; construction/renovation/maintenance; property/leases; and establish date of next meeting.

Contact: Sandra Hille, P.O. Box 5426, Austin, Texas 78763, (512) 451-6143.

Filed: March 13, 1991, 10:30 a.m.

TRD-9102981

State Pension Review Board

Tuesday, April 2, 1991, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the State Capitol Building, Senate Sergeant's Committee Room, Austin. According to the complete agenda, the committee will prepare impact statements on pension legislation 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: March 12, 1991, 2:04 p.m.

TRD-9102885

Tuesday, April 9, 1991, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the State Capitol Building, Senate Sergeant's Committee Room, Austin. According to the complete agenda, the committee will prepare impact statements on pension legislation 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: March 12, 1991, 2:05 p.m.

TRD-9102886

Tuesday, April 16, 1991, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the State Capitol Building, Senate Sergeant's Committee Room, Austin. According to the complete agenda, the committee will prepare impact statements on pension legislation 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: March 12, 1991, 2:05 p.m.

TRD-9102887

Tuesday, April 23, 1991, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the State Capitol Building, Senate Sergeant's Committee Room, Austin. According to the complete agenda, the committee will prepare impact statements on pension legislation 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: March 12, 1991, 2:06 p.m.

TRD-9102888

Tuesday, April 30, 1991, 8:30 a.m. The Legislative Advisory Committee of the State Pension Review Board will meet at the State Capitol Building, Senate Sergeant's Committee Room, Austin. According to the complete agenda, the committee will prepare impact statements on pension legislation 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: March 12, 1991, 2:06 p.m.

TRD-9102889

Public Utility Commission of Texas

Wednesday, March 20, 1991, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the commission will consider the following dockets: 9491, 8702, 8922, 8939, 8940, 8946, 8233, 8944, 8945, 8947, 8948, 8949, 8774, 8775, 8772, 7952, 9066, 8892, 9866, 9453, 8677, 9324, 9746, 9816, 9566, 9643, 9232, 9419, 9647, 9827, P9708, and P10103.

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

Filed: March 12, 1991, 4:03 p.m.

TRD-9102909

Monday, April 15, 1991, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the agenda summary, the division will hold a hearing on the merits in Docket Number 9469-application of Brazos Electric Power Cooperative, Inc. for a Certificate of Convenience and Necessity for proposed transmission line and substation within Dallas and Denton counties.

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

Filed: March 12, 1991, 4:03 p.m.

TRD-9102910

Thursday, May 2, 1991, 10 a.m. The Public Utility Commission will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 9967-application of Southwestern Bell Telephone Company for approval of revisions to the access service tariff.

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

Filed: March 13, 1991, 3:36 p.m.

TRD-9103030

Tuesday, May 14, 1991, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a hearing on the merits will be held in Docket Number 10059-application of Brazos Electric Cooperative, Inc. notice of intent to apply for a Certificate of Convenience and Necessity for proposed generating facilities.

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

Filed: March 13, 1991, 3:36 p.m.

TRD-9103029

Texas National Research Laboratory Commission

Wednesday, March 20, 1991, noon. The Texas National Research Laboratory Commission will meet at the Dallas Love Field Airport Administration Offices, Conference Room A, Dallas. According to the agenda summary, the commission will take roll call of members; meet in executive session; hear public comment; adjourn and reconvene at 1:30 p.m.; hear chairman's report; executive director's report; general counsel's report; committee reports; and commissioner reports, hear public comment; and adjourn.

Contact: Karen L. Chrestay, 1801 North Hampton Road, #400, DeSoto, Texas 75115, (214) 709-3800.

Filed: March 13, 1991, 9:44 a.m.

TRD-9102979

Texas State Soil and Water Conservation Board

Wednesday, March 20, 1991, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 311 North Fifth Street, Conference Room, Temple. According to the complete revised agenda, the board will review and take appropriate action on the following: minutes of the January 16, 1991

board meeting; district director appointments; consider subdivision changes in High Point SWCD #230; consider subdivision changes in Comal-Guadalupe SWCD #306; appoint planning committee for annual state meeting; district audit status report; report on district technical assistance survey; report on Uniform Statewide Accounting System implementation; Senate Bill 111 funding reductions and performance audits; Fiscal Year 1991 budget report; status report on 1992-1993 legislative appropriations request; Fiscal Year 1991 technical assistance allocations; Fiscal Year 1991 Subchapter H allocations; Starr County SWCD request for waiver under technical assistance program rules; status report on nonpoint source management; Fiscal Year 1991 319 funding; Galveston Bay Program; Gulf of Mexico Program; Gunsolus Creek Watershed; update on legislative issues; statewide watershed study; annual awards program; state board member elections; information/education report; reports from agencies and guests; board member travel; set date for next board meeting; environmental evaluations by Soil Conservation Service.

Contact: Robert G. Buckley, P.O. Box 658, Temple, Texas 76503, (817) 773-2250, STS 820-1250.

Filed: March 12, 1991, 1:59 p.m.

TRD-9102878

Texas Guaranteed Student Loan Corporation

Thursday, March 21, 1991, 9 a.m. The Board of Directors of the Texas Guaranteed Student Loan Corporation will meet at 12015 Park 35 Circle, Colonnade Building, Suite 300, Austin. According to the complete agenda, the board will call the meeting to order; approve minutes of December 13, 1990; financial status of corporation; acceptance of FY 1990 Cooper's Audit; review of the management letter; financial forecast for remainder of FY 1991; legislative update: status of state legislative efforts; status of reauthorization of federal legislation; hear president's report; discuss old business: loan servicing status report; report of ad hoc committee on fringe benefits; discuss new business; meet in executive session to discuss legal matters concerning Sallie Mae; collection contracts; Department of Education; and adjourn.

Contact: Peggy Irby, P.O. Box 15996, Austin, Texas 78761-5996, (512) 835-1900.

Filed: March 13, 1991, 12:07 p.m.

TRD-9102993

The Texas A&M University System

Thursday, March 21, 1991, 1 p.m. The Planning and Building Committee of the Board of Regents of Texas A&M University

System will meet at the Board of Regents Meeting Room, College Station. According to the agenda summary, the committee will act on bids; review and discuss appropriations of funds; change in appropriation source for the Satellite Utility Plant; change in appropriation source for the University Center expansion and new parking garage; change in appropriation source for the service and trust agreement with Texas Medical Center; change in appropriation source for dormitory asbestos abatement; initiation of major construction projects; report of contract actions by the chancellor; report of contract actions by the presidents; report of construction project appropriations/authorization by the chancellor.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 12, 1991, 10:55 a.m.

TRD-9102866

Thursday, March 21, 1991, 2:20 p.m. The Committee for Service Units of the Board of Regents of Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the complete agenda, the committee will issue authorization to execute license agreement, Texas Agriculture Experiment Station.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 12, 1991, 10:56 a.m.

TRD-9102868

Thursday, March 21, 1991, 2:30 p.m. The Academic Campuses Committee of the Board of Regents of Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the agenda summary, the committee will discuss exceptions to minimum work week; change in fees, rates, tuition, charges and board; authorization for degrees; execute agreement with Waller Independent School District; revise faculty workload policy; create Institute of Marine Life Sciences; and emeritus.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 12, 1991, 10:56 a.m.

TRD-9102870

Thursday, March 21, 1991, 3:15 p.m. The Budget and Fiscal Affairs Committee of the Board of Regents of Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the agenda summary, the committee will give a report of appropriations for unappropriated sources; authorization for revenue financing system capital note program; appropriations from the AUF; authorization for transfer of funds; and authorization for emergency funding.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 12, 1991, 10:56 a.m.

TRD-9102869

Thursday-Friday, March 21-22, 1991, 3:45 p.m. and 9 a.m. respectively. The Executive Committee of the Board of Regents of Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the agenda summary, the committee will adopt resolutions; review and discuss budget and fiscal transfers, salary increases and new positions; acceptance of gifts, grants, loans and bequests; confirmation of terminations; appointments and promotions; tenure; appointment to the board of visitors; appointment of the Dean for the Graduate School of West Texas State University; disposition and acquisition of real estate; authorization to lease stadium; consider any and all things leading to the appointment of the chancellor of the Texas A&M University System; naming of facilities; reorganization of board; consideration of the report of the American Bar Association regarding the proposal to initiate law school at TAIU; report on LoTrak Project; reconsider establishment of positions and potential appointments for the Texas A&M University System.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 12, 1991, 10:55 a.m.

TRD-9102867

Friday, March 22, 1991, 11:30 a.m. The Board of Regents of Texas A&M University System will meet at the Board of Regents Meeting Room, College Station. According to the agenda summary, the board will adopt resolutions; budget and fiscal transfers, salary increases and new positions; acceptance of gifts, grants, loans, and bequests; confirmation of terminations; appointments and promotions; tenure; appointment to the board of visitors; appointment of the Dean for the Graduate School of West Texas State University; disposition and acquisition of real estate; authorization to lease stadium; consider any and all things leading to the appointment of the Chancellor of the Texas A&M University System; naming of facilities; reorganization of board; consideration of the report of the American Bar Association regarding the proposal to initiate law school at TAIU; report on LoTrak Project; reconsider establishment of positions and potential appointments for the Texas A&M University System; authorization to execute license agreement, Texas Agricultural Experiment Station; recommendations for actions by the board on items on the agenda from the System Planning and Construction Department; report of Appropriations for unappropriated sources; authorization for Revenue

Financing System Capital Note Program; appropriations from the AUF; authorization for transfer of funds; for emergency funding; exceptions to minimum work week; change in fees, rates, tuition, charges and board; authorization for degrees; execute agreement with Waller Independent School District; revise faculty workload policy; create Institute of Marine Life Sciences; and, emeritus.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: March 12, 1991, 10:55 a.m.

TRD-9102865

Texas Southern University

Tuesday, March 19, 1991, 4 p.m. The Board of Regents Building and Grounds Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider construction change orders; payment to architects, contractors and engineers; authorization and ratification of contracts and awards; and review of on going construction and current contractual relations.

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

Filed: March 13, 1991, 8:49 a.m.

TRD-9102974

Tuesday, March 19, 1991, 5 p.m. The Board of Regents Development Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider reports from the administration on university fund raising.

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

Filed: March 13, 1991, 8:48 a.m.

TRD-9102972

Thursday, March 28, 1991, 4 p.m. The Board of Regents Finance Committee of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committee will consider matters relating to financial reporting systems, and budgets; fiscal reports from the administration; investments, and informational items.

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

Filed: March 13, 1991, 8:49 a.m.

TRD-9102973

Wednesday, April 3, 1991, 5:30 p.m. The Board of Regents Academic Affairs and Personnel Committees (Jointly) of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, Hannah Hall, Room 117, Houston. According to the complete agenda, the committees will consider report on progress of academic activities and programs; and personnel actions.

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

Filed: March 13, 1991, 8:50 a.m.

TRD-9102976

Friday, April 5, 1991, 8:30 a.m. The Board of Regents of Texas Southern University will meet at Texas Southern University, 3100 Cleburne Avenue, University Library, Fifth Floor, Houston. According to the complete agenda, the board will consider minutes; budget changes; investments; budgets for restricted and/or grants and projects funds; construction change orders; authorization and ratification of contracts and awards; review of on going construction and current contractual relations; personnel actions; report on progress of academic activities and programs; hear report of the president; and meet in executive session.

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

Filed: March 13, 1991, 8:50 a.m.

TRD-9102975

Texas State Technical Institute

Friday, March 22, 1991, 1 p.m. The Board of Regents of Texas State Technical Institute will meet at the TSTI-Harlingen Student Center, TSTI-Harlingen Campus, Harlingen. According to the agenda summary, the board will discuss and review the following TSTI Policy Committee minute orders and reports: policy committee for instruction and student services; policy committee for facilities; policy committee for fiscal affairs; policy committee for human resources and development; and committee of the whole.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 13, 1991, 10:36 a.m.

TRD-9102987

Saturday, March 23, 1991, 8 a.m. The Board of Regents of Texas State Technical Institute will meet at the Short Course Center, TSTI-Harlingen Campus, Harlingen. According to the agenda summary, the board will approve minutes; review and discuss classes meeting with less than ten students; Auto Body Associate Degree at

TSTI-Waco; Flight Attendant Associate Degree at TSTI-Waco; Dental Hygienist program at TSTI-Harlingen; emergency medical technology programs at TSTI-Harlingen; Waste Management Technical program at TSTI-Amarillo; Associate Degree for Auto Body Technical at TSTI-Sweetwater; requests for budget change; authorization to purchase general liability insurance; acceptance of trust account from Mrs. Lance Sears; ground lease agreement with Century Development Corporation for student housing at Waco; lease agreement with Elsinore Airfram Services for ramp area at Waco; sale of excess property at TSTI-Amarillo; lease agreement with Jack-B-Quik Grocery at TSTI-Amarillo; lease with Johnson Filtration Products, Inc. at TSTI-Amarillo; lease agreement with Service Filtration Corporation at TSTI-Amarillo; demolition of buildings 34-2 at TSTI-Waco; amendment to 1990 TSTI-Waco Master Plan; acceptance of the TSTI-Waco Airport Master plan prepared by Carter & Burgess, Inc.; easement to TU Electric of land for construction of a substation at TSTI-Waco; abandonment of Maebr Road at Waco; change of street name at TSTI-Waco; authority to accept EDA grant for Aerospace Technical Center at TSTI-Waco; renewal of easement of right-of-way with Chrysler Technologies Airborne Systems at TSTI-Waco; award contract for construction of engineering graphics buildings at Harlingen; official designation of engineering buildings as the George Young Engineering Technical Center; select architectural firm for learning resource at Harlingen; advertise and accept bids for expansion of learning resource at Harlingen; accept a grant from EDA for Applied Technical Educational Center at Sweetwater; authorization to secure third party administrator for employee group insurance program and approval of smoking policy for the TSTI System; and meet in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2, Subsections (f) and (g), to discuss matters relating to personnel, real estate and litigations.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: March 13, 1991, 10:34 a.m.

TRD-9102986

Texas Turnpike Authority

Friday, March 22, 1991, 2 p.m. The Right-of-Way Acquisition Committee of the Texas Turnpike Authority will meet at the Texas Turnpike Authority Administration Building, 3015 Raleigh Street, Dallas. According to the complete agenda, the committee will take roll call of directors; meet in executive session pursuant to Article 6252-17, Vernon's Annotated Civil Statutes: §2(f) to discuss real property purchase, exchange, lease donations, and related ne-

gotiations regarding DNT appraisal/offer/purchase List Number 47; consider purchase of right-of-way parcels for the Dallas North Tollway; and adjourn.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: March 12, 1991, 4:42 p.m.

TRD-9102966

University of Houston

Monday, March 18, 1991, 2 p.m. The Animal Care Committee of the University of Houston met at the University of Houston, Room 201, S&R II, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee may have approved February minutes; reviewed and discussed renewal protocols; new protocols; and per diem rates.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 749-3412.

Filed: March 12, 1991, 10:40 a.m.

TRD-9102861

University of Texas System

Monday, March 18, 1991, 9:15 a.m. The Board of Regents of the University of Texas System met at the Ashbel Smith Hall, Regents' Meeting Room, Ninth Floor, 201 West Seventh Street, Austin. According to the complete agenda, the board considered personnel matters related to the election of officers of the board. If appropriate, the board will meet in executive session pursuant to Vernon's Texas Civil Statutes, Article 6252-17, §2(g) related to this personnel matter.

Contact: Arthur H. Dilly, P.O. Box N, U.T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: March 13, 1991, 9:01 a.m.

TRD-9102978

Texas Water Commission

Wednesday, March 13, 1991, 3 p.m. The Texas Water Commission met at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission considered various matters within the regulatory jurisdiction of the commission. In addition, the commission considered items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may have taken various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: March 13, 1991, 12 p.m.

TRD-9102991

Thursday, March 14, 1991, 9 a.m. The Waste Reduction Advisory Committee of the Texas Water Commission held an emergency meeting at the Texas Law Center, Rooms 202 and 203, 1414 Colorado Street, Austin. According to the complete agenda, the committee made introductions; TWC staff presentations; continued discussion of the issues; and adjourned. The emergency status was necessary because of the expedited schedule for testimony on proposed pollution prevention legislation by the legislature required the committee to take up discussion of these issues.

Contact: Priscilla Seymour, Ph.D., P.O. Box 13087, Austin, Texas 78711, (512) 463-7761.

Filed: March 12, 1991, 4:48 p.m.

TRD-9102967

Wednesday, March 27, 1991, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: March 12, 1991, 4:19 p.m.

TRD-9102952

Wednesday, March 27, 1991, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: March 12, 1991, 4:18 p.m.

TRD-9102951

Thursday, April 4, 1991, 10 a.m. The Texas Water Commission will meet at the William B. Travis Building, Room 6-100,

1701 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an appeal by Taiwan Shrimp Farm Development, Inc. on Arroyo Water Supply Corporation, Docket Number 8870-X.

Contact: Carol Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:21 p.m.

TRD-9102961

Monday, April 8, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1030, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an appeal by ratepayers concerning a water and sewer rate increase by Forest Cove Municipal Utility District, Docket Number 8882-W.

Contact: Mary Sahn, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:20 p.m.

TRD-9102957

Friday, April 12, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1030, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an appeal protesting M.S. Water Supply Corporation's capital recovery/improvement charges for new connections, Docket Number 8932-X.

Contact: Heidi Jackson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:20 p.m.

TRD-9102960

Friday, April 12, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an application for a water certificate of convenience and necessity for Dean Martin doing business as Matco Utilities Company also known as H & J Utility Company, Harris County, Docket Number 8742-C.

Contact: Carol Ann Wood, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:20 p.m.

TRD-9102959

Monday, April 15, 1991, 10 a.m. The Texas Water Commission will meet at the William B. Travis Building, Room 6-101, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an appeal by ratepayers on a water rate increase by Two Way Water Supply Corporation, Docket Number 8992-W.

Contact: Leslie Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:20 p.m.

TRD-9102958

Thursday, April 18, 1991, 9 a.m. (Rescheduled from February 26, 1991). The Office of Hearings Examiner of the Texas Water Commission will meet at the Galveston City Hall, Council Chambers, 823 Rosenberg, Galveston. According to the agenda summary, the office will consider an application by McGinnes Industrial Maintenance Corporation for renewal of Permit Number 01221 authorizing a discharge of sludge supernatant effluent into the Intracoastal Waterway; thence into West Bay, Segment Number 2424 of the Bays and Estuaries.

Contact: Leslie Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:18 p.m.

TRD-9102949

Thursday, April 18, 1991, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Bosque County Courtroom, District Courtroom, Second Floor, Corner of Main and Morgan Street, Meridian. According to the agenda summary, the office will consider an application by Clifford Deal doing business as Spring Valley Drive for permit amendment of Permit Number 02049 to include all dairy expansion projects which have been implemented. The dairy is on the south side of State Highway 174, at the intersection of State Highway 174 and FM Road 56 in Bosque County.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:18 p.m.

TRD-9102948

Thursday, April 18, 1991, 10 a.m. The Texas Water Commission will meet at the William B. Travis Building, Room 6-101, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an appeal by ratepayers concerning a water rate increase by the City of Murphy, Docket Number 8944-W.

Contact: Angela Demerle, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:19 p.m.

TRD-9102954

Friday, April 26, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an application for a water certificate of convenience and necessity for Johnny Sheppard, Jr. in Orange County, Docket Number 8858-C.

Contact: Claire P. Arenson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:19 p.m.

TRD-9102955

Monday, April 29, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on an appeal by ratepayers concerning a water and sewer rate increase by Harris County Fresh Water Supply District Number 1-B, Docket Number 8990-W.

Contact: Deborah Parker, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:19 p.m.

TRD-9102956

Thursday, May 2, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 618, 1700 North Congress Avenue, Austin. According to the complete agenda, the commission will hold a public hearing on an application by Larry J. Langbein for an 11.121 water use permit.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:18 p.m.

TRD-9102950

Tuesday, May 7, 1991, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Haggard Library, 2501 Coit Road, Plano. According to the agenda summary, the office will consider an application by Clemons Creek Joint Venture for renewal of Permit Number 12899-01 authorizing a discharge of treated domestic wastewater effluent into Clemons Creek; thence to the East Fork of the Trinity River; thence to Lake Lavon in Segment Number 0821 of the Trinity River Basin.

Contact: Kerry Sullivan, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: March 12, 1991, 4:19 p.m.

TRD-9102953

Texas Water Development Board

Wednesday, March 20, 1991, 4 p.m. The Finance Committee of the Texas Water Development Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the February 25, 1991 meeting; be briefed on the status of the Bond Insurance Program; and discuss items on the agenda of the March 21, 1991 board meeting.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 12, 1991, 3:57 p.m.

TRD-9102908

Thursday, March 21, 1991, 9 a.m. The Texas Water Development Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the board will consider minutes of February 25, 1991; hear Development Fund Manager's report; selection of a financial advisor and structuring of a bond revenue program; extension of commitments for Cities of Prairie View and Bartlett, and Fort Bend Flood Control WSC; Phase I report for Cameron Park; financing structure of state participation projects; requests for financial assistance from Cities of Houston, Bridgeport, Jasper, Bryan, Conroe, Snyder, Millsap WSC; Greater Texoma Utility Authority (GTUA)/City of Tom Bean change in scope; amend commitment for GTUA/City of Whitewright; extending execution deadline for grant with Texas Tech University; allocating research and planning funds for remainder of FY 1991; planning grant awards for Cities of Abilene, Victoria, Austin and Sweetwater, South Texas Water Authority, Barton Springs/Edwards Aquifer Conservation District, Nueces River Authority, Brazos Bend Water Authority, Harris-Galveston Coastal Subsidence District and Tarrant County WC&ID Number One.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 13, 1991, 1:44 p.m.

TRD-9102994

Texas Water Resources Finance Authority

Thursday, March 21, 1991, 9 a.m. The Texas Water Resources Finance Authority will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the complete agenda, the authority will consider approval of the minutes of the regular meeting of February 25, 1991; selection of a financial advisor; a request by the City of Gatesville (Coryell County) to purchase the outstanding \$7,925,000 City of Gatesville Utility System Refunding and Improvement Bonds, Series 1985; a request from the City of Cedar Park (Williamson County) for the refunding of the Waterworks and Sewer System Revenue Bonds, Series 1984 and Series 1984-B.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: March 13, 1991, 1:44 p.m.

TRD-9102995

Texas Workers' Compensation Commission

Friday, March 15, 1991, 1:30 p.m. The Medical Advisory Committee of the Texas Workers' Compensation Commission met at the Southfield Building, Room 950, 4000 South IH-35, Austin. According to the complete agenda, the committee met and took roll call; reviewed, discussed and considered committee role; introduced members; discussed, considered and selected three nominees for chairmanship; presented, discussed, and considered medical fee guideline; selected next meeting date; and adjourned.

Contact: Nancy J. Kozak, 200 East Riverside Drive, First Floor, Austin, Texas 78704, (512) 448-7900.

Filed: March 12, 1991, 10:47 a.m.

TRD-9102864

Regional Meetings

Meetings Filed March 12, 1991

The Tax Appraisal District of Bell County Board of Directors will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, March 20, 1991, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext 29. TRD-9102877.

The Bexar Appraisal District Board of Directors held an emergency meeting at 535 South Main Street, San Antonio, March 18, 1991, at 5 p.m. The emergency status was necessary as this was the only time a quorum of board members could meet. Information may be obtained from B. Houston, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9102874.

The Central Appraisal District of Johnson County Appraisal Review Board held an emergency meeting at 109 North Main Street, Suite 201, Room 202, Cleburne, March 14, 1991, at 9 a.m. The emergency status was necessary for ARB hearings on litigation. Information may be obtained from Jackie Gunter, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9102860.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, March 21, 1991, at 4:30 p.m. Information may be obtained from Jackie Gunter, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9102859.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, March 19, 1991, at 7:30 p.m. Information may be obtained

from Michael Muegge, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841. TRD-9102907.

The Lamar County Appraisal District Board will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, March 15, 1991, at 5 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (214) 785-7822. TRD-9102876.

Meetings Filed March 13, 1991

The Archer County Appraisal District Agricultural Advisory Committee met at the Appraisal District Office, 211 South Center Street, Archer City, March 18, 1991, at 8 a.m. Information may be obtained from Edward H. Trigg, III, P.O. Box 1141, Archer City, Texas 76351, (817) 574-2172. TRD-9103032.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees, Executive Committee held an emergency meeting at 1430 Collier Street, Boardroom, Austin, March 15, 1991, at 7 a.m. The emergency status was necessary as approval was needed from committee on a contract by March 18, 1991. This was the only time a quorum of the board could meet prior to that date. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031. TRD-9103034.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees held an emergency meeting at 1430 Collier Street, Boardroom, Austin, March 15, 1991, at 7 a.m. The emergency status was necessary as approval was needed from committee on a contract by March 18, 1991. This was the only time a quorum of the board could meet prior to that date. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78764, (512) 440-4031. TRD-9103033.

The Central Appraisal District of Taylor County Board of Directors will meet at 1534 South Treadaway, Abilene, March 20, 1991, at 3:30 p.m. Information may be obtained from Richard Petree, P.O. Box 1800, Abilene, Texas 76601, (915) 676-0381. TRD-9102992.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, March 21, 1991, at 4 p.m. Information may be obtained from Joe Rogers, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9103018.

The East Texas Council of Governments Board of Directors will meet at the Days Inn, Highway #79 East, Palestine, March 21, 1991, at 7:15 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9102980.

The Education Service Center, Region XI Board of Directors will meet at the Education Service Center, Region XI, 3001 North Freeway, Fort Worth, March 26, 1991, at noon. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 625-5311. TRD-9102977.

The Houston-Galveston Area Council Projects Review Committee will meet at 3555 Timmons Lane, Fourth Floor Board of Directors Conference Room, Houston, March 19, 1991, at 8:45 a.m. Information may be obtained from Rowena Ballas, 3555 Timmons Lane, Houston, Texas 77027, (713) 627-3200. TRD-9102985.

The Houston-Galveston Area Council Board of Directors will meet at 3555 Timmons Lane, Fourth Floor Conference Room, March 19, 1991, at 10 a.m. Information may be obtained from Marjorie Baker, P.O. Box 22777, Houston, Texas 77227-2777, (713) 627-3200. TRD-9102984.

The Jack County Appraisal District Board of Directors will meet at 210 North Church Street, Jacksboro, March 19, 1991, at 7 p.m. Information may be obtained from J. D. Garcia or Donna Hartzell, 210 North Church Street, Jacksboro, Texas 76056, (817) 567-6301. TRD-9102988.

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, March 19, 1991, at 10:30 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9103028.

The Wood County Appraisal District Appraisal Review Board will meet at the Holiday Inn, 7758 Estes Parkway at I-20, Longview, March 20, 1991, at 9 a.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783, (903) 763-4891. TRD-9102989.

The Wood County Appraisal District Board of Directors will meet at 217 North Main Street, Conference Room, Wood County Appraisal District, Quitman, March 21, 1991, at 7 p.m. Information may be obtained from W. Carson Wages or Lou Brooke, P.O. Box 951, Quitman, Texas 75783, (903) 763-4891. TRD-9102990.

Meetings Filed March 14, 1991

The Deep East Texas Council of Governments Grants Application Review Committee will meet at the San Jacinto County Courthouse, Commissioners Courtroom, San Jacinto County, Coldspring, March 21, 1991, at 11 a.m. Information may be obtained from Rusty Phillips, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9103039.

The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, March 20, 1991, at 9:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5291. TRD-9103040.



In Addition

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

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

Texas Air Control Board Notice of Application for Construction Permits

Notice is given by the Texas Air Control Board (TACB) of applications for construction permits received during the period of February 1, to February 28, 1991.

Information relative to the applications listed following including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711.

A copy of all material submitted by the applicant is available for public inspection at the central office of the TACB at the address stated previously and at the regional office for the air quality control region within which the proposed facility will be located.

ISK Biotech Corporation, formulations unit-add 3 tanks, Houston, Harris County, 3475A, *AMD, February 1, 1991.

Tetra Pak Materials, Inc., packaging products manufacturing, Denton, Denton County, 20652, *RVW, February 1, 1991.

Southwest Body and Paint, Inc., auto repair and refinishing, Austin, Travis County, 20638, *RVW, February 1, 1991.

ICI Americas, herbicide plant-mal paragnot, Pasadena, Harris County, 3619, *AMD, February 4, 1991.

Williams Brothers Construction Company, asphalt concrete plant, Houston, Harris County, 20657, *RVW, February 4, 1991.

Argon Medical, sterilization facility, Athens, Henderson County, 20663, *RVW, February 4, 1991.

Metalplate Galvanizing, Inc., galvanizing facility, Houston, Harris County, 20662, *RVW, February 5, 1991.

Phillips 66 Company, acid washed ryton, Borger, Hutchinson County, 55A, *AMD, February 7, 1991.

Allwaste Tank Cleaning, Inc., tank truck cleaning facility, La Porte, Harris County, 9723, *RVW, February 8, 1991.

Empak, add chemicals-railcar cleaning, Deer Park, Harris County, 6400, *AMD, February 8, 1991.

Valero Refining Company, crude unit expansion, Corpus Christi, Nueces County, 2041A, *AMD, February 8, 1991.

Chevron Chemical Company, amend for as built and tank COS, Orange, Orange County, 19394, *AMD, February 8, 1991.

Baeza Cattle Company, Inc., cattle feedlot, Presidio, Presidio County, 20661, *RVW, February 8, 1991.

Mobil Producing Texas and New Mexico, Inc., salt creek gas PLT-CO2 inject, Clairemont, Kent County, 20660, *RVW, February 8, 1991.

E. I. Dupont De Nemours and Company, plastics film plant, Pasadena, Harris County, 5155A, *AMD, February 11, 1991.

Air Products Manufacturing Corporation, wastewater treatment plant, Pasadena, Harris County, 20659, *RVW, February 11, 1991.

Pride Refining, Inc., allow high H2 fuel, Abilene, Jones County, 8455, *AMD, February 11, 1991.

WITCO Corporation, add storage tanks, Fort Worth, Tarrant County, 2994, *AMD, February 12, 1991.

Shell Western E and P, Inc., raise benzene allowable, Denver City, Yoakum County, 9288, *AMD, February 12, 1991.

Dow Chemical Company, revise allowables, Freeport, Brazoria County, 313, *AMD, February 12, 1991.

Lubrizol Petroleum Chemicals Company, route vent to incinerator, Deer Park, Harris County, 1685, *AMD, February 14, 1991.

G and S Asphalt, Inc., asphalt concrete additives, Galveston, Galveston County, 4118B, *AMD, February 14, 1991.

Durwood Greene Construction Company, asphalt concrete additives, Galveston, Galveston County, 18998A, *AMD, February 14, 1991.

Sony Microelectronics Corporation, integrated circuit manufacturing, San Antonio, Bexar County, 19708, *AMD, February 15, 1991.

Dow Chemical Company, The, increase allowables, Freeport, Harris County, 17374, *AMD, February 18, 1991.

Sunmount Corporation, asphalt concrete plant, Justin, Denton County, 16727, *AMD, February 19, 1991.

Sunmount Corporation, asphalt concrete plant, Justin, Denton County, 18865C, *AMD, February 19, 1991.

Arrow Industries, Inc., flexible packaging division, printing press numbers 1-6 and LAMI, Farmers Branch, Dallas County, 18449, *AMD, February 20, 1991.

Arrow Industries, Inc., flexible packaging division, printing press number 7, Farmers Branch, Dallas County, 8573, *AMD, February 20, 1991.

Motorola Inc., auto and industrial electronic, auto and industrial electronics, Seguin, Guadalupe County, 19548, *AMD, February 21, 1991.

E. I. Dupont De Nemours and Company, Inc., adipic acid modification, Orange, Orange County, 1790, *AMD, February 21, 1991.

National Hand Tool, plating facility, Farmers Branch, Dallas County, 18963, *AMD, February 21, 1991.

Merichem Company, Crude Unit II, Houston, Harris County, 20686, *RVW, February 22, 1991.

Dow Chemical Company, groundwater recovery, Freeport, Brazoria County, 20687, *RVW, February 22, 1991.

Exxon Chemical Americas, APBB, Baytown, Harris County, 20211, *AMD, February 22, 1991.

Lonza, Inc., INCR. arylides capacity, Pasadena, Harris County, 4017, *AMD, February 22, 1991.

Mobil Oil Corporation, refinery expansion changes, Beaumont, Jefferson County, 19566, *AMD, February 22, 1991.

Solar Turbines Incorporated, open-top vapor degreaser, DeSoto, Dallas County, 20691, *RVW, February 22, 1991.

Jones Brothers Dirt and Paving Contractors, asphalt concrete plant, Odessa, Ector County, 20696, *RVW, February 27, 1991.

Malakoff Industries, Inc., alumina manufacturing facility, Malakoff, Henderson County, 20688, *RVW, February 25, 1991.

Phillips 66 Company, hydrogenation of pyridine, Borger, Hutchinson County, 18508, *AMD, February 25, 1991.

Southwestern Refining Company Inc., isomerization Unit, Corpus Christi, Nueces County, 20689, *RVW, February 25, 1991.

Quinn Chemicals, Inc., blending plant, cut and shoot, Montgomery County, 20690, *RVW, February 25, 1991.

Texaco Chemical Company, butadiene plant, Port Neches, Jefferson County, 19949, *AMD, February 25, 1991.

Lubripac, Incorporated, lubeoil, antifreeze, grease, Galena Park, Harris County, 20693, *RVW, February 26, 1991.

Warren Petroleum Company, division of Chevron USA Inc., EPN C-12 and C-13, Sulphur Springs, Hopkins County, 9902, *AMD, February 27, 1991.

Enterprise Products Company, Oleflex facility, Mont Belvieu, Chambers County, 20695, *RVW, February 27, 1991.

National Hand Tool, planting facility, Farmers Branch, Dallas County, 18963, *AMD, February 21, 1991.

Jones Brothers Dirt and Paving Contractors, asphalt concrete plant, Odessa, Ector County, 20696, *RVW, February 27, 1991.

Red River Army Depot, rubber operations facility, Texarkana, Bowie County, 9157, *AMD, February 28, 1991.

Issued in Austin, Texas, on March 7, 1991.

TRD-9102827 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed: March 11, 1991

For further information, please call: (512) 451-5711, ext. 433

Central Texas Council of Governments Consultant Proposal Request

This request for consultant services is filed pursuant to Texas Civil Statutes, Article 6252-110.

The Central Texas Council of governments is requesting written proposals for consultant services related to conducting a transportation study. Specifically, the proposal will cover the definition and development of a computer oriented transportation planning data base and study capability for the Killeen-Temple Urban Transportation Study

Area. The maximum amount allocated for this contract is \$75,000.

The proposals will be evaluated upon: qualifications, experience and competence to perform required services; record of performance in similar activities; proposed methodology and usefulness of proposed products; and affirmative action.

A detailed scope of work and guidelines for the proposal's content can be obtained from Jerry Bunker, Central Texas Council of Governments, (817) 939-1801, or P.O. Box 729, Belton, Texas 76513.

Proposals must be received by April 12, 1991.

Issued in Austin, Texas, on March 8, 1991.

TRD-9102879 A. C. Johnson
Executive Director
Central Texas Council of Governments

Filed: March 12, 1991

For further information, please call: (817) 939-1801

Texas Department of Health Intent to Revoke Radioactive Material Licenses

Pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8, the Bureau of Radiation Control, Texas Department of Health, filed a complaint against Non-Destructive Inspection Corporation, P.O. Box 130, Lake Jackson, 77566, holder of Radioactive Material License Number L02712. The agency intends to revoke to radioactive material license, order the licensee to cease and desist use of such radioactive materials, and order the licensee to divest himself of the radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Health and Safety Code, Chapter 401, as amended by Chapters 172, 840, 913, and 930, Acts of the 71st Legislature, 1989.

This notice affords the opportunity for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed, the radioactive material license will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102904 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1991

For further information, please call: (512) 835-7000

Notice of Emergency Cease and Desist and Impoundment Order

Notice is hereby given that the Bureau of Radiation Control ordered Richard G. Thomas, Ph.D. to cease and desist

from possession and/or use of any source of radiation for which a license is required at any location in the State of Texas until duly licensed to possess and/or use specifically identified radioactive material. It was further ordered that Dr. Thomas, any of his agents, assignees, or servants, immediately surrender to the agency for impoundment all radioactive material in Dr. Thomas' possession until Dr. Thomas is issued a radioactive material license authorizing such possession and use. The order was issued because the agency determined that Dr. Thomas had illegal possession of radioactive material.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102903 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1991

For further information, please call: (512) 835-7000

Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8, has revoked the following certificates of registration: Horizon Hospital, Registration Number R01355, Los Angeles, California, February 13, 1991; W. Allen Bussey, D.D.S., Registration Number R05848, Waco, February 13, 1991; Roy B. York, D.D.S., Inc., Registration Number R05521, Edinburg, February 13, 1991; Larry E. Freeman, D.D.S., Registration Number R06279, Houston, February 28, 1991; and David Sibley, D.D. S., M.S.D., Registration Number R07241, Waco, February 28, 1991.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102905 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1991

For further information, please call: (512) 835-7000

Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material licenses: Coastal Inspection Company, License Number L03716, Alvin, February 28, 1991; and William B. Wilson Manufacturing Company, License Number L02630, San Antonio, February 28, 1991.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on March 12, 1991.

TRD-9102906 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: March 12, 1991

For further information, please call: (512) 835-7000

Heart of Texas Council of Governments Employment and Training Program Request for Proposals

The Heart of Texas Council of Governments (HOTCOG), administrative entity for the Job Training Partnership Act for the Heart of Texas Service Delivery Area (HOTSDA), invites proposals for delivery of services in the CY91 Title IIB Summer Youth Employment and Training Program. The HOTSDA includes Bosque, Falls, Freestone, Hill, Limestone, and McLennan Counties.

Description. Projects to be funded are work experience and classroom training, to include enrichment and life skills with a work experience mix.

Local Match Requirements. None.

Limitations. Contracts awarded for all projects included in this request for proposals will commence no earlier than June 1, 1991, and terminate on August 31, 1991. Proposals must be submitted in the required format as outlines in the request for proposal.

Selection Criteria. A committee of HOTCOG staff and private industry council members will rank and score each proposal.

Procedures to be used to evaluate proposals will include evaluation of the following criteria: previously demonstrated performance, the likelihood of meeting goals, costs, and quality of training, demonstrated fiscal accountability, and consideration of the characteristics of the participants to be served.

Contact Person. Requests for proposals are available at the Heart of Texas Council on Governments, care of Marvin Horton, 300 Franklin Avenue, Waco, Texas 76701, (817) 756-7822. A bidders conference will be held at HOTCOG, 320 Franklin Avenue, Monday, March 18, 1991, from 1:30 p.m. to 4:30 p.m. Any questions regarding this RFP will be entertained at this bidders conference only.

Closing Date. Responses must be received by HOTCOG no later than the close of business, 5 p.m., April 1, 1991. HOTCOG reserves the right to reject any or all proposals received in response to this RFP.

Issued in Waco, Texas, on March 6, 1991.

TRD-9102830 H. W. Davis
Executive Director and Chief Executive
Officer
Heart of Texas Council of Governments
Employment and Training Program

Filed: March 11, 1991

For further information, please call: (817) 756-7822

Texas Department of Human Services Open Solicitation

Pursuant to 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), and the Human Resources Code, Title 2, Chapters 22 and 32, the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for Rains County, County Number 190, identified in the January 15, 1991, issue of the *Texas Register* (16 TexReg 262). Potential contractors desiring to construct a 90-bed nursing facility in the previously referenced area must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Program Section, Long-Term Care Department, Mail Code W-519, P.O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

Issued in Austin, Texas, on March 13, 1991.

TRD-9102970 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: March 13, 1991

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



Request for Proposals

The Texas Department of Human Services (DHS) is inviting proposals to provide employment services to eligible refugees. Human Resources Code, Chapter 22, and the Code of Federal Regulations 45, Part 400, give DHS the authority to contract with other entities to provide 100% federally funded employment services for refugees. The funds used for these contracts may supplement but not supplant any other funds or resources available.

Description of services. The refugee employment services program seeks to make refugees self-sufficient as quickly as possible after arrival in the United States. Employment services must focus on the immediate job placement of persons who have few or no job skills and who may be unable to speak English. Services must also: address the removal of barriers to employment (such as child care and transportation); and provide a direct linkage with other community resources which provide services such as English as second language (ESL) instruction, mental health services, counseling, and information and referral services. Contractors must agree to locate and, if necessary, provide payment for ESL according to DHS policies and procedures. Employment services include employability assessment, development of individual employability plans, job development, job placement, and follow-up services. The goal is long-term self-sufficiency and the reduction of dependency on public assistance.

Minimum requirements. Refugee employment services contractors must have one or more bilingual staff who can provide translation and interpreter services for at least one of the following languages: Vietnamese, Russian, Ethiopian, or French. In addition, the refugee employment services contractors must locate local translation resources for any other nationalities needing refugee employment services. Refugee employment services contractors must agree to comply with all federal, state, and DHS rules, regulations, laws, policies and procedures. These contractors can only use funds to reimburse actual costs directly related to the provision of services and may not charge

fees to clients. Contractors must have on hand at all times during the contract period sufficient funds to cover at least two months operating expenses.

Procurement process. DHS will use competitive negotiation to select refugee employment services contractors. To be considered for a contract award, potential contractors (offerors) must submit a separate proposal for each geographic area the offeror proposes to serve. The offeror must complete and submit the proposal using the forms supplied by DHS. The proposal must conform to the instructions specified by DHS in the request for proposal (RFP) package. Offerors can obtain RFP packages from designated DHS regional staff beginning April 1, 1991.

Closing date. Proposals must be received by the closing date specified by the DHS regional office where the RFP package is obtained.

Evaluation criteria. The evaluation criteria and the weights are service delivery approach—40%; scope of services—30%; agency administration—15%; and costs/client outcomes—15%.

Term of contract. The initial contract period is September 1, 1991 through August 31, 1992. At its option DHS may renew or extend the contracts on a non-competitive basis for up to four years. The contract periods and all payments for services are contingent upon the availability of federal refugee employment services funds.

Regional contact people. Staff in each of the DHS administrative regions are responsible for conducting procurements for that specific region's geographic service delivery area. Individuals needing to obtain more information regarding procurement or needing to receive a RFP package should call, write or visit the appropriate DHS regional contact person identified as follows for the service delivery area(s) of interest: Region 2: Gloria Murillo, Contract Specialist, MC 005-2, P.O. Box 3700, 701 South Fillmore, Amarillo, Texas 79116-3700, (806) 374-1532. Region 5: Joan Graham, Program Director Purchased Services, MC 395-1, 3131 Fish Trap Road, Dallas, Texas 75212, (214) 630-4411. Region 6: Ann Glenn, Program Director for Purchased Services, MC 016-1, P.O. Box 15995, 7901 Cameron Road, Building 2, Austin, Texas, 78761, (512) 835-2350. Region 9: John Avant, Procurement Officer, MC 278-5, P.O. Box 23990, 745 E. Mulberry, San Antonio, Texas 78223-0990, (512) 731-3603 (direct line) (512) 731-1334 (switchboard). Region 10: Kaye Brown, Contract Specialist, MC 028-1, 285 Liberty Street—17th Floor, Beaumont, Texas 77701, (409) 880-3403. Region 11: Deborah Moore, Program Director for Purchased Services, MC 175-4, P.O. Box 16017, 1461 East 40th Street, Houston, Texas, 77222.

Issued in Austin, Texas, on March 13, 1991.

TRD-9102971 Nancy Murphy
Agency liaison, Policy and Document
Support
Texas Department of Human Services

Filed: March 13, 1991

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



Texas Board of Professional Land Surveying

Proposal for Continuing Education Manager

The Texas Board of Professional Land Surveying is requesting proposals to allow the board to enter into an

agreement which will provide a means to implement a valid continuing education program with a minimal impact on personnel employed by the board.

Texas Civil Statutes, Article 5282c charges the Texas Board of Professional Land Surveying with protecting the life, health, or property of the public of Texas. The goal of the board is to ensure that the residents of Texas will receive competent professional surveying services.

This proposal addresses the implementation and maintenance of the General Rules of Procedures and Practices, §664.6 and §664.7 (copies are available from the board upon request).

To submit a proposal, contact Sandy Smith at the address below: 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752.

Proposals must be received by the Texas Board of Professional Land Surveying by no later than May 1, 1991.

The board will review all proposals and award the contract based on information received.

Additional information may be obtained by calling 452-9427.

Issued in Austin, Texas, on March 8, 1991.

TRD-9102826
Sandy Smith
Acting Executive Director
Texas Board of Professional Land
Surveying

Filed: March 11, 1991

For further information, please call: (512) 452-9427

Public Utility Commission of Texas

Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.28

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 23.28 for approval of promotional rates for the existing PLEXAR-I service.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval of PLEXAR-I promotional rates. Tariff Control Number 10102.

The Application. Southwestern Bell Telephone Company is requesting approval of promotional rates for certain nonrecurring charges applicable to PLEXAR-I service. The promotional rates will be offered for a one-month period beginning June 1 and ending June 30, 1991. The geographic service market for the proposed promotional rates is the statewide geographic market area of Texas.

Persons who wish to comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on March 11, 1991.

TRD-9102838
Mary Ross McDonald
Secretary of the Commission
Public Utility Commission of Texas

Filed: March 11, 1991

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

Texas Rehabilitation Commission Request for Proposals

The Texas Planning Council for Developmental Disabilities announces the availability of funds to be awarded by the Texas Rehabilitation Commission on its behalf for a child care services systems change project.

The purpose of this RFP is to promote the development of a statewide system of inclusive child care services by funding a project to implement the recommendations of the "Planning Study on Integrated Child Care Options in Texas" and to provide opportunities for child care providers to receive hands-on technical assistance to increase the number of children with developmental disabilities who are included in family day homes and child care centers.

Eligibility. Eligible applicants must have previous experience in program development, training, and policy analysis related to child care services; expertise in information dissemination activities and meeting planning and coordination; and knowledge of state and federal policy-making processes in the area of child care.

Terms. Up to three-year project term. Up to \$200,000 available per budget year. The budget period will begin July 1, 1991. Nonfederal match is required.

Evaluation and Selection. Proposals will be reviewed by a committee and evaluated on the basis of the content of the proposal (narrative, methodology, budget, qualifications of the applicant, and criteria included in the RFP). The grant award will depend on available funds and final decision for funding will be made by the Texas Rehabilitation Commission on behalf of the Texas Planning Council for Developmental Disabilities.

Applicant Process. For the application kit that contains the full request for proposals, application forms, instructions, and information, please submit a written request to: David P. Henderson, Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4084.

Deadline. Proposals will be accepted at the Texas Planning Council Office, 4900 North Lamar Boulevard, Office #4141, Fourth Floor, Austin, Texas until 5 p.m. on May 1, 1991. No FAX copies will be accepted.

Issued in Austin, Texas, on March 12, 1991.

TRD-9102863
William B. Churchill
General Counsel
Texas Rehabilitation Commission

Filed: March 12, 1991

For further information, please call: (512) 483-4052

Texas Water Commission

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 March 4-March 8, 1991.

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 applica-

tion. 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 Bellevue; wastewater treatment facilities; approximately 0.3 mile north of the intersection of U.S. Highway 287 and FM 1288, and 900 feet east of FM Road 1288 in Clay County; 11235-01; renewal.

Brazos Rivers Authority; Waco; wastewater treatment facilities; approximately two miles south of Sugar Land at the intersection of Beltz Road and U.S. Highway 59 in Fort Bend County; 11317-01; renewal.

Steve Byl; Dublin; a dairy; approximately seven miles south of the Alexander community, Erath County; 03316; new.

Valton Van Jennings; Como; a dairy; approximately 2.0 miles south of the intersection of State Highway 11 and FM Road 69 in Hopkins County; 03334; new.

Jerry Hogan Dairies, Inc.; Cleburne; a dairy; approximately one mile north of the intersection of FM Road 1121 and State Highway 67 in Johnson County; 03337; new.

Northwest Harris County Municipal Utility District Number 30; Houston; wastewater treatment facilities; approximately 4,500 feet south of the intersection of FM Road 2920 and Kuydendahl Road, approximately 9,500 feet northeast of the intersection of Stuebner Airline Road and Spring Cypress Road in Harris County; 13152-01; renewal.

City of Point; wastewater treatment facilities; approximately 2,100 feet east of the intersection of FM Road 47 and U.S. Highway 69 in the City of Point in Rains County; 10964-01; renewal.

Sabine Valley Regional Mental Health-Mental Retardation Center; Longview wastewater treatment facilities; approximately 5.5 miles northwest of the intersection of U.S. Highway 80 and Loop 390 in Harrison County; 11361-01; renewal.

Issued in Austin, Texas, on March 11, 1991.

TRD-9102848 Brenda W. Foster
Chief Clerk
Texas Water Commission

Filed: March 11, 1991

For further information, please call: (512) 463-7906



1991 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1991 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 *Tuesday, January 1	Friday, December 21	Thursday, December 27
Friday, January 4	NO ISSUE PUBLISHED	
2 Tuesday, January 8	Wednesday, January 2	Thursday, January 3
3 Friday, January 11	Monday, January 7	Tuesday, January
4 Tuesday, January 15	Wednesday, January 9	Thursday, January 10
5 Friday, January 18	Monday, January 14	Tuesday, January 15
6 Tuesday, January 22	Wednesday, January 16	Thursday, January 17
Friday, January 25	1990 ANNUAL INDEX	
7 Tuesday, January 29	Wednesday, January 23	Thursday, January 24
8 Friday, February 1	Monday, January 28	Tuesday, January 29
9 Tuesday, February 5	Wednesday, January 30	Thursday, January 31
10 Friday, February 8	Monday, February 4	Tuesday, February 5
11 Tuesday, February 12	Wednesday, February 6	Thursday, February 7
12 Friday, February 15	Monday, February 11	Tuesday, February 12
13 Tuesday, February 19	Wednesday, February 13	Thursday, February 14
14 *Friday, February 22	Friday, February 15	Tuesday, February 19
15 Tuesday, February 26	Wednesday, February 20	Thursday, February 21
16 Friday, March 1	Monday, February 25	Tuesday, February 26
17 Tuesday, March 5	Wednesday, February 27	Thursday, February 28
18 Friday, March 8	Monday, March 4	Tuesday, March 5
19 Tuesday, March 12	Wednesday, March 6	Thursday, March 7
20 Friday, March 15	Monday, March 11	Tuesday, March 12
21 Tuesday, March 19	Wednesday, March 13	Thursday, March 14
22 Friday, March 22	Monday, March 18	Tuesday, March 19
23 Tuesday, March 26	Wednesday, March 20	Thursday, March 21
24 Friday, March 29	Monday, March 25	Tuesday, March 26
25 Tuesday, April 2	Wednesday, March 27	Thursday, March 28
26 Friday, April 5	Monday, April 1	Tuesday, April 2
27 Tuesday, April 9	Wednesday, April 3	Thursday, April 4
28 Friday, April 12	Monday, April 8	Tuesday, April 9
29 Tuesday, April 16	Wednesday, April 10	Thursday, April 11
*Friday, April 19	FIRST QUARTERLY INDEX	

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

67 Tuesday, September 10	Wednesday, September 4	Thursday, September 5
68 Friday, September 13	Monday, September 9	Tuesday, September 10
69 Tuesday, September 17	Wednesday, September 11	Thursday, September 12
70 Friday, September 20	Monday, September 16	Tuesday, September 17
71 Tuesday, September 24	Wednesday, September 18	Thursday, September 19
72 Friday, September 27	Monday, September 23	Tuesday, September 24
73 Tuesday, October 1	Wednesday, September 25	Thursday, September 26
74 Friday, October 4	Monday, September 30	Tuesday, October 1
75 Tuesday, October 8	Wednesday, October 2	Thursday, October 3
76 Friday, October 11	Monday, October 7	Tuesday, October 8
Tuesday, October 15	THIRD QUARTERLY INDEX	
77 Friday, October 18	Monday, October 14	Tuesday, October 15
78 Tuesday, October 22	Wednesday, October 16	Thursday, October 17
79 Friday, October 25	Monday, October 21	Tuesday, October 22
80 Tuesday, October 29	Wednesday, October 23	Thursday, October 24
81 Friday, November 1	Monday, October 28	Tuesday, October 29
82 Tuesday, November 5	Wednesday, October 30	Thursday, October 31
83 Friday, November 8	Monday, November 4	Tuesday, November 5
84 Tuesday, November 12	Wednesday, November 6	Thursday, November 7
85 *Friday, November 15	Friday, November 8	Tuesday, November 12
86 Tuesday, November 19	Wednesday, November 13	Thursday, November 14
87 Friday, November 22	Monday, November 18	Tuesday, November 19
88 Tuesday, November 26	Wednesday, November 20	Thursday, November 21
89 Friday, November 29	Monday, November 25	Tuesday, November 26
Tuesday, December 3	NO ISSUE PUBLISHED	
90 Friday, December 6	Monday, December 2	Tuesday, December 3
91 Tuesday, December 10	Wednesday, December 4	Thursday, December 5
92 Friday, December 13	Monday, December 9	Tuesday, December 10
93 Tuesday, December 17	Wednesday, December 11	Thursday, December 12
94 Friday, December 20	Monday, December 16	Tuesday, December 17
95 Tuesday, December 24	Wednesday, December 18	Thursday, December 19
96 *Friday, December 27	Friday, December 20	Monday, December 23
Tuesday, December 31	NO ISSUE PUBLISHED	
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
5 Friday, January 17	Monday, January 13	Tuesday, January 14

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